



**STATE OF NEW JERSEY**

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

In the Matter of Betty Calle, Social  
Work Supervisor (PC2710T), Camden  
County Board of Social Services

CSC Docket No. 2020-12

Administrative Appeal

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**ISSUED:** September 26, 2019 (RE)

---

Betty Calle requests that the eligible list for Social Work Supervisor (PC2710T), Camden County Board of Social Services be revived.

By way of background, the eligible list for Social Work Supervisor (PC2710T), was issued on May 25, 2016 and expired on June 1, 2018 with no certifications or appointments. The petitioner ranked first out of eight candidates on that list. Throughout the life of the list, the petitioner was a permanent Social Worker, except for a temporary appointment (TA) as a Social Work Supervisor from July 18, 2016 to September 14, 2016. In a request postmarked June 25, 2019, after the expiration of the list, she requested that the (PC2710T) list be revived and that she could be considered for a permanent appointment. The petitioner argued that she received another TA as a Social Work Supervisor, on June 5, 2019, and that absent reviving the subject list, her lawful opportunity to participate in the selection and appointment process would be obstructed. She referred to provisional appointments as allowing the appointing authority to “hand pick” individuals, and maintained that the Civil Service Commission (Commission) should revive and extend the list for up to one year.

The petitioner was informed that the Commission considers requests for list extensions from appointing authorities. However, individuals on lists do not have standing to request list extensions. She was also advised that a provisional appointment is a recognized form of appointment, and the incumbent works at the discretion of the appointing authority. See *N.J.A.C. 4A:4-1.5(a)*. Further, it was explained that if the list is incomplete or expired, a provisional appointment is

permitted as long as the individual meets the minimum qualifications for the title at the time of the appointment and the appointing authority certifies that failure to make the provisional appointment will seriously impair work. She was also informed that individuals whose names merely appear on a list do not have a vested right to appointment. *See In re Crowley*, 193 *N.J. Super.* 197 (App. Div. 1984), *Schroder v. Kiss*, 74 *N.J. Super.* 229 (App. Div. 1962). The only interest that results from placement on an eligible list is that the candidate will be considered for an applicable position so long as the eligible list remains in force. *See Nunan v. Department of Personnel*, 244 *N.J. Super.* 494 (App. Div. 1990).

In a subsequent submission, the petitioner requested information regarding a certification of the list. She provided documentation that she was temporarily appointed to the title from April 4, 2018 to June 20, 2018. The petitioner indicates that she was performing the duties of the title from January 28, 2019 until February 1, 2019, a period of one week, and then again from June 5, 2019 going forward, due to a leave of absence of the permanent incumbent in the title. She states that if the list is revived and the expiration date is extended, she can be considered for a regular appointment.

## CONCLUSION

*N.J.A.C.* 4A:4-3.4(a) provides that the Commission may revive an expired eligible list to implement a court order in a suit filed prior to the expiration of the list; to implement an order of the Civil Service Commission in an appeal or proceeding instituted during the life of the list; to correct an administrative error; to effect the appointment of an eligible whose working test period was terminated by a layoff; or other good cause.

*N.J.A.C.* 4A:4-3.3 states, in pertinent part, that promotional lists shall be promulgated for three years from the date of their establishment. *N.J.A.C.* 4A:4-3.3(b)1 states that an eligible list may, for good cause, be extended by the Chairperson or designee prior to its expiration date, except that no list shall have a duration of more than four years.

In the instant matter, there is no basic factual dispute but, rather, the central issue involves the petitioner's request to revive the eligible list for Social Work Supervisor (PC2710T), Camden County so she could be considered for appointment. At the outset, since the list expired on June 1, 2018, a one-year list extension would be to May 30, 2019, which had already passed when the petitioner filed her appeal. Further, there is no basis to extend the expiration date of the list for the maximum duration of four years, which would be May 24, 2020. Generally, requests for extension originate with the appointing authority since only it can determine whether operational and staffing needs are best addressed by such an extension. Thus, absent some particularly compelling ground, this agency will not

act to extend an eligible list without support of the appointing authority. For the reasons explained below, no such compelling ground exists in this case.

Initially, agency records indicate that there are no provisional appointees serving in the subject title in the Camden County Board of Social Services. As such, there is no need for a list to make a permanent appointment. Moreover, it is noted that the documentation provided by the petitioner indicates that she received these TAs due to the leaves of absence of permanent incumbents in the Social Work Supervisor title. However, TAs are not appropriate for situations like this where an appointing authority desires to fill a position held by a permanent incumbent who is on a leave of absence. Rather, when the permanent incumbent is on a leave of absence and the appointing authority desires to staff the position until the return of the permanent incumbent, an interim appointment (IA) should be utilized. *See N.J.A.C. 4A:4-1.6(b)1*. As it appears that the petitioner was filling the position of a permanent incumbent was on leave of absence, her County and Municipal Personnel System (CAMPS) record should be corrected to reflect IAs in the place of TAs in this circumstance.

A review of the petitioner's CAMPS record indicates that she was provided an IA as a Social Work Supervisor on June 5, 2019 and a TA from July 18, 2016 to September 14, 2016. The petitioner provided documentation that she was temporarily appointed to the title from April 4, 2018 to June 20, 2018, and from January 28, 2019 through February 1, 2019, although those appointments do not appear in her official CAMPS record. As such, the Division of Agency services should work with the appointing authority to add IA appointments to the official record due leaves of absence of an individual in the title for those time periods. Otherwise, the record is in order.

### **ORDER**

Therefore, this request be denied, and the petitioner's record be corrected consistent with this decision.

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 25<sup>th</sup> DAY OF SEPTEMBER, 2019



Deirdré 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: Betty Calle  
Christine Hentisz  
Kelly Glenn  
Records Center