



STATE OF NEW JERSEY

In the Matters of Roseanne Amari, <i>et al.</i> , Division of State Police, Department of Law and Public Safety	:	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
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CSC Docket Nos. 2022-2093, <i>et al.</i>	:	Administrative Appeals
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ISSUED: August 24, 2022 (HS)

Roseanne Amari, Justin Briel, Keith Bussey, Dequann Douglas, Kyle Ficci, Robert Gould, Vincent Hart, Sheri Johnson, Delores McClinton, Matthew McTamney, Michael Pierce, John Ralph, Marz Rodriguez, Ricardo Ruiz, Joseph Tomlinson, and Devonte Wingfield, represented by Lisa Ciccone, Business Representative, Local 195, International Federation of Professional and Technical Engineers (IFPTE), request that the Civil Service Commission (Commission) adjust their salaries to Step 4 of their respective salary ranges. These appeals have been consolidated due to common issues presented.

As background, the appellants were appointed to the title of Guard in 2019 and 2021 as new employees and were placed on Step 1 of salary range I9. Amari, Bussey, Douglas, Gould, Hart, Johnson, McTamney, Ralph, Rodriguez, and Wingfield are currently at Step 3 of the salary range; Pierce and Ruiz are currently at Step 2 of the salary range; Briel, Ficci, and Tomlinson separated from State service in 2022, at which time they were at Step 3 of the salary range; and McClinton separated from State service in 2022, at which time she was at Step 2 of the salary range.

On appeal to the Commission, the appellants request that Civil Service compensation rules be relaxed to allow a one-time movement to Step 4 of the salary range that would greatly boost their low morale and provide parity with later-appointed Guards who started at Step 4.

In response, the appointing authority states, among other things, that the compensation rules allow it to place new employees at a salary range up to Step 4 under certain circumstances, such as when it experiences recruitment difficulties. This practice, the appointing authority maintains, has no bearing on previous new employees who accepted a lower salary at the time of their appointments.

CONCLUSION

N.J.A.C. 4A:3-4.4(a) provides that an appointing authority *may* place a new employee at a salary step up to and including the fourth step of the salary range for the employee's title. A new employee, for purposes of this section, is one who has had no immediate prior State service with that appointing authority.

The appellants have the burden of proof in these matters. *See N.J.A.C.* 4A:2-1.4(c).

In these matters, the appellants, all of whom were new employees initially placed on Step 1 of their salary range, seek parity with later-appointed employees who started at Step 4. However, there is nothing in *N.J.A.C.* 4A:3-4.4(a) that indicates that when an appointing authority uses its discretion under the regulation, that all other prior hires must have their salaries adjusted to the step of the new employee or employees who received an appointment at a higher salary step when appointed. *See In the Matter of Jeffrey Kowalski, et al.* (CSC, decided February 12, 2020), *aff'd on reconsideration, In the Matter of Jeffrey Kowalski, et al.* (CSC, decided April 29, 2020). The appellants represent that they are experiencing low morale. Regrettable as that may be, it is not evidence that the appointing authority abused the discretion it is afforded under *N.J.A.C.* 4A:3-4.4(a). In fact, it appears that the appointing authority used that discretion to address recruitment difficulties. There is nothing invidious about this. Accordingly, the Commission declines the appellants' request to move to Step 4. Nevertheless, the appellants may request additional compensation via a one-time lump sum salary adjustment.¹

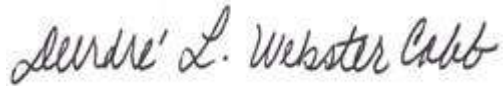
ORDER

Therefore, it is ordered that these requests be denied.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

¹ Such salary adjustments must be reviewed and approved by the appointing authority and the Salary Adjustment Committee and are not subject to review by, or appeal to, the Commission.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 24TH DAY OF AUGUST, 2022



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

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and
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Justin Briel (2022-2094) (c/o Lisa Ciccone)
Keith Bussey (2022-2095) (c/o Lisa Ciccone)
Dequann Douglas (2022-2096) (c/o Lisa Ciccone)
Kyle Ficci (2022-2097) (c/o Lisa Ciccone)
Robert Gould (2022-2098) (c/o Lisa Ciccone)
Vincent Hart (2022-2099) (c/o Lisa Ciccone)
Sheri Johnson (2022-2100) (c/o Lisa Ciccone)
Delores McClinton (2022-2101) (c/o Lisa Ciccone)
Matthew McTamney (2022-2102) (c/o Lisa Ciccone)
Michael Pierce (2022-2103) (c/o Lisa Ciccone)
John Ralph (2022-2104) (c/o Lisa Ciccone)
Marz Rodriguez (2022-2105) (c/o Lisa Ciccone)
Ricardo Ruiz (2022-2108) (c/o Lisa Ciