

STATE OF NEW JERSEY

In the Matter of Assistant Housekeeping Supervisor 1 (S0510W), Ramapo College of New Jersey	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
CSC Docket No. 2019-3563	Salary Disapproval

ISSUED: AUGUST 6, 2021 (RE)

The appointing authority's failure to dispose of the certification for Assistant Housekeeping Supervisor 1 (S0510W), Ramapo College of New Jersey, while a provisional is serving in the title, has been referred to the Civil Service Commission (Commission) for enforcement.

The Commission reviewed the salary disapprovals issued against the salary of James DeKnight and determined that: James DeKnight is serving provisionally pending open competitive examination in the title of Assistant Housekeeping Supervisor 1; an outstanding certification was issued on November 16, 2018 from the (S0510W) eligible list; the certification was not properly disposed of and the appointing authority was advised of the required date of disposition; the Certification Manager issued a Notice of Salary Disapproval to the appointing authority and afforded it an opportunity to appeal such action to the Commission; and no such appeal was taken, and no proper disposition of the certification was received. The payment of salary for which there is a disapproval is illegal and contravenes Civil Service law and rules.

Upon notification of the deficiency, the appointing authority responded by returning the certification as cancelled. However, agency records indicate that James DeKnight is still serving in his provisional appointment, and there were four names on the (S0510W) eligible list.

CONCLUSION

N.J.A.C. 4A:4-4.8, the "Rule of Three," allows an appointing authority to select any of the top three interested eligibles on an open competitive list, provided that disabled veterans and then veterans shall be appointed in their order of ranking.

N.J.A.C. 4A:4-1.1(c) provides that a promotion may be authorized through promotional examination procedures from the non-competitive division of permanent employees who meet the open competitive requirements to: 1) a related entry level title in the competitive division; 2) in appropriate situations, to a related above-entry level title in the competitive division, or 3) an unrelated entry level or above-entry level title in the competitive division, in appropriate situations, such as a classification determination.

Normally, the Commission would order the appointing authority to immediately dispose of the outstanding certification by making a permanent appointment of a reachable and interested eligible. In this case, there were four eligibles on the list. However, in the course of events, three of those individuals were subsequently certified by other appointing authorities and were removed. As such, even if the appointing authority were to dispose of the outstanding certification, there would be only one candidate, a non-veteran, on the list. In its discretion under N.J.A.C. 4A:4-4.8, the appointing authority's disposal of this certification would be a moot point. Another list was issued for this title (S1175A) on September 2, 2020, with nine candidates, however, the only candidate interested in the location was removed on another certification.

Agency Services issued a pre-appointment evaluation prior to Mr. DeKnight's provisional appointment and he was found to have met the requirements for the position. The appointing authority indicates that the position requires supervision of both internal employees and external contractors who are compensated at higher rates, and the position is in charge of a large State building complex. The appointing authority had requested an appointment type of provisional appointment pending promotional examination (PAP). Agency Services denied this request as his appointment type was provisional appointment pending opencompetitive examination (PAOC), and there was a complete list from an opencompetitive examination at the time. Currently, there is no complete list. DeKnight is permanent in the title Crew Supervisor Building Maintenance Worker, a title in the non-competitive division.

The record reflects that Crew Supervisor Building Maintenance Worker and Assistant Housekeeping Supervisor 1 are related titles. When DeKnight's application for Qualifying Examination was submitted, all of his experience as a provisional Assistant Housekeeping Supervisor 1 was accepted. He also submitted classification review documents, which were reviewed, and Agency Services determined that his position was properly classified as Assistant Housekeeping Supervisor 1. Accordingly, for equitable considerations, it is appropriate to authorize a promotional examination pursuant to N.J.A.C. 4A:4-1.1(c)2 and open to employees within the unit scope deemed appropriate by Agency Services in accordance with N.J.A.C. 4A:4-2.5(d).

ORDER

Therefore, it is ordered that this request is moot, and a promotional examination be announced in the appropriate unit scope in accordance with this decision. James DeKnight Jr. is to provide a copy of this decision with his promotional examination application upon announcement of the examination.

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 4TH DAY OF AUGUST, 2021

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Deirdré 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: James DeKnight Virginia Galdieri Division of Agency Services Records Center