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## STATE OF NEW JERSEY

## FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Henry Guarnieri, City of Trenton

CSC Docket No. 2014-3119

Classification Appeal

ISSUED: JUL 1 6 2014

(RE)

The Division of Classification and Personnel Management (CPM) requests a retroactive appointment date for Henry Guarnieri to December 3, 2012 based on the City of Trenton's (City) oversight in requesting a certification of the special reemployment list for Building Inspector.

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Mr. Guarnieri was hired as a Building Inspector on March 13, 2006, and his position was affected in a layoff resulting in his separation on January 23, 2009. His name was placed on a special reemployment list for Building Inspector, and he was rehired on January 26, 2009 as a Housing Inspector in a temporary appointment, and later in a provisional appointment pending open-competitive examination, until his separation on September 16, 2011.

In the instant matter, CPM explains that a special reemployment list for Building Inspector was certified (OL110931) on August 17, 2011, and disposed on September 28, 2011 reflecting one removal and one appointment. Mr. Guarnieri ranked third on the certification, and was retained as interested. Although not reflected in his official record, the appointing authority has indicated to CPM that it rehired Mr. Guarnieri on December 3, 2012 as a Building Inspector; however, due to an oversight, the City did not request to certify the special reemployment list at that time. Currently, the City has provided documentation regarding this appointment and seeks to correct the record for Mr. Guarnieri. CPM supports this request.

*N.J.A.C.* 4A:4-3.7 states that when there is more than one current eligible list for a title, the priority of the lists shall be as follows:

- 1. Special reemployment, when the available position/title is in the department or autonomous agency from which the eligible was laid off, laterally displaced or demoted in lieu of layoff;
- 2. Promotional;
- 3. Special reemployment, when the available position/title is located in a department or autonomous agency other than that from which the eligible was laid off, laterally displaced or demoted in lieu of layoff;
- 4. Regular reemployment, police or fire reemployment; and
- 5. Open competitive.

## CONCLUSION

In the matter at hand, there is a basis to grant the appellant an earlier effective date to December 3, 2012. Pursuant to N.J.A.C. 4A:4-3.7, special reemployment lists have priority over all other lists. The appointing authority has provided evidence of Mr. Guarnieri's appointment on December 3, 2012 as a Building Inspector, and indicated that it neglected to ask for certification of the special reemployment list in existence and which contained Mr. Guarnieri's name. Mr. Guarnieri's official record does not currently reflect his appointment as a Building Inspector on that date and, as such, the appointing authority's administrative error should be corrected. The special reemployment list for Building Inspector should be considered certified on December 3, 2012 and disposed reflecting Mr. Guarnieri's appointment to the title on that date.

Accordingly, a thorough review of the entire record establishes that the appropriate effective date of Mr. Guarnieri's regular appointment from the special reemployment list to the title Building Inspector is December 3, 2012.

## <u>ORDER</u>

Therefore, it is ordered that this appeal be granted, and the special reemployment list for Building Inspector should be considered certified on December 3, 2012 and disposed. In so doing, CPM should update Henry Guarnieri's employment record to reflect an appointment to the title Building Inspector on December 3, 2012.

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 COMMISION THE 16<sup>th</sup> DAY OF JULY, 2014

Robert M. Czech

Chairperson

Civil Service Commission

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