

CONCLUSION

N.J.A.C. 4A:3-3.9(c)3 states that the supervisor and program manager/division director shall complete their portions of a PCQ and provide their signatures on the form in accordance within 15 days of the employee's submission of the appeal to the immediate supervisor. By no later than the end of this period, the program manager/division director shall submit to the agency representative the completed questionnaire.

N.J.A.C. 4A:3-3.9(c)7 states that the agency representative shall review the appeal, affix to it an organizational chart, and ensure that the required information has been included and within 10 days of receipt of the appeal, the agency representative shall either notify the appellant that specific additional information is required, or forward the appeal with organizational chart to the appropriate representative of the Civil Service Commission (Commission).

N.J.A.C. 4A:3-3.9(e)3i, states that the effective date of a reclassification action in State service should be the pay period immediately after 14 days from the date the Commission received the appeal or reclassification request, or at such earlier date as directed by the Commission.

In the instant matter, the petitioner filed for a classification review, and he and his supervisor signed it on February 6, 2020. He then submitted his PCQ to his Deputy Director who forwarded the PCQ to the appointing authority on May 12, 2020. Agency Services received the completed PCQ and materials on June 16, 2020. Thus, Agency Services properly determined that the petitioner's effective date of reclassification was July 4, 2020.

Given that the Director failed to forward the PCQ in a timely fashion as a result of Covid-19 work restrictions or other reasons, and there is no evidence that the petitioner's Technical Assistant 2 duties were removed, there is a basis to grant an earlier effective date for the petitioner. Pursuant to *N.J.A.C. 4A:3-3.9(c)3*, the appeal should have been forwarded to the Human Resources office no later than February 21, 2020. Then, absent any additional information that may have been required, the appeal should have been forwarded to Agency Services by March 3, 2020. Given the correct timeline, pursuant to *N.J.A.C. 4A:3-3.9(e)3i*, the effective date of the reclassification to Technical Assistant 2 should be changed to March 28, 2020.

ORDER

Therefore, the effective date of the reclassification of Alan Frazee's position to Technical Assistant 2 is March 28, 2020.

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 17TH DAY OF FEBRUARY, 2021

Deirdre' L. Webster Cobb

Deirdre 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: Alan Frazee
Douglas Ianni
Division of Agency Services
Records Center