



STATE OF NEW JERSEY

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

In the Matter of Jeffrey Rafalski,
Senior Public Works Repairer,
Vernon Township

Administrative Appeal

CSC Docket No. 2018-3304

ISSUED: June 22, 2018 (RE)

The Division of Agency Services (Agency Services) requests that Jeffrey Rafalski be provided a retroactive appointment as Senior Public Works Repairer with Vernon Township (Vernon), effective November 7, 2016.

By way of background, Vernon permanently appointed Rafalski to the title of Public Works Repairer on March 4, 2005. Subsequently, due to the provisional appointment of Anthony Alexander to the title Senior Public Works Repairer on November 1, 2015, an examination announcement (PM0094U) was issued with a closing date of January 21, 2016. The resultant eligible list, which promulgated on May 5, 2016 and expires on May 4, 2019, included nine names, with Rafalski ranked first and reachable for appointment. On May 12, 2016, certification (P1160626) was issued with a disposition due date of August 12, 2016. Due to a recent change in township administration, the personnel needs of the Public Works Department was under review and the appointing authority did not appoint from the certification by the due date. The certification was returned on September 22, 2016 with no appointment made. Thereafter, Alexander was provisionally appointed to another title, Assistant Supervisor of Public Works, on September 13, 2016, and Rafalski was provisionally appointed to the title Senior Public Works Repairer on November 7, 2016. After Vernon requested another certification, Agency Services informed it that since a request for appointment waiver had been submitted regarding (P1160626), a new certification could not be issued while the request was under review. Subsequently, Vernon's request for an appointment waiver was granted. See *In the Matter of Senior Public Works Repairer (PM0094U), Vernon*, (CSC, decided May 17, 2017).

Another certification (PL170669) was then issued on May 31, 2017, and disposed of on August 2, 2017, indicating the appointment of Rafalski effective November 7, 2016. Vernon was informed that Rafalski could not have an appointment prior to the certification date of May 31, 2017. The certification was returned for corrections and the appointing authority revised and resubmitted it the same day. Another request for certification was submitted on February 21, 2018 and the appointing authority was informed that (PL170669) had not yet been recorded due to the need for additional revisions. The revisions were made, and the certification was submitted and recorded on March 28, 2018, permanently appointing Rafalski, effective May 31, 2017.

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. Generally, the award of a retroactive appointment date is for seniority purposes only and is limited to situations in which an appellant could have been appointed on the requested retroactive date, but as a result of an administrative error, he or she received a later appointment date.

The record establishes that Rafalski could have been appointed on November 7, 2016, were it not for delays caused by the change in administration and Vernon's failure to properly dispose of (P1160626). Another certification could not be issued until the Civil Service Commission decided the appointment waiver request, causing delay in the process past the date that Rafalski was provisionally appointed and had been performing the duties of Senior Public Works Repairer. Under these circumstances, good cause has been presented to retroactively appoint Rafalski, effective November 7, 2016. As he has been performing the duties of the title, his appointment should be considered permanent.

ORDER

Therefore, it is ordered that Jeffrey Rafalski be retroactively appointed as a Senior Public Works Repairer effective November 7, 2016.

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 20th DAY OF JUNE, 2018



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