



STATE OF NEW JERSEY

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

In the Matter of Victor Miranda,
Principal Field Representative, Local
Property Tax, Department of the
Treasury

Administrative Appeal

CSC Docket No. 2018-3099

ISSUED: May 24, 2018 (RE)

The Division of Agency Services (Agency Services), on behalf of Department of the Treasury, requests revival of the list for Principal Field Representative, Local Property Tax (PS1209U) and retroactive permanent appointment of Victor Miranda effective December 9, 2017.

By way of background, Agency Services performed a classification review of Miranda’s position, and in a decision dated March 2, 2018, determined that the most appropriate classification of the position was Principal Field Representative, Local Property Tax, with an effective date of December 9, 2017. Miranda appeared as the seventh ranked eligible on the eligible list (PS1209U), which was certified four times, resulting in five appointments, and expired on December 30, 2017. Miranda was one of three active eligibles remaining on that list. Currently, there is no eligible list for Principal Field Representative, Local Property Tax. There are a possible 14 Senior Field Representatives, Local Property Tax who would be eligible if there is another examination announcement, and the appointing authority argues that this competition would be unfair. Agency Services recommends granting a retroactive appointment for Miranda in the title Principal Field Representative, Local Property Tax.

N.J.A.C. 4A:4-3.3(b) provides, in pertinent part, that promotional lists shall be promulgated for three years from the date of their establishment. *N.J.A.C.* 4A:4-3.4(a)5 states that the Commission may revive an expired eligible list for good cause. See also *N.J.S.A.* 11A:4-6. *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 reviving an expired promotional employment list in order to effectuate the appointment of Miranda. Miranda has been performing the duties of Principal Field Representative, Local Property Tax since December 9, 2017 and remained on the subject list. Thus, he was reachable under the “rule of three” in accordance with *N.J.A.C.* 4A:4-4.8. Under these circumstances, good cause exists to revive the list and give Miranda a permanent appointment retroactive to December 9, 2017, and he shall be considered to have commenced his working test period starting on this date.

ORDER

Therefore, it is ordered that the request be granted, the PS1209U list be revived, Victor Miranda be provided with a permanent appointment as Principal Field Representative, Local Property Tax, effective December 9, 2017. Miranda’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 23rd DAY OF MAY, 2018



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