



STATE OF NEW JERSEY

In the Matter of Sonja Myers,
Department of Human Services

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2017-2391

Administrative Appeal

ISSUED: APR 11 2017 (CSM)

The Division of Agency Services (Agency Services), on behalf of the Department of Human Services, requests a retroactive regular appointment effective November 1, 2014 for Sonja Myers from the Section Chief, Health Care Facility Rehabilitation/Professional Services (PS6124K) eligible list.

By way of background, Myers' was appointed provisionally pending promotional examination procedures to the subject title on March 23, 2013. The promotional examination for the subject title was announced with a closing date of December 21, 2013, but was cancelled because both applicants were deemed ineligible. Myers appealed the matter of her ineligibility to the Civil Service Commission (Commission), which granted her appeal, ordered the rescission of the examination cancellation, and ordered that her application be processed. See *In the Matter of Sonja Myers* (CSC, decided October 22, 2014). However, for reasons unclear in the record, Agency Services did not receive the Commission's decision and therefore it was not processed at the time the decision was issued. This oversight was discovered in December 2015 when the appointing authority inquired as to the status of Myers' examination. Subsequently, an examination was scheduled for October 18, 2016, Myers passed, the subject eligible list was promulgated on November 10, 2016, and she was permanently appointed from certification PS161595 effective December 13, 2016. Given that Myers had actually been performing the duties since March 23, 2013 and her attainment of permanent status was delayed by this agency's administrative errors, Agency Services maintains that good cause has been established to recommend a retroactive permanent appointment date of November 1, 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.

In this case, Agency Services did not receive the Commission's decision admitting Myers to the subject examination which resulted in a two-year delay in the scheduling of the promotional examination. This oversight was not discovered until December 2015 when the appointing authority inquired as to the status of Myers' examination. Given that she has actually been performing the duties since March 23, 2013 and her attainment of permanent status was delayed by this agency's administrative error, good cause has been established and Myers' permanent appointment as a Section Chief, Health Care Facility Rehabilitation/Professional Services should be retroactively recorded as November 1, 2014, the first pay period after the Commission's final determination in her eligibility appeal.

ORDER

Therefore, it is ordered that this request be granted and Sonja Myers be granted a permanent retroactive appointment to the title of Section Chief, Health Care Facility Rehabilitation/Professional Services, effective November 1, 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 5TH DAY OF APRIL, 2017



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