



STATE OF NEW JERSEY

<p>In the Matter of Administrative Assistant 3 (PS8728P), Division of State Police, Department of Law and Public Safety</p> <p>CSC Docket No. 2018-1160</p>	<p>: : : : : : : : : : : : : :</p>	<p>FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION</p> <p>Request for List Revival</p>
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ISSUED: March 28, 2018 (VJ)

The Division of State Police requests that the eligible list for Administrative Assistant 3 (PS8728P) be revived to allow for the retroactive permanent appointment of Lisa Eshoo, effective September 16, 2017.

By way of background, the subject promotional list was announced with a closing date of May 21, 2014. The resultant eligible list of two names promulgated September 11, 2014 and expired September 10, 2017. One certification (PS141240) was issued and one eligible was appointed. The remaining eligible, Lisa Eshoo, was retained on the list as interested. It is noted that no promotional announcement exists for the appointing authority for the title of Administrative Assistant 3.

Upon freeze exemption approval from the Division of Agency Services on September 7, 2017, the appointing authority appointed Eshoo to the subject title, effective September 16, 2017, the pay period following the approval. However, since the promotional list for Administrative Assistant 3 (PS8728P) had expired on September 10, 2017 Eshoo's appointment was recorded as a provisional appointment pending promotional examination procedures. Accordingly, the appointing authority requests that the subject eligible list be revived and extended to allow it to retroactively appoint Eshoo to the title of Administrative Assistant 3, effective September 16, 2017.

The Division of Agency Services indicates its agreement with the appointing authorities request to revive and extend the subject eligible list, to allow the appointment of Eshoo.

CONCLUSION

N.J.S.A. 11A:4-6 and *N.J.A.C.* 4A:4-3.4 provide that an eligible list may be revived in order to implement a court order or decision of the Civil Service Commission in the event of a successful appeal instituted during the life of a list, to correct an administrative error, or for other good cause. Additionally, *N.J.A.C.* 4A:4-1.10(c) states that an individual may receive a retroactive date of appointment to correct an administrative error, for an administrative delay or for other good cause. Generally, the award of a retroactive appointment date is for seniority purposes only and is limited to situations in which an appellant could have been appointed on the requested retroactive date, but as a result of an administrative error, he or she received a later appointment date.

In the present matter, Eshoo was appointed to the title of Administrative Assistant 3 with an effective date of September 16, 2017. However, the PS8728P eligible list for Administrative Assistant 3 had expired on September 10, 2017 and no promotional announcement exists for the appointing authority. Moreover, the appointing authority received approval for its exemption request prior to the subject eligible list expiration. Therefore, the appointing authority seeks revival and extension of the subject list to allow it to retroactively appoint Eshoo to the title of Administrative Assistant 3. The filing of vacancies through permanent appointment from an active eligible list is preferable and more expedient than announcing a new examination. Accordingly, good cause has been presented to revive and extend the Administrative Assistant 3 (PS8728P) eligible list so that Eshoo may be appointed to the title of Administrative Assistant 3. Moreover, Eshoo shall also be given a retroactive date of permanent appointment to September 16, 2017, upon her successful completion of a current working test period, for salary step placement and seniority-based purposes only.

ORDER

Therefore, it is ordered that this request be granted and the eligible list for Administrative Assistant 3 (PS8728P), Division of State Police eligible list be revived to effectuate the appointment of Lisa Eshoo. It is also ordered that upon successful completion of a current working test period, she be given a retroactive date of permanent appointment of September 16, 2017, for salary step placement and seniority-based purposes only.

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 27th DAY OF MARCH, 2018



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