



STATE OF NEW JERSEY

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

In the Matter of Scott Traynor,
Camden County

CSC Docket No. 2017-4010

Administrative Appeal

ISSUED: MARCH 29, 2018 (DASV)

The Director, Division of Agency Services, petitions the Civil Service Commission (Commission) for a retroactive date of permanent appointment for Scott Traynor as a Weights and Measures Apprentice.

By way of background, Traynor’s record in the County and Municipal Personnel System (CAMPS) reflects the following:

- Effective June 25, 2001, Camden County appointed Traynor in the noncompetitive title of Clerk.
- Effective April 23, 2002, Traynor was appointed provisionally pending open competitive examination (PAOC) procedures as a Weights and Measures Apprentice.
- Effective March 24, 2008, Traynor was advanced to Assistant Superintendent of Weights and Measures. It is noted that his CAMPS record was amended on February 11, 2009 to reflect the appointment, which was designated as a “Regular Appointment, Commission Decision with Working Test Period” (RCW).
- Effective December 25, 2014, Traynor received a regular appointment to Deputy Superintendent of Weight and Measures without competitive examination pursuant to *N.J.A.C. 4A:4-2.7(a)*.

Traynor’s CAMPS record also indicates that he served provisionally pending promotional examination (PAP) procedures as a Superintendent of Weight and

Measures from December 21, 2015 to October 22, 2017. Since October 23, 2017, he has been serving in the unclassified title of Confidential Assistant.

In the instant matter, the Director indicates that Traynor's permanent appointment as a Weights and Measures Apprentice appears to have been recorded in error. There is no record of an examination announcement or the resultant eligible list for Weights and Measures Apprentice. Moreover, no Commission decision was found which ordered Traynor's RCW appointment to Assistant Superintendent Weights and Measures. However, the Director states that there are no educational or experience requirements for the Weights and Measures Apprentice title and the title has been reallocated to the non-competitive division of the career service effective December 13, 2014. *See In the Matter of Reallocation of Weights and Measures Apprentice from the Competitive to the Non-Competitive Division of the Career Service* (CSC, decided December 3, 2014). Additionally, Traynor had more than the required three years in the Weights and Measures Apprentice title which would have indisputably allowed him to advance to the Assistant Superintendent Weights and Measures title.¹ Therefore, the Director submits that there is good cause to retroactively record Traynor's permanency as a Weights and Measures Apprentice. The Director notes that should the Commission grant the request, Traynor's RCW appointment to Assistant Superintendent Weights and Measures may be amended to properly reflect a regular appointment resulting from a promotion (RAP).

CONCLUSION

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, Traynor should receive a retroactive date of permanent appointment. For reasons unexplained in the record, an administrative error occurred in not administering an examination for Weights and Measures Apprentice which would have resulted in an eligible list promulgating and given Traynor the opportunity for permanent appointment. However, it is clear that Traynor has served successfully in the title, as evidenced by Camden County's willingness to promote him to the higher titles of Deputy Superintendent of Weights and Measures and Superintendent of Weights and Measures. With regard to the date of the permanent appointment, it is impossible at this point to reconstruct an

¹ According to the Weights and Measures Apprentice job specification, an "appointee's work performance will be reviewed and rated semi-annually during each twelve (12) months of the three (3) year apprenticeship program. Upon successful completion of the thirty-six (36) month apprenticeship program, appointees will be eligible for advancement to the title of Weights and Measures Inspector 3 in State service or, to the title of Assistant Superintendent of Weights and Measures in local service, in accordance with [Commission] procedures."

approximate timeline of how long it would have taken to announce an examination, promulgate an eligible list, and permanently appoint an eligible in 2002. Therefore, since *N.J.S.A. 11A:4-13(b)* provides that no provisional appointment should exceed a period of 12 months, Traynor should be awarded a retroactive date of appointment to April 23, 2003. See *In the Matter of John Kowaluk v. Township of Middletown*, Docket No. A-4866-02T1 (App. Div. August 6, 2004) (Good cause was found to provide a retroactive date of appointment where there was documentation that Kowaluk had been successfully serving in the title, and that due to an administrative error, the announcement of an examination was delayed). Accordingly, under these circumstances, Traynor should receive a retroactive date of regular appointment to Weights and Measures Apprentice, effective April 23, 2003, for salary step placement and seniority-based purposes. As such, the Division of Agency Services may amend Traynor's subsequent record to record his regular appointment (RAP) as a Deputy Superintendent of Weights and Measures.² Further, since it is clear that Traynor successfully performed the duties of these titles, he shall be considered to have completed his working test periods and his appointments are permanent. See e.g., *In the Matter of Winfred L. Christy, Police Officer (M1847M). Borough of Lindenwold* (MSB, decided January 15, 2003).

ORDER

Therefore, it is ordered that official records be amended to reflect Scott Traynor's permanent appointment to Weights and Measures Apprentice, effective April 23, 2003, and his permanent appointment to Assistant Superintendent of Weights and Measures, effective March 24, 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 27TH DAY OF MARCH, 2018



Deirdre L. Webster Cobb
Acting Chairperson
Civil Service Commission

² It is noted that the PAP designation of Traynor as a Superintendent of Weights and Measures appears to be correct. However, there is no longer an issue concerning his permanency in the lower titles of the series.

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