



STATE OF NEW JERSEY

In the Matter of Deidre Knight, City  
of Newark

CSC Docket No. 2016-4460

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

Administrative Appeal

ISSUED: **NOV 28 2016** (SLK)

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Deidre Knight requests a retroactive regular date of appointment to Executive Assistant, effective March 3, 2014.

By way of background, Ms. Knight applied for promotional examination Executive Assistant (PM1093R), Newark. The list promulgated on August 8, 2013 and expired on August 7, 2016. Certification PL131076 was issued on September 4, 2013. Ms. Knight and another eligible were tied as the first ranked eligibles and the certification's disposition was recorded on October 1, 2013 indicating that the other first ranked eligible had been appointed. Although the appointing authority did not request a subsequent certification for the list, Ms. Knight submits documentation demonstrating that Newark approved her permanent appointment to the position of Executive Assistant effective March 3, 2014. On May 18, 2016, Arthur Turner, Supervising Principal Personnel Technician, made a request to Agency Services to amend certification PL131076 due to administrative error in order to permanently appoint Ms. Knight to the position of Executive Assistant. Additionally, in a letter dated August 23, 2016, Jack Kelly, Business Administrator, submits a letter confirming that Newark authorized her permanent appointment to the position of Executive Assistant effective March 3, 2014.

**CONCLUSION**

*N.J.A.C.* 4A:4-1.10(c) provides that when a regular appointment is made, a retroactive appointment date may be ordered due to administrative error, administrative delay or other good cause. Generally, this unique remedy has been reserved for two particular situations. First, and germane to this matter, retroactive

appointment dates have been granted in circumstances in which an employee was actually serving in and performing the duties of a title, but, due to some error or other good cause, his or her attainment of permanent status was delayed or hindered. The second situation in which an employee may be awarded a retroactive date of permanent appointment is where the name of an employee, whose appointment would have otherwise been mandated, was improperly removed from or bypassed on an eligible list, thereby preventing the appointment. Additionally, *N.J.A.C. 4A:4-3.4* provides that the Civil Service Commission may revive an expired eligible to correct an administrative error.

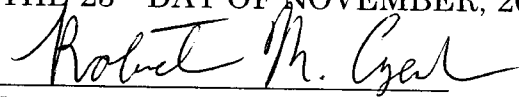
In the instant matter, Ms. Knight submits documentation that the appointing authority appointed her to the title of Executive Assistant effective March 3, 2014 and verifies that she has been performing the duties of the position since that date. However, due to administrative error, the appointing authority did not request a subsequent certification for the list to record her permanent appointment. In light of this error and because Knight, the first ranked eligible, would have been reachable for appointment at the time she was appointed, good cause has been presented to revive the PM1093R eligible list and provide Knight with a retroactive permanent date of appointment effective March 3, 2014. In light of Knight's service as an Executive Assistant since March 3, 2014, a current working test period is not required.

### ORDER

Therefore, it is ordered that this request be granted and the PM1093R eligible list be revived so that personnel records can be amended to indicate Deidre Knight's permanent appointment to Executive Assistant with an effective date of March 3, 2014.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 23<sup>rd</sup> DAY OF NOVEMBER, 2016



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