



STATE OF NEW JERSEY

In the Matter of Patricia Entler-Fuschetto, Township of Freehold

CSC Docket No. 2020-133

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

Request for Retroactive Date of
Appointment

ISSUED: November 8, 2019 (VJ)

The Township of Freehold (Freehold) requests that Patricia Entler-Fuschetto’s record be corrected to reflect her appointment to the non-competitive title of Keyboarding Clerk, effective September 29, 2014.

By way of background, agency records indicate that Entler-Fuschetto was appointed to the non-competitive title of Planning Aide, part-time, effective July 15, 2013. The County and Municipal Personnel Systems (CAMPS) reveals that Entler-Fuschetto was transferred from the Engineering Department to the Justice Department, effective September 29, 2014. CAMPS also indicates that upon the transfer Entler-Fuschetto’s position became full-time. It is noted that in CAMPS her title remained as Planning Aide.

On appeal, Freehold, argues that upon Entler-Fuschetto’s transfer to the Justice Department, although it changed her status from part-time to full-time, it failed to change her title to a title appropriate for her new duties. Freehold maintains that it should have changed her title to Keyboarding Clerk 1 and that she has not served a working test period. In support, it submits a Personnel Order which indicates that Entler-Fuschetto’s was “provisionally” appointed to the title of Clerk Typist,¹ effective September 29, 2014

Agency Services supports the request and notes that a special reemployment list for Keyboarding Clerk 1 was certified (OL141172) to Freehold on September 9, 2014. The certification contained the name of one eligible. Freehold returned the

¹ It is noted that the title of Clerk Typist was changed to Keyboarding Clerk 1 in September 2002.

certification, which was disposed of on October 23, 2014, removing the eligible. Agency Services also notes that there are no further special or regular reemployment lists for the title of Keyboarding Clerk 1.

CONCLUSION

N.J.A.C. 4A:8-2.3(b)2 states in pertinent part that special reemployment lists shall take priority over noncompetitive appointments. *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 appointing authority asserts that Entler-Fuschetto has been performing the duties of Keyboarding Clerk 1 since September 29, 2014. Therefore, Freehold requests that Entler-Fuschetto be given a retroactive appointment date of September 29, 2014. However, as there was a special reemployment list that was still active on September 29, 2014, Entler-Fuschetto's appointment to the non-competitive title of Keyboarding Clerk 1 could not have been approved. Therefore, the earliest possible retroactive date of appointment for Entler-Fuschetto could be October 23, 2014, the date the special reemployment list was disposed of. Accordingly, upon the successful completion of a current working test period, Entler-Fuschetto shall be provided with a retroactive regular appointment date of October 23, 2014, to the non-competitive title of Keyboard Clerk 1.

ORDER

Therefore, it is ordered that this request be granted in part, and it is also ordered that upon successful completion of a current working test period that Entler-Fuschetto be given a retroactive date of permanent appointment of October 23, 2014, for seniority based and record 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 6th DAY OF NOVEMBER 2019



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: Erica Sambucini
Patricia Entler-Fuschetto
Kelly Glenn
Records Center