



STATE OF NEW JERSEY

In the Matter of Margarita Cuevas,
School Aide, Vineland City School
District

CSC Docket No. 2020-748

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

Administrative Appeal

ISSUED: November 8, 2019 (VJ)

Vineland City School District requests a retroactive permanent appointment date for Margarita Cuevas to the title of School Aide, effective September 1, 2010.

By way of background, Cuevas was laid off from her permanent title of School Aide, effective July 1, 2010. However, due to the reasons that are unclear in the record, Cuevas' name was not placed on the special reemployment list for School Aide. *See N.J.A.C. 4A:8-2.1 and N.J.A.C. 4A:8-2.3.*

In its request, the appointing authority maintains that Cuevas has been performing the duties of School Aide since she was re-hired, effective September 1, 2010. It acknowledges that due to an administrative error, although Cuevas was returned to employment on September 1, 2010, this appointment was not recorded in the County and Municipal Personnel System (CAMPS). In support, the appointing authority submits payrolls records and personnel requisitions, which clearly indicate that Cuevas has been performing the duties of a School Aide, since her reappointment, effective September 1, 2010. The appointing authority requests Cuevas receive a retroactive permanent appointment effective September 1, 2010 to reflect her active employment.

Agency Services has reviewed this matter and indicates it support for a retroactive appointment date from the special reemployment list, effective September 1, 2010 for Cuevas.

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. *N.J.A.C.* 4A:8-2.3(b) provides in pertinent part that special reemployment lists shall have priority over all other lists and non-competitive appointments. Generally, the award of a retroactive appointment date is for seniority purposes only and is limited to situations in which an individual could have been appointed on the requested retroactive date but as a result of an error on the part of the either the appointing authority or this agency, he or she received a later appointment date.

In the instant matter, the record establishes that Cuevas was laid off from the appointing authority effective July 1, 2010. But the appointing authority and this agency acknowledge that Cuevas was not placed on a special reemployment list for School Aide after she was laid off. Moreover, although Cuevas was appointed to the title of School Aide, effective September 1, 2010 this appointment was not properly recorded in CAMPS. Accordingly, Cuevas' record should be corrected to reflect her permanent appointment to the title of School Aide from the special reemployment list, effective September 1, 2010 for salary step and seniority based purposes.

ORDER

Therefore, it is ordered that this request be granted, and the permanent appointment of Cuevas from the special reemployment list for School Aide be recorded as September 1, 2010.

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



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