



STATE OF NEW JERSEY

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

In the Matter of Daniel Wrieden,
Historic Preservation Specialist 4
(PM1240R), City of Jersey City

Administrative Appeal

CSC Docket No. 2018-3066

ISSUED: MAY 24, 2018

(ABR)

The City of Jersey City (Jersey City) requests that the eligible list for Historic Preservation Specialist 4 (PM1240R), Jersey City, Department of Housing, Economic Development and Commerce (HEDC) be revived to allow for the retroactive appointment of Daniel Wrieden, effective November 18, 2013.

By way of background, Wrieden had instituted litigation against the appointing authority. Thereafter, the parties reached a settlement intended to resolve all outstanding disputes between them. The settlement provides, in pertinent part, that the appointing authority would provisionally appoint Wrieden to the title of Historic Preservation Specialist 4, effective February 1, 2018, and request that the Historic Preservation Specialist 4 (PM1240R), Jersey City, HEDC eligible list be revived to allow Wrieden to be appointed, with a retroactive date of seniority of November 18, 2013, with no additional compensation other than set forth in the settlement agreement. It is noted that Wrieden was the sole applicant for the PM1240R examination and the only eligible whose name appeared on the subject eligible list, which promulgated on August 15, 2013 and expired on August 14, 2016. The only certification during the life of the list was issued on August 19, 2013. In disposing of the subject certification, the appointing authority did not make any appointments.

The Division of Agency Services (Agency Services) supports the appointing authority's request.

Agency records indicate there is currently no eligible list for the subject title for the appointing authority.

CONCLUSION

N.J.S.A. 11A:4-6 and *N.J.A.C.* 4A:4-3.4 provide, in relevant part, that an eligible list may be revived to implement an order of the Commission or for other good cause. A review of the settlement indicates that it complies with Civil Service System law and rules. The policy of the judicial system strongly favors settlement. See *Nolan v. Lee Ho*, 120 *N.J.* 465 (1990); *Honeywell v. Bubb*, 130 *N.J. Super.* 130 (App. Div. 1974); *Jannarone v. W.T. Co.*, 65 *N.J. Super.* 472 (App. Div. 1961), *cert. denied*, 35 *N.J.* 61 (1961). This policy is equally applicable in the administrative area. A settlement will be set aside only where there is fraud or other compelling circumstances. See *Nolan, supra*. In this matter, no such compelling circumstances exist. The record indicates that acknowledgment of this particular agreement will not have an adverse effect on any third party, as the appellant was the only eligible whose name appeared on the subject eligible list and there is currently no eligible list for the subject title for the appointing authority. Therefore, the Commission finds a sufficient basis to revive the PM1240R eligible list to allow for the regular appointment of Wrieden, effective November 18, 2013, for seniority and record keeping purposes only.

ORDER

Therefore, the Commission orders that the Historic Preservation Specialist 4 (PM1240R), City of Jersey City, Department of Housing, Economic Development and Commerce eligible list be revived to allow for the regular appointment of Daniel Wrieden to the title of Historic Preservation Specialist, effective November 18, 2013, for seniority and record keeping 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 23RD DAY OF MAY, 2018



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Daniel Wrieden
Gregory B. Noble, Esq.
Robert J. Kakoleski
Scott. W. Carbone, Esq., Assistant Corporation Counsel
James B. Daniels, Esq.
Kelly Glenn
Records Center