



**STATE OF NEW JERSEY**

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

In the Matter of Stephanie Nock,  
Department of Transportation

Administrative Appeal

CSC Docket No. 2020-2150

**ISSUED: FEBRUARY 23, 2021 (EG)**

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Stephanie Nock, a Management Assistant with the Department of Transportation seeks differential backpay from May 25, 2017 to December 21, 2019.

By way of background, the appellant, serving as a Secretarial Assistant 2 Non-stenographic at the time, filed an appeal on September 16, 2019, requesting a promotion to Management Assistant and that she receive differential backpay from May 25, 2017 to until her placement in the new title. She claimed that she had been promised the promotion after her Human Resources Department had reviewed her classification appeal. The matter was referred to the Division of Agency Services (Agency Services) for review. In a letter dated February 21, 2020, Agency Services determined that the appellant's request for a classification review was moot as she had been permanently appointed to the title of Management Assistant, effective December 21, 2019. Further, it found that a complete classification package had not been submitted. In this regard, Agency Services indicated that it received an incomplete Position Classification Questionnaire, a resume, and an academic transcript. Missing were an explanation of how the duties at issue were more appropriate to the requested title, all the necessary signatures,<sup>1</sup> and a table of contents.

In the instant matter, the appellant argues that she should receive differential backpay from May 25, 2017 to December 21, 2019 because she was promised a

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<sup>1</sup> A review of the Position Classification Questionnaire was not signed by any of the required parties including the appellant.

promotion to the title of Management Assistant on May 25, 2017 and was not permanently appointed to the title until December 21, 2019.

### CONCLUSION

*N.J.A.C.* 4A:3-3.9(e)3 provides that if an appeal is granted by the Civil Service Commission (Commission), the effective date of implementation in State service shall be the pay period immediately after 14 days from the date an appropriate Civil Service Commission representative first received the appeal or reclassification request, or at such earlier date as directed by the Commission. Further, *N.J.A.C.* 4A:2-1.4(c) provides that the burden of proof in non-disciplinary matters is on the appellant.

In the present matter the appellant seeks differential backpay back to the date she claims she was promised a promotion based upon a review of a classification appeal reviewed by the appointing authority. Initially, the Commission notes that the provisions of *N.J.A.C.* 4A:3-3.9(e)3 are not applicable in the instant matter since, Agency Services as the appropriate Commission representative, never received a complete package as required and it never reviewed or made a decision regarding the merits of the classification appeal as it found the matter moot after the appellant's permanent appointment to the subject title, effective December 21, 2019. Further, on appeal the appellant has not provided any conclusive evidence that she has been performing the duties of a Management Assistant since May 25, 2017. Moreover, the appointing authority has not provided any support for the appellant's request for differential backpay and has not provided any statement or evidence that the appellant has been performing the duties of a Management Assistant since May 25, 2017. Therefore, the appellant has not provided any basis to grant her request for differential backpay. Accordingly, as the appellant has not met her burden of proof, her request is denied.

### ORDER

Therefore, it is ordered that this appeal be denied.

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 17<sup>TH</sup> DAY OF FEBRUARY, 2021

*Deirdre' L. Webster Cobb*

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