



STATE OF NEW JERSEY

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

In the Matter of Megan Farrell,
Supervising Classification Officer,
Department of Corrections

CSC Docket No. 2019-1142

Administrative Appeal

ISSUED: JULY 31, 2019 (WR)

Megan Farrell, a former Supervising Classification Officer, Northern State Prison, Department of Corrections (DOC) requests that the Civil Service Commission (Commission) grant her a permanent appointment to the title of Supervising Classification Officer with the DOC.

By way of background, the appellant was employed at Northern State Prison as a Supervising Classification Officer and separated from employment on June 3, 2016. She was placed on a regular reemployment list for Supervising Classification Officer, effective February 13, 2018. It is noted that the regular reemployment list expired on June 2, 2019. On September 15, 2018, Northern State Prison provisionally appointed Desiree Gray to the title of Supervising Classification Officer. Moreover, on February 16, 2019, Edna Mahan Correctional Facility (Edna Mahan) provisionally appointed Jacqueline Sim to the same title. Agency records indicate that there is no promotional eligible list in existence for Supervising Classification Officer for either facility. However, a promotional announcement for the title at Edna Mahan was issued on June 1, 2019 with a closing date of June 21, 2019.¹

In her appeal, the appellant complains that, as a result of her placement on the regular reemployment list, Northern State Prison should not have provisionally appointed Gray and argues that it should have appointed her from the regular reemployment list. The appellant further complains that Edna Mahan posted an

¹ The eligible list has not yet issued.

announcement for the title of Supervising Classification Officer and contends that it will only utilize the regular reemployment list if it is unable to make an appointment from a promotional eligible list.

In response, Edna Mahan states that when a vacancy arises, it first checks applicable special reemployment lists and then active promotional lists for eligibles. It further states that “contractual obligations under Article 13 of the CWA contract” but also “has the right to provide promotional opportunities for its current employees. In the instant matter, Edna Mahan claims that there were no relevant special reemployment lists or promotional lists and, due to the “complexity” of the title, it “posted the position.” As it had current employees who satisfied the specifications of the position, it made a provisional appointment “so there would be no undue hardship caused based on the intricacy of the Classification Department.” Edna Mahan notes that if it, alternatively, was unable to make a provisional appointment, it would have used the regular reemployment list.

In response, the appellant contends, in relevant part, that Edna Mahan would not suffer any hardship by appointing her because she previously served in the subject position for 12 years at a larger facility.

Despite the opportunity, Northern State Prison did not respond.

CONCLUSION

N.J.A.C. 4A:4-7.10(b) provides that upon the recommendation of the appointing authority that such reemployment is in the best interest of the service, this agency shall place the name of an employee who resigned in good standing, retired, or took a voluntary demotion on a regular reemployment list. A regular reemployment list shall be subject to certification to all appointing authorities in a jurisdiction. *N.J.A.C.* 4A:4-4.15(a) states, in part, that a provisional appointment may be made only when there is no complete list of eligibles. Pursuant to *N.J.A.C.* 4A:4-4.2(c)1, a regular reemployment list that contains the name of one interested eligible is a complete list. *N.J.A.C.* 4A:4-3.7(a) provides, in part, that when there is more than one current eligible list for a title, a promotional list has priority over a regular reemployment list.

In the instant matter, the Commission defines “jurisdiction” in *N.J.A.C.* 4A:4-7.10, as DOC. Thus, the subject regular reemployment list applies throughout DOC, and no provisional appointment should have been made at any location because the regular reemployment list that contained the appellant’s name was complete. See *N.J.A.C.* 4A:4-4.2(c)1. Therefore, since there was a complete regular reemployment list at the time of Gray and Sim’s provisional appointments, there provisional appointments should not have been approved pursuant to *N.J.A.C.* 4A:4-4.15(a). Accordingly, Gray and Sim must be returned to their permanent

titles, or the appellant, if interested in either Edna Mahan or Northern State Prison, must receive a regular appointment from the regular reemployment list, effective September 15, 2018, the date of the first provisional appointment. It is noted that if only one of the provisional appointees is returned to her permanent title, the appellant, if interested in that location, would still be entitled to receive a regular appointment to the location where the provisional appointee remains, with a commensurate appointment date.

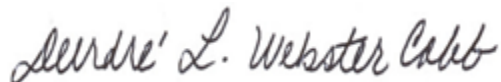
While the appellant argues that she should be permanently appointed to a Supervising Classification Officer position at either Northern State Prison or Edna Mahan, the Commission observes that appointing authorities have the discretion to fill vacancies through promotional procedures in spite of an existing regular reemployment list. In this regard, *N.J.A.C. 4A:4-3.7(a)* merely sets forth the priority of eligible lists when more than one currently exists for the same title; it does not prohibit the creation of a new one. Therefore, the appointing authorities are entitled to request the announcement of a promotional examination for the subject title.

ORDER

Therefore, it is ordered that this appeal be granted in part and Northern State Prison and Edna Mahan Correctional Facility return Desiree Grey and Jacqueline Sim, to their permanent titles within 30 days. If Northern State Prison and Edna Mahan Correctional Facility fail to return Desiree Grey and Jacqueline Sim, respectively, to their permanent titles within 30 days, it is ordered that the subject regular reemployment list be revived and a certification be issued against the remaining provisional appointment(s). If appointed, it is ordered that the appellant receive a retroactive appointment date consistent with the date of the provisional appointment she displaces.

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 31st DAY OF JULY, 2019



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher 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: Megan Farrell
Colleen Velekei
Nikiva Harris
Beth Wood
Records Unit