

STATE OF NEW JERSEY

In the Matter of Paul Cialkowski, Fire Fighter, Hackensack

CSC Docket No. 2018-2140

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Administrative Appeal

ISSUED: April 2, 2018 (RE)

The Division of Agency Services (Agency Services), on behalf of Hackensack, requests that Paul Cialkowski be provided with a retroactive regular appointment to the title of Fire Fighter, effective August 7, 2017.

By way of background, Cialkowski appeared as the second ranked eligible on the certification for Fire Fighter, Hackensack (OL171369), which issued on November 24, 2017. However, Cialkowski had been hired on August 7, 2017. Although his name appeared as the second ranked eligible on the prior certification (OL160479) issued on April 21, 2016, only the first ranked eligible was appointed from that certification on August 22, 2016. The appointing authority failed to request a certification for Cialkowski, but recorded his appointment in the County And Municipal Personnel System (CAMPS) as from (OL160479). This has since been corrected to indicate an appointment from (OL171369), with an effective date of November 24, 2017, the issuance date of that certification. Services disposed of OL171369 on January 9, 2018, Hackensack notified Agency Services of Cialkowski's appointment on August 7, 2017. In support of this request, Hackensack submitted documentation demonstrating that Cialkowski has been Agency Service performing the duties of Fire Fighter since August 7, 2017. recommends approval of granting a retroactive appointment for Cialkowski in the title Fire Fighter.

N.J.A.C. 4A:4-1.10(c) provides that the Commission may order a retroactive appointment date due to an administrative error, administrative delay or other good cause.

CONCLUSION

In the instant matter, there is no basic factual dispute but, rather, the central issue involves providing a retroactive regular appointment to the title of Fire Fighter, effective August 7, 2017, for Cialkowski from certification (OL171369). Mr. Cialkowski has been performing the duties of Fire Fighter since August 7, 2017 and he is reachable under the "rule of three" on the certification for (OL171369) in accordance with *N.J.A.C.* 4A:4-4.8. However, due to an administrative error, Hackensack did not request a certification at the time it approved Cialkowski. Under these circumstances, Cialkowski should receive a regular appointment retroactive to August 7, 2017, and he shall be considered to have started his 12-month working test period on this date.

ORDER

Therefore, it is ordered that the request be granted, and Cialkowski be provided with a regular appointment as Fire Fighter, effective August 7, 2017. Upon successful completion of his 12-month working test period, his appointment shall be considered permanent. Cialkowski's personnel record should be amended in accordance with this decision.

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 27^{TH} DAY OF MARCH, 2018

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Acting Chairperson

Civil Service Commission

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c: Paul Cialkowski David Troast Kelly Glenn Records Center