



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Sonia Hernandez,  
Agency Services Representative 4  
(PS1418P), Department of Law and  
Public Safety

Administrative Appeal

CSC Docket No. 2018-1840

**ISSUED: MARCH 29, 2018** (HS)

The Department of Law and Public Safety requests that Sonia Hernandez be provided with a retroactive date of permanent appointment to the title of Agency Services Representative 4, effective April 30, 2016.

By way of background, Hernandez appeared on the eligible list for Agency Services Representative 4 (PS1418P), Department of Law and Public Safety, which promulgated on February 18, 2016 and expires on February 17, 2019. All four eligibles who appeared on the list were non-veterans and equally ranked. A classification review of Hernandez’s position completed by the Division of Agency Services (Agency Services) on November 4, 2016 determined that she had been performing the duties of an Agency Services Representative 4, effective April 30, 2016. Hernandez was provisionally appointed to the title of Agency Services Representative 4, effective April 30, 2016. Subsequently, a certification issued from the subject eligible list on May 13, 2017, and Hernandez received a permanent appointment, effective May 13, 2017.

In the instant matter, the appointing authority states that Hernandez’s provisional appointment was due to an administrative oversight in November 2016. It states that the subject eligible list should have been certified at that time so that Hernandez could receive a regular appointment. The appointing authority requests that Hernandez be given a retroactive date of permanent appointment, effective April 30, 2016.

## CONCLUSION

*N.J.A.C.* 4A:4-1.10(c) provides that when a regular appointment has been made, the Civil Service Commission may order a retroactive appointment date due to administrative error, administrative delay or other good cause, on notice to affected parties.

The record establishes that Hernandez appeared as one of four eligibles, all of whom were non-veterans and equally ranked, on the eligible list for Agency Services Representative 4 (PS1418P). Pursuant to Agency Services' November 4, 2016 determination, Hernandez's position was reclassified to Agency Services Representative 4, effective April 30, 2016. This effective date fell after the eligible list promulgated. In addition, Hernandez would have been reachable for appointment on April 30, 2016. *See N.J.A.C.* 4A:4-4.8(a)3. Further, Hernandez subsequently received a permanent appointment, effective May 13, 2017, to the title of Agency Services Representative 4. Therefore, good cause has been established to give Hernandez a retroactive date of permanent appointment to April 30, 2016, for salary step placement and seniority-based purposes only.

## ORDER

Therefore, it is ordered that this request be granted and Sonia Hernandez be given a retroactive date of permanent appointment to the title of Agency Services Representative 4, effective April 30, 2016, 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 27<sup>TH</sup> DAY OF MARCH, 2018



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