



STATE OF NEW JERSEY

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

In the Matter of Ashley Strong, New
Lisbon Developmental Center

Administrative Appeal

CSC Docket No. 2021-4

ISSUED: APRIL 11, 2022

Ashley Strong appeals her salary upon her reappointment to the title of Human Services Assistant with New Lisbon Developmental Center (NLDC), effective February 29, 2020.

By way of background, the appellant was appointed to the noncompetitive title of Residential Services Worker, effective April 23, 2011, with a salary of \$28,094.44 (salary range O08, step 1). Subsequently, she was appointed to the noncompetitive title of Human Services Assistant, effective July 7, 2018, with a salary of \$39,143.79 (salary range H08, step 8). The appellant was placed on step 9 of salary range H08 (\$41,253.40), effective October 12, 2019. The appellant resigned in good standing from her position as a Human Services Assistant, effective January 18, 2020, and accepted a temporary appointment to the title of Correctional Police Officer Apprentice with the Department of Corrections, effective January 19, 2020. The petitioner’s temporary appointment as a Correctional Police Officer Apprentice was discontinued, effective February 10, 2020. Thereafter, the petitioner received a regular appointment to the noncompetitive title of Human Services Assistant, with a salary of \$34,619.95 (salary range H08, step 4), effective February 29, 2020.

On appeal, the appellant states that she resigned in good standing from her position at NLDC with the understanding that she could return if the Correctional Police Officer Apprentice position she had accepted at the Department of

Corrections did not work out. However, she maintains that although she was able to return to her former position as a Human Services Assistant at NLDC, effective February 29, 2020, NLDC stated to her that because of the break in service, she would be treated as a new hire and could only be placed at step 4 of salary range H08. She requests to be placed at step 9.

The appointing authority supports the appellant's request and asks that, in accordance with *N.J.A.C.* 4A:3-4.18, that she be retroactively added to the regular reemployment list for Human Services Assistant, and be placed at step 9 of salary range H08, effective February 29, 2020.

It is noted that on October 26, 2021, the Salary Adjustment Committee approved the appointing authority's request to adjust the appellant's salary to \$41,353.40 (salary range H08, step 9), effective October 23, 2021. However, the appointing authority has reiterated that it is still seeking to retroactively add her to the regular reemployment list for Human Services Assistant and retroactively place her at salary step 9, effective February 29, 2020.

CONCLUSION

N.J.A.C. 4A:4-7.10(a) provides that a permanent employee who has resigned in good standing, received a general resignation, retired or voluntarily demoted, may request consideration for reemployment by indicating availability to his or her appointing authority. *N.J.S.A.* 11A:4-9(c) and *N.J.A.C.* 4A:4-7.10(b) state, in relevant part, that upon recommendation of the appointing authority that such reemployment is in the best interest of the service, the Chairperson or designee shall place the employee's name on a reemployment list. *N.J.A.C.* 4A:4-7.10(c) provides, in relevant part, that a regular reemployment list shall have a duration of three years from the date of resignation, retirement or voluntary demotion. *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 record establishes the appellant resigned in good standing from her permanent position as a Human Services Assistant, effective January 18, 2020. On February 29, 2020, which was within three years of her resignation, NLDC rehired her to the subject title, effective February 29, 2020. On appeal, the appointing authority requests that the appellant's name be placed retroactively on a regular reemployment list for the subject title. *See N.J.S.A.* 11A:4-9(c) and *N.J.A.C.* 4A:4-7.10(b). There is no record of a special reemployment list in existence at the time of her reappointment. Therefore, it would be appropriate to correct the appellant's record to reflect a retroactive appointment from a regular reemployment list for the title of Human Resources Assistant, effective February 29, 2020.

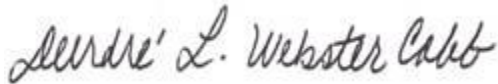
Further, *N.J.A.C.* 4A:3-4.18(b) provides, in relevant part, that an individual not currently employed by the State who is appointed from a regular reemployment list shall receive an anniversary date based on the new date of appointment and, at the request of the appointing authority, be paid when reappointed to the prior permanent title, up to the same step in the salary range which the employee was receiving in that title. As such, the appellant shall be entitled to differential back pay from February 29, 2020.

ORDER

Therefore, it is ordered that this appeal be granted and that the appellant's records be amended to reflect a retroactive appointment date from the regular reemployment list for Human Services Assistant, effective February 29, 2020. Finally, it is ordered that she receive differential back pay from February 29, 2020.

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 6TH DAY OF APRIL 2022



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