



STATE OF NEW JERSEY

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

In the Matter of Caroline Jones,
Department of Human Services

Administrative Appeal

CSC Docket No. 2019-407

ISSUED: June 28, 2019 (SLD)

Caroline Jones, a former Auditor 1,¹ Department of Human Services, appeals the denial of an anniversary date increment in 2016 when she was serving in the title of Auditor Accountant Trainee.

By way of background, the appellant was appointed to the unclassified title of Administrative Analyst 4 with the Division of Criminal Justice, Department of Law and Public Safety, effective November 17, 2012. Thereafter, she was appointed to the title of Auditor Accountant Trainee with the Department of Human Services, effective October 17, 2015. Her previous salary was retained and “red circled” at \$51,419.79 (step 3, salary range P19) pursuant to *N.J.A.C.* 4A:3-4.14(a). Upon her advancement to the title of Auditor 1, she was placed on step three of salary range P20 (\$53,796.47), effective October 29, 2016.² Thereafter, the appellant was transferred to the Department of Health, effective September 30, 2017. It is noted that the appellant received across the board (ATB)³ increases effective August 19, 2017 and July 7, 2018.

On appeal, the appellant argues that she is entitled to a retroactive anniversary date increment during the time period she was serving in the title of Auditor Accountant Trainee. Specifically, she asserts, among other arguments, that

¹ Agency records indicate that the appellant was transferred from the Department of Health to the Department of Human Services and resigned in good standing, effective September 24, 2018.

² It is noted that her salary was corrected to reflect step three in January 2017.

³ The current Communication Workers of America (CWA) negotiated agreement provides for several retroactive ATB increases, including those referenced in this matter.

the current CWA negotiated agreement provided for retroactive anniversary date increases beginning on or about July 11, 2015. Therefore, the appellant argues that she is entitled to a retroactive anniversary date increment effective April 2, 2016, while she was an Auditor Accountant Trainee. In the alternative, the appellant argues that she is entitled to differential pay for the step she should have received while she was serving as an Auditor Accountant Trainee upon her advancement to the title of Auditor 1.

CONCLUSION

N.J.A.C. 4A:3-4.14(a) provides, in pertinent part that:

. . . an employee with permanent status or with at least six months' continuous service may, at the option of the appointing authority, retain his or her current salary when appointed to a trainee title. The employee shall remain at his or her salary until the salary rate of the trainee title exceeds the employee's salary, the employee advances to the primary title after completing the training period, or the employee is advanced to a higher title. Upon advancement from the trainee title to the primary title, the employee's salary shall be determined by reconstructing the employee's salary as if the employee had continued to serve in his or her permanent title during the training period or by the normal advancement from a trainee to a primary title, whichever is greater.

In the instant matter, it is noted that the 2018 CWA negotiated agreement provides for retroactive ATB increases and anniversary date increments, one of which occurred in the appellant's case during her trainee period. For reasons that are unclear in the record, in reconstructing the salary of the appellant upon the implementation of the current agreement, she was not provided with the anniversary date increment upon her advancement from the trainee title to the primary title. As indicated above, *N.J.A.C.* 4A:3-4.14(a) provides in relevant part, that upon appointment to the trainee title, that an employee's salary in his or her prior title may be retained, or "red-circled." Therefore, during the trainee period, the appellant would not be entitled to any increases, either due to an ATB increase or anniversary date increment. However, *N.J.A.C.* 4A:3-4.14(a) also provides that upon the advancement from the trainee title to the primary title, the employee's salary "shall be determined by reconstructing the employee's salary as if the employee had continued to serve in his or her permanent title during the training period." Therefore, as the rule requires that the employee's salary be "reconstructed," and in this matter, **as if the employee had continued in their permanent title**, any ATB increases and/or anniversary date increments must be factored into the appellant's salary prior to determining what her salary should be upon her movement to the primary title. Once the salary is reconstructed, then the

move from the previously held title to the new primary title must be considered, and the appropriate rule applied for such movement. For example, if the movement from the previously held title to the new primary title would be considered a promotion, then *N.J.A.C.* 4A:3-4.9 would be applied and if the movement would be considered a demotion, then *N.J.A.C.* 4A:3-4.10 would be applied. To do otherwise would be to improperly complete the “restructuring” of an employee’s salary under *N.J.A.C.* 4A:3-4.14(a).

In the instant matter, as the current agreement provides for retroactive anniversary date increments and ATB increases from July 11, 2015, the appellant’s salary had been corrected to reflect the ATB and anniversary date increments she would have been entitled to after her appointment to the Auditor 1 title. However, the calculation of her salary from the Auditor Accountant Trainee title to the Auditor 1 title was not reconstructed to include the anniversary date increment she would have received if she continued to serve in her prior title. Therefore, based on the foregoing, the appellant’s salary should be recalculated consistent with this decision and the differential pay from October 29, 2016 to September 24, 2018 be remitted.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant’s salary be reconstructed and differential pay be remitted.

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 26TH DAY OF JUNE, 2018



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