

B-12



STATE OF NEW JERSEY

In the Matter of Buyer (PS1408P),
Department of Law and Public Safety

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-3223

List Revival

ISSUED: JUL 17 2015 (JET)

The Department of Law and Public Safety, on behalf of Stacey Baranyi, petitions the Civil Service Commission (Commission) for revival of the Buyer (PS1408P), Department of Law and Public Safety, eligible list, in order to effectuate her permanent appointment to the subject title.

By way of background, Baranyi's name appeared on the Buyer (PS1408P), Department of Law and Public Safety, eligible list which promulgated on December 1, 2011 and expired on November 30, 2014. Two eligibles, including Baranyi, appeared on the list and one certification was issued. In disposing of the December 1, 2011 certification, the appointing authority appointed the 1st ranked eligible effective December 13, 2011. Baranyi was not certified on the December 1, 2011 certification.

In the instant petition, the Division of Agency Services (Agency Services), on behalf of the appointing authority, requests the revival of the Buyer (PS1408P), Department of Law and Public Safety, eligible list in order to effectuate Baranyi's permanent appointment. Agency Services explains that, pursuant to a classification determination dated January 7, 2015, Baranyi was provisionally appointed to the subject title with an effective date of May 18, 2013. Further, Agency Services asserts that the eligible list expired on November 30, 2014, which is prior to the date Baranyi's classification determination was issued. Agency Services adds that a valid eligible list existed at the time of the May 18, 2013 effective date as provided in the classification determination. As such, Agency Services recommends that the subject eligible list be revived in order to effectuate

Baranyi's permanent appointment to the subject title. Agency Services also recommends that, upon successful completion of her current working test period, Baranyi's records should reflect a retroactive permanent appointment date of May 18, 2013. Moreover, Agency Services notes that no employees in Baranyi's unit are currently serving in the subject title.

Official personnel records indicate that Baranyi has been serving as a provisional Buyer since May 18, 2013.

CONCLUSION

N.J.A.C. 4A:4-3.4 provides that an eligible list may be revived under the following circumstances:

1. To implement a court order, in a suit filed prior to the expiration of the list;
2. To implement an order of the [Commission] in an appeal or proceeding instituted during the life of the list;
3. To correct an administrative error;
4. To effect the appointment of an eligible whose working test period was terminated by a layoff; or
5. For other good cause.

N.J.A.C. 4A:4-1.10(c) provides that, when a regular appointment has been made, the Commission may order a retroactive appointment date due to administrative error, administrative delay or other good cause. Generally, this unique remedy has been reserved for two particular situations. First, the Commission has granted retroactive permanent appointment dates 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 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 their appointment. When the Commission subsequently corrects the improper list removal or bypass, the Commission also orders the employee's appointment and a retroactive permanent appointment commensurate with the date on which others were appointed from the certification of the eligible list.

In this matter, Agency Services, on behalf of the appointing authority, requests the subject eligible list be revived in order to effectuate Baranyi's permanent appointment to the subject title. Agency Services explains that, as a result of the January 7, 2015 classification determination, Baranyi was provisionally appointed to the subject title with an effective date of May 18, 2013.

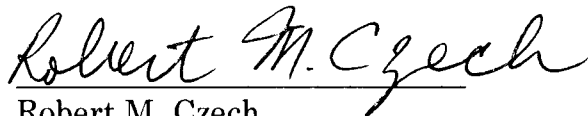
Further, Agency Services states that, although the eligible list expired prior to when the classification determination was issued, a valid eligible list had existed at the time of the May 18, 2013 effective date established by the classification determination. The record reflects that, as a result of Baranyi's provisional appointment, she would have been reachable on the list had it not expired. Based on the foregoing, good cause has been shown to revive the Buyer (PS1408P) eligible list to permanently appoint Baranyi, effective May 18, 2013. Moreover, since she has been performing the duties of a Buyer since May 18, 2013, Baranyi shall be considered as having successfully completed her working test period. Accordingly, Baranyi's appointment will be considered permanent.

ORDER

Therefore, it is ordered that this request be granted. It is further ordered that the eligible list for Buyer (PS1408P), Department of Law and Public Safety, be revived and Baranyi be permanently appointed effective May 18, 2013.

