

In the Matter of Jeanne Chestnut, Regulatory Officer 2 (PS2752N), Department of Labor and Workforce Development

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ACTION OF THE CIVIL SERVICE COMMISSION

FINAL ADMINISTRATIVE

CSC Docket No. 2022-1886

Administrative Appeal

CORRECTED

**ISSUED: MARCH 25, 2022 (VJ)** 

The Department of Labor and Workforce Development requests a retroactive date of appointment for Jeanne Chestnut to the title of Regulatory Officer 2, effective January 14, 2021.

By way of background, the examination for the Regulatory Officer 2, (PS2752N) was announced with a closing date of March 23, 2020. The resulting eligible list of one name promulgated on January 14, 2021 and one certification was issued on August 4, 2021. In disposing of the certification, the appointing authority appointed Chestnut, effective August 28, 2021

In its request, the appointing authority explains that Chestnut was provisionally appointed, pending promotional examination procedures, to the subject title effective September 28, 2019. However, due to an administrative error, the subject eligible list was not certified promptly. The appointing authority contends, that, but for the administrative error, it would have appointed Chestnut from the subject eligible list, effective January 14, 2021. Therefore, the appointing authority requests that Chestnut receive a retroactive appointment to January 14, 2021.

The Division of Agency Services indicates its agreement with the appointing authority's request.

## CONCLUSION

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. Generally, the award of a retroactive appointment date is for seniority purposes only and is limited to situations in which an individual could have been appointed on the requested retroactive date but as a result of an error on the part of the either the appointing authority or this agency, he or she received a later appointment date. The record reveals that had the eligible list been certified promptly Chestnut would have received a January 14, 2021 regular appointment date. However, due to an administrative error, a certification was not issued from the PS2752N eligible list in January 2021. Moreover, the error was not discovered until August 2021, at which time a certification, containing Chestnut's name was issued on August 4, 2021. Therefore, based on the foregoing, ample cause exists to grant Chestnut a retroactive date of permanent appointment to the title of Regulatory Officer 2. It is noted that as Chestnut had received a regular appointment to the subject title, effective August 28, 2021, she will have completed her working test period. Accordingly, Chestnut's permanent appointment should be recorded as January 14, 2021.

## **ORDER**

Therefore, it is ordered that this request be granted and the permanent appointment of Jeanne Chestnut to the title of Regulatory Officer 2, be recorded as January 14, 2021.

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 23<sup>RD</sup> DAY OF MARCH, 2022

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Chairperson

Civil Service Commission

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