



STATE OF NEW JERSEY

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

In the Matter of Donna Bright,
Warren County

CSC Docket No. 2021-600

Administrative Appeal

ISSUED: JANUARY 22, 2021 (JET)

Warren County petitions the Civil Service Commission for a retroactive date of appointment for Donna Bright to the title of Keyboarding Clerk 2.

By way of background, Bright was transferred and accepted a voluntary demotion from the title of Technical Assistant, Management Information Systems to the provisional title of Keyboarding Clerk 2, effective January 9, 2020.¹ As a result of an administrative error, the appointing authority incorrectly applied the wrong appointment code with respect to Bright’s appointment in the County and Municipal Personnel System (CAMPS), and listed her movement as a regular appointment with a title change (RAT) rather than in a provisional appointment pending a qualifying examination (PAQ). Thereafter, Bright applied for a promotional examination for Keyboarding Clerk 2 (PS2678B) with a closing date of August 21, 2020, and the Division of Agency Services (Agency Services) initially found her ineligible as she was listed as RAT. The appointing authority subsequently amended the oversight to reflect a PAQ appointment and Agency Services determined she passed the qualifying examination, effective November 9, 2020. It is noted that she is currently serving in her working test period (WTP) which began on November 9, 2020.

In its request, the appointing authority confirms that it erroneously entered the wrong appointment code in the CAMPS system, and as such, it now requests

¹ Bright was transferred from the appointing authority’s Department of Data Processing to the Department of Health.

the Commission to grant a retroactive appointment date due to the oversight with respect to Bright's January 9, 2020 appointment.

CONCLUSION

N.J.A.C. 4A:4-1.10(c) provides that when a regular appointment is made, a retroactive appointment date may be ordered due to administrative error, administrative delay or other good cause. Generally, this unique remedy has been reserved for two particular situations. First, retroactive appointment dates have been granted in circumstances in which an employee was actually serving in and performing the duties of a title, but, due to some error or other good cause, his or her attainment of permanent status was delayed or hindered. The second situation in which an employee may be awarded a retroactive date of permanent appointment is where the name of an employee, whose appointment would have otherwise been mandated, was improperly removed from or bypassed on an eligible list, thereby preventing the appointment.

N.J.S.A. 11A:4-15 in conjunction with *N.J.A.C.* 4A:4-5.1(a) provide that the working test period is part of the examination process designed to permit an appointing authority to determine whether an employee can satisfactorily perform the duties of the title. *N.J.A.C.* 4A:4-5.2(a) provides that the working test period shall begin on the date of regular appointment.

In the instant matter, due to an administrative oversight, the appointing authority requests the Commission to grant a retroactive appointment date to the effective date of Bright's appointment, January 9, 2020. However, the record reflects that Bright is currently serving in her WTP, which is scheduled to end on February 9, 2021. Although the Commission is satisfied that a retroactive appointment date is warranted, it is premised upon Bright's successful completion of the WTP. As such, upon evidence presented from the appointing authority of Bright's successful completion of the WTP, her permanent appointment as a Keyboarding Clerk 2 should be retroactively recorded as January 9, 2020.

ORDER

Therefore, it is ordered that this petition be granted and Donna Bright's permanent appointment to the title of Keyboarding Clerk 2 be recorded effective January 9, 2020, subject to the successful completion of the working test period.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

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