



STATE OF NEW JERSEY

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

In the Matter of Shanan Ferriera, *et al.*, Teacher Aide, (Special), Brick Township School District

CSC Docket Nos. 2019-3346, *et al.*

Administrative Appeal

ISSUED: August 2, 2019 (VJ)

The Brick Township School District requests retroactive permanent appointment dates for Shanan Ferriera, Jean Oates and Dorothy Abbott-Scott to the title of Teacher Aide. Since these matters address similar issues they have been consolidated herein.

Ferriera, Oates and Abbott-Scott were laid off from their permanent positions of Teacher Aide effective June 30, 2018 which resulted in their names being placed on of a Special Reemployment List (SRL) for Teacher Aide. For the 2018-19 school year, the Brick Township School District had to rehire three candidates from the SRL and therefore a certification was issued (OL181179) dated October 23, 2018 to appoint three candidates. The Brick Township School District returned the certification with an appointment date of October 23, 2018.

In its instant request the Brick Township School District states that approval to appoint Ferriera, Oates and Abbott-Abbott-Scott was ratified by resolution of the Brick Township Board of Education on October 11, 2018. It asserts that Ferriera and Abbott-Abbott-Scott were re-hired and began employment on October 15, 2018 and Oates was rehired and began on October 22, 2018. In support it submits a November 15, 2018 Resolution of the Board of Education which indicated Ferreira and Abbott-Scott started on October 15, 2018 and Oates started on October 22, 2018.

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

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.

In the instant matter, Brick Township School District had a layoff on June 30, 2018 and after the layoff action a Special Reemployment List for Teacher Aide became active. The District had the need to rehire three employees from the list. The record establishes that Ferriera, Oates and Abbott-Scott were appointed from a Special Reemployment list certification (OL181179) dated October 23, 2018. Since the Brick Township Board of Education could not approve the appointments until an October 12, 2018 resolution was passed, the appointing authority could not request a certification and therefore the effective date of the appointments was October 23, 2018. However, the actual start dates were October 15, 2018 for Ferriera and Abbott-Scott and October 22, 2018 for Oates. Under these circumstances their permanent appointments from the Special Reemployment List, should be recorded as Ferreira and Abbott-Scott on October 15, 2018 and Oates on October 22, 2018.

ORDER

Therefore, it is ordered that this request be granted and that the permanent appointments of Ferriera and Abbott-Scott be recorded as October 15, 2018 and Oates be recorded as October 22, 2018.

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 DAY OF 2019



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