



**STATE OF NEW JERSEY**

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

In the Matter of Supervisor Sanitation  
(M0341W), City of Newark

CSC Docket Nos. 2022-1917 *et al.*

Administrative Appeal

**ISSUED: APRIL 11, 2022**

The City of Newark (City) requests the revival and extension of the Supervisor Sanitation (M0341W), City of Newark, eligible list to effectuate retroactive appointments.

By way of background, the Supervisor Sanitation (M0341W) eligible list was promulgated on October 18, 2018 and contained the names of 12 eligibles and expired on October 17, 2021. The eligible list was never certified.

In the instant request, the City asked that the subject eligible list be revived and extended to effectuate the permanent retroactive appointments of Karriem Shakur, Omar Smith, Troy Williams, Jihaad North and Marvin Harrison all of whom were ranked number one on the subject list. The subject list was never certified due to an outstanding certification from the prior Supervisor Sanitation (M0429V) eligible list that was returned to the City for correction on April 15, 2018 but was not properly disposed of until October 13, 2021. The City provides documentation that shows that the employees in question were provisionally appointed to the subject title after the Supervisor Sanitation (M0429V) eligible list was incomplete. Specifically, Shakur was provisionally appointed on July 12, 2021, Smith, Harrison and Williams were provisionally appointed on December 16, 2019, and North was provisionally appointed on September 9, 2019. However, the City did not record the provisional appointments in the County and Municipal Personnel System (CAMPS).

The Division of Agency Services (Agency Services) supports the City's request. It asserts that even though the City did not properly record the provisional appointments in CAMPS, since the appointments were made during the life of the M0341W eligible list, it would be unfair to require the employees on the eligible list to undergo examination proceedings again due to the City's administrative error. Agency Services recommends that the eligible list for Supervisor Sanitation (M0341W), City of Newark be revived to retroactively appoint Shakur, Smith, Harrison, Williams and North.

### **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 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.S.A.* 11A:4-6 and *N.J.A.C.* 4A:4-3.3(b)1 provide that an eligible list may, for good cause, be extended, except that no list shall have a duration of more than four years.

In the instant matter, the City seeks the revival of the Supervisor Sanitation (M0341W) eligible list in order to allow it to make five permanent appointments. Specifically, it indicates that it wishes to retroactively appoint Shakur, Smith, Harrison, Williams and North, all were number one ranked eligible. In this regard, the City asserts that it could not request a certification from the subject list due to an issue with an outstanding certification from the prior eligible list for the subject title. The Commission notes that the filling of vacancies through permanent appointments from an active eligible list is preferable to making provisional appointments.

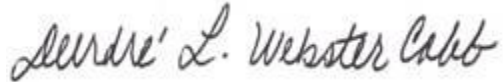
Accordingly, under these circumstances, upon completion of a current working test period, Shakur should receive a retroactive date of appointment of July 12, 2021, Smith, Harrison and Williams should receive retroactive date of appointment of December 16, 2019, and North should receive a retroactive date of appointment of September 9, 2019. for salary step placement and seniority-based purposes.

### **ORDER**

Therefore, it is ordered that the Supervisor Sanitation (M0341W), City of Newark, eligible list be revived and that upon successful completion of a current working test period, personnel records be amended to indicate Karriem Shakur's permanent appointment to Supervisor Sanitation with an effective date of July 12, 2021, Omar Smith, Troy Williams and Marvin Harrison's permanent appointment to Supervisor Sanitation with an effective date of December 16, 2019, and Jihaad North's permanent appointment to Supervisor Sanitation with an effective date of September 9, 2019, 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 6<sup>TH</sup> DAY OF APRIL 2022



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Karriem Shakur (2022-1917)  
Omar Smith (2022-1918)  
Troy Williams (2022-1919)  
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