B-008



STATE OF NEW JERSEY

ISSUED: MAY 3, 2021 (BW)

In the Matter of Dolores Nakayama, Data Entry Operator 4 (PS3923U), Department of the Treasury	•	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
CSC Docket No. 2021-1337	•	Administrative Appeal
	:	

The Department of the Treasury requests that the eligible list for Data Entry Operator 4 (PS3923U), Department of the Treasury be revived to effectuate the regular appointment of Dolores Nakayama.

By way of background, the subject eligible list of two names promulgated on March 30, 2017 and expired on March 29, 2020. One eligible was appointed. Dolores Nakayama was the lone active eligible remaining on the promotional list.¹ On October 5, 2020, the Division of Agency Services (Agency Services) issued a classification determination finding that the most appropriate classification for Nakayama's position was Data Entry Operator 4, effective December 21, 2019. Nakayama was provisionally appointed to the title, effective that same date. Currently, there are no promotional announcements for Data Entry Operator 4.

In its request, Treasury requests that the subject list be revived and extended to allow it to permanently appoint Nakayama. In this regard, it argues that, under the circumstances, it would be unfair to subject Nakayama to current promotional examination procedures. Agency Services has indicated its support for this request.

CONCLUSION

N.J.S.A. 11A:4-6 and N.J.A.C. 4A:4-3.4 provide that an eligible list may be revived in order to implement a court order or decision of the Civil Service

¹ Certification PS170547 was issued on April 6, 2017, with Nakayama listed in the second position. The first-ranked eligible on that certification was appointed, effective April 6, 2017.

Commission (Commission) in the event of a successful appeal instituted during the life of a list, to correct an administrative error, or for other good cause.

In the present matter, Nakayama submitted a classification appeal of her permanent title, Technical Assistant 2. Agency Services issued a determination on October 5, 2020, that the most appropriate classification for her position was Data Entry Operator 4 with an effective provisional appointment date of December 21, 2019, which was during the time the PS3923U list was still active. Accordingly, the appointing authority seeks revival of the subject list to allow for the regular appointment of Nakayama to the title of Data Entry Operator 4. Given that Nakayama was the sole remaining eligible on that list, and given that the effective date of the reclassification of her title was during the life of the PS3923U eligible list, it would be unjust to require that she undergo current promotional examination Accordingly, under these circumstances, good cause has been procedures. established to revive the subject eligible. Accordingly, the Commission orders that the PS3923U list be revived and Nakayama's name be reflected as appointed off certification PS170547, effective December 21, 2019. However, the Commission further orders that Nakayama be required to complete a current working test period. Upon successful completion of that working test period, her appointment shall be considered permanent, effective December 21, 2019.

ORDER

Therefore, it is ordered that this request be granted, the Data Entry Operator 4 (PS3923U), Department of the Treasury eligible list be revived, and Dolores Nakayama's name to reflected as appointed, effective December 21, 2019, from certification PS170547. Upon successful completion of a current working test period, her appointment shall be considered permanent, effective December 21, 2019.

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 28th DAY OF APRIL, 2021

Dendre' L. Webster Caleb

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: Douglas J. Ianni Division of Agency Services Records Center