



STATE OF NEW JERSEY

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

In the Matter of Jennifer Frey,
Supervisor 1 (PS5160M), Judiciary,
Ocean Vicinage

CSC Docket No. 2021-1632

List Revival

ISSUED: JUNE 7, 2021

The Judiciary, Ocean Vicinage, requests the revival of the list for Supervisor 1 (PS5160M) to allow for the retroactive date of permanent appointment of Jennifer Frey, effective November 11, 2017.

By way of background, the examination for Supervisor 1 (PS5160M) was announced with a closing date of June 21, 2017. The resulting eligible list of five names, including Frey as the first ranked non-veteran eligible promulgated on September 28, 2017, and expired on September 27, 2020. Frey was appointed from the eligible list for Supervisor 1 (PS5160M) effective September 26, 2020.

In its request, the appointing authority explains that it requested that a Supervisor 1 promotional test be held in 2017. The eligibility roster was promulgated and sent to the Ocean Vicinage with symbol number PS5160M. Having already requested the promotional list via test and receiving a list of eligibles by score and rank, it mistakenly thought that the eligibility roster was a certification adequate from which to appoint. The appointing authority thereafter believed it appointed Frey, effective November 11, 2017, however, it did not do so from a certification issued by this agency. This error was attributed to a new administrative supervisor and staff that were unaware of the promotional process. It ultimately officially appointed Frey from a certification to the title of Supervisor 1 (PS5160M) effective September 26, 2020. Therefore, it requests that the subject eligible list be revived, and Frey receive a retroactive permanent appointment effective November 11, 2017.

The Division of Agency Services indicates its agreement with the appointing authority's request to revive the subject eligible list, to allow for the retroactive appointment date of Frey.

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 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. Additionally, *N.J.A.C.* 4A:4-1.10(c) states that an individual may receive a retroactive date of appointment to correct an administrative error, for an administrative delay or for other good cause.

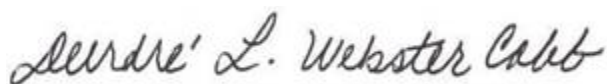
In the instant matter, the subject eligible list expired on September 27, 2020. In this matter, the appointing authority made an administrative error when it believed it appointed Frey on November 11, 2017, but did not go through the certification process. This was due to a new administrative supervisor and staff who did not know the promotional process at that time. Consequently, good cause exists to revive the subject eligible list so that Frey may be retroactively appointed to the title of Supervisor 1. Moreover, as she was subsequently permanently appointed to that title on September 26, 2020 and has successfully completed her working test period, her permanent date of appointment shall be designated as November 11, 2017, for salary step placement and seniority based purposes only.

ORDER

Therefore, it is ordered that this request be granted and the eligible list for Supervisor 1 (PS5160M), Judiciary, Ocean Vicinage be revived to effectuate the retroactive appointment of Jennifer Frey, effective November 11, 2017, for salary step placement and seniority based purposes only.

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 2ND DAY OF JUNE, 2021



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Allison Chris 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: Jonathan Foster
Jennifer Frey
Division of Agency Services
Records Center