



STATE OF NEW JERSEY


In the Matter of Ryan Rasberry,
Truck Driver (M9846H), Newark
School District

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2016-1211

Administrative Appeal

ISSUED:

 12 2016

(EG)

The Newark School District (District) requests that Ryan Rasberry receive a retroactive date of appointment as a Truck Driver.

As background, the Truck Driver (M9846H) eligible list promulgated on November 30, 2006 and expired on November 29, 2009. The eligible list was certified four times and resulted in three appointments. The final certification was issued on May 12, 2008, and included the name of nine eligibles, including Rasberry, all tied at rank one. In the instant matter, the District states that it intended to permanently appoint Rasberry to the title of Truck Driver effective May 13, 2008. However, due to an error, it coded Rasberry as retained on the certification rather than appointed. It states that Rasberry has been performing the duties of a Truck Driver since May 13, 2008. In support of this contention it submits a copy of Rasberry's job data screen which indicates his employment as a Truck Driver dating back to 2008. It is noted that the Division of Agency Services supports this request.

CONCLUSION

N.J.S.A. 11A:4-6 and *N.J.A.C.* 4A:4-3.4 provide that an eligible list may be revived in order to implement a court order or decision of the Civil Service Commission in the event of a successful appeal instituted during the life of a list, to correct an administrative error, or for other good cause.

N.J.A.C. 4A:4-1.10(c) states that an individual may receive a retroactive date of appointment to correct an administrative error, for an administrative delay or for other good cause.

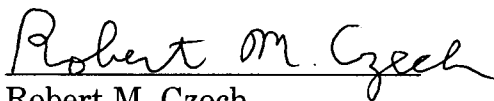
In the instant matter, Rasberry should receive a retroactive date of appointment. The District's error resulted in it failing to appoint Rasberry effective May 13, 2008. A review of the Truck Driver (M9846H) eligible list reveals that Rasberry's name would have been reachable for appointment on the May 12, 2008 certification. See *N.J.A.C. 4A:4-4.8(b)3*. Accordingly, under these circumstances, Rasberry should receive a retroactive date of appointment of May 13, 2008, for salary step placement and seniority-based purposes. In light of Rasberry's service as a Truck Driver since May 13, 2008, a current working test period is not required.

ORDER

Therefore, it is ordered that the Truck Driver (M9846H), Newark School District eligible list be revived and that personnel records be amended to indicate Ryan Rasberry's permanent appointment to Truck Driver with an effective date of May 13, 2008, for salary step placement and seniority-based purposes only.

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 7TH DAY OF OCOBER, 2015



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