



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Jeffrey MacMullen,
Executive Assistant 1 (PS4350G),
Department of Environmental
Protection

Administrative Appeal

CSC Docket No. 2018-2329

ISSUED: APRIL 2, 2018 (ABR)

The Department of Environmental Protection (DEP) requests that Jeffrey MacMullen be provided with a retroactive date of appointment to the title of Executive Assistant 1 (PS4350G), effective August 3, 2017.

By way of background, MacMullen received a provisional appointment to the title of Executive Assistant 1, effective January 9, 2016. Subsequently, the Executive Assistant 1 (PS4350G), DEP, examination was announced with a closing date of February 1, 2017. MacMullen, the only applicant for the examination, was admitted to the examination, achieved a passing score and appeared as the only eligible on the resulting eligible list, which promulgated on August 3, 2017 and expires on August 2, 2020. MacMullen's name was certified to the appointing authority on November 2, 2017 (PS171793) and he received a regular appointment, effective November 2, 2017.

The appointing authority requests that MacMullen be provided with a retroactive date of appointment to the title of Executive Assistant 1, effective August 3, 2017. It states that due to an administrative error, it neglected to request a certification of the eligible list upon its issuance in order to effectuate MacMullen's permanent appointment. It states that upon realizing the error, it requested a certification, which was issued on November 2, 2017. The appointing authority confirms that MacMullen has successfully completed his working test period for the subject title.

The Division of Agency Services supports the request to retroactively appoint MacMullen to the title of Executive Assistant 1, effective August 3, 2017.

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.

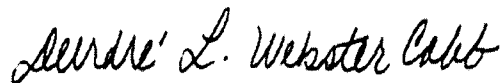
In this matter, the record establishes that the appointing authority intended to promote MacMullen to Executive Assistant 1, effective August 3, 2017. However, due to an administrative error, the appointing authority did not request a certification to coincide with the planned appointment date. Nevertheless, had the appointing authority requested a certification at that time, MacMullen would have been listed as the only eligible and would have been reachable for appointment. See *N.J.A.C.* 4A:4-4.8(a)3. Further, the appointing authority verifies that MacMullen has been serving as an Executive Assistant 1 since August 3, 2017. Accordingly, good cause exists to provide MacMullen with a retroactive date of permanent appointment, effective August 3, 2017. Furthermore, since the appointing authority verifies that MacMullen has completed his working test period, the appointment is to be considered permanent.

ORDER

Therefore, it is ordered that this request be granted and the permanent appointment of Jeffrey MacMullen, effective August 3, 2017, be recorded.

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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