



STATE OF NEW JERSEY

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

In the Matter of Justin Sudol,
County Correction Officer (Regular)
Morris County

CSC Docket No. 2018-2958

Request for Retroactive Appointment

ISSUED July 20, 2018 (VJ)

Morris County requests a retroactive permanent appointment for Justin Sudol to the title of County Correction Officer, effective March 20, 2017.

By way of background, Sudol received a regular appointment to the title of County Correction Officer effective July 30, 2012. He resigned in good standing, effective July 8, 2016. Thereafter, Sudol requested that his name be added to the regular reemployment list for County Correction Officer. The regular reemployment application for Sudol was signed by Morris County on February 23, 2017 and processed by the Division of Agency Services (Agency Services) on March 7, 2017. Agency Services did not immediately issue a certification for Sudol because a certification (OL161290) from the County Correction Officer (S9999R)) had been issued on November 7, 2016 and had not been disposed of.

Subsequently, the appointing authority returned the certification (OL161290) appointing 10 eligibles, effective March 27, 2017. Thereafter, a regular reemployment application was submitted to this agency for Brandon Williams on August 14, 2017. As a result, a certification for County Correction Officer (OL170975) was issued on August 17, 2017 containing two names, Sudol and Williams. The appointing authority returned the certification indicating an appointment for Sudol effective March 20, 2017 and Williams effective August 28, 2017. Agency Services did not approve the March 20, 2017 effective date for Sudol because it was earlier than the certification date of August 17, 2017 and Williams had more seniority in the title.

In its instant request, the appointing authority maintains that Sudol has been performing the duties of a County Correction Officer since his re-appointment effective March 20, 2017. It argues that due to an administrative error, a certification

containing Sudol's name was not immediately issued upon the disposition of the (OL161290) certification for the subject title. Furthermore, it notes that if Sudol's name had been added to the (OL161290) certification, it could have appointed him from that certification, effective March 27, 2017. In support, it submits the personnel requisitions, payroll records and a copy of the original regular reemployment application to support the permanent appointment date of March 20, 2017 for Sudol. Agency Services has reviewed this matter and indicates it support for a retroactive appointment date on or after March 27, 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.

In the instant matter, the record establishes that Sudol submitted an application for regular reemployment which was signed by the appointing authority on February 23, 2017 and was processed by Agency Services on March 7, 2017. Agency Services did not immediately issue a certification for the appointment of Sudol because another certification (OL161290) was in process at the time of the application. However, agency records indicate that Sudol was reachable for appointment, after the March 27, 2017 appointments of the eligibles on the (OL161290) certification of the County Correction Officer (S9999R) eligible list. Moreover, the appointing authority submits payrolls records and personnel requisitions, which clearly indicate that Sudol has been performing the duties of a County Correction Officer, since his reappointment, effective March 20, 2017. Accordingly, Sudol's permanent appointment from the regular reemployment list for County Correction Officer, effective March 27, 2017.

ORDER

Therefore, it is ordered that this request be granted and that Sudol be appointed from the certification (OL161290) with a retroactive appointment date of March 27, 2017.

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 18th DAY OF JULY 2018



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