

Alan Frazee petitions the Civil Service Commission for a retroactive regular appointment date as a Technical Assistant 2 with the Department of the Treasury.

By way of background, the petitioner received a regular appointment to the title Technical Assistant 1 Treasury on February 21, 2015. The petitioner sought a review of the classification of his position, and completed and submitted to the Director of his Division a Position Classification Questionnaire (PCQ) on February 6, 2020. The PCQ was signed by his supervisor on February 6, 2020, the Division Director on May 20, 2020, and the appointing authority on June 16, 2020. The Division of Agency Services received the file on June 16, 2020 and issued a determination on November 9, 2020 that the classification of the appellant's position was Technical Assistant 2, effective July 4, 2020.

In his request, the petitioner states that he submitted his completed PCQ to his Deputy Director on February 6, 2020. However, the Deputy Director has explained that it was on his desk and he was working from home due to Covid-19 restrictions, and he did not forward it until May 12, 2020. The petitioner explains that he constantly reminded the Deputy Director verbally and in emails, and he submits a few of the emails. The appointing authority was contacted to review these details and agreed with the petitioner's representation of facts.

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

Dendre' L. Webster Calib

Deirdrè 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