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 15th DAY OF JULY, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Stacey Baranyi
Jessica Chianese
Kenneth Connolly
Joseph Gambino



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION

AGENCY SERVICES

P. O. Box 313

Trenton, New Jersey 08625-0313

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

RECEIVED

JAN 08 2015

O.A.G. HUMAN RESOURCES

January 7, 2015

Stacey Baranyi

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Re: Classification Appeal – Assistant Buyer (P18), Position #001639, HRM Log #04140051,
EID #000348993

Dear Ms. Baranyi:

This is to inform you of our determination concerning the classification appeal referenced above. The determination is based upon a thorough review and analysis of the Position Classification Questionnaire submitted and the information and documentation submitted by you, your immediate supervisor, Barbara Worthington, and your Appointing Authority during the review process.

Issue:

You are serving permanently in the title, Assistant Buyer (19, P18, 52662) and contend you are performing duties and responsibilities commensurate with the title, Buyer (22, P21, 52663).

Organization:

Your position is assigned to the Division of State Police-Central Purchasing Unit of the Department of Law and Public Safety. You report directly to Barbara Worthington, Supervising Procurement Specialist (28, R28, 52629). Your position is assigned no supervisory responsibilities.

Findings of Fact:

The primary function of your position is to purchase commodities according to purchasing procedures and in accordance with Circular Letters and state laws, rules, and regulations.

You perform the following assigned duties and responsibilities:

- Responsible for procuring commodities for the following accounts: books, public utilities, shipping, subscriptions, plaques, flowers, snow removal, lawn maintenance, and office equipment maintenance contracts.

- Determine type of purchase, request funds in the 161 Buyers Program, a data tracking system, and generate purchase order.
- Gather quotes from vendors for non-contract goods, review proposals, and award purchase to lowest bidder.
- Review and verify invoices, packing slips, payment voucher, and submit payment. Maintain accurate balance sheets, records, and files in the 161 Program.

Review and Analysis:

Currently your position is classified in the title, Assistant Buyer (19, P18, 52662). The definition section of the job specification for the title, Assistant Buyer, states:

"Under direction, assists a buyer or other higher level professional in selecting, preparing orders for, and making arrangements for purchase of equipment, materials, and supplies used by various departments; does other related duties as required."

An incumbent properly classified in this title performs duties and responsibilities primarily focused on assisting a buyer or buying team in preparing bid proposals, bid tabulations, and processing orders for purchase of commodities. The review of the information obtained during the classification process does not support the contention this position performs tasks commensurate with the title, Assistant Buyer.

The definition section of the job specification for the title, Buyer (22, P21, 52663), states:

"Under supervision, selects, prepares orders for, and arranges for purchase of one or more types of equipment, materials, and supplies used by various departments or agencies; does other related duties as required."

An incumbent properly classified in this title performs duties and responsibilities primarily focused on purchasing various commodities. A review of the job duties and responsibilities revealed your position procures commodities for the following accounts: books, public utilities, snow removal, lawn maintenance, and office equipment maintenance contracts. Your position is tasked with gathering quotes from vendors for non-contract goods, reviewing proposals, and awarding contracts to the lowest bidder. In addition, your position is responsible for reviewing and verifying invoices, packing slips, payment voucher, and submitting for payment. The duties and responsibilities assigned to your position are consistent with those assigned to the title, Buyer.

Determination:

Based upon the findings of fact cited above, it is my determination that the assigned duties and responsibilities performed by this position are consistent with the title, Buyer (22, P21, 52663).


Within thirty days, we will initiate classification procedures to reclassify this position to the title, Buyer, with an effective date of May 18, 2013, unless the Appointing Authority assigns duties commensurate with your permanent title, Assistant Buyer. If duties are reassigned and you return to your permanent title, then the Appointing Authority must provide a Position Classification Questionnaire (DPF-44s) and an organization chart documenting the changes.

Stacey Baranyi
January 7, 2015
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In addition, in accordance with New Jersey Administrative Code 4A:4-1.5(a)2, the appointing authority must insure that any incumbent appointed to this position meets the requirements established for the title, as indicated in the New Jersey Civil Service Commission job specification in existence at the time of the appointment.

Please be advised that in accordance with *N.J.A.C.* 4A:3-3.9, you may appeal this decision within twenty (20) days of receipt of this letter. This appeal should be addressed to: Written Record Appeals Unit, Division of Appeals and Regulatory Affairs, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include a copy of the determination being appealed as well as written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,



Cheryl Legg, Human Resource Consultant
Classification and Personnel Management

CL/SLA

Cc: Mirella Bednar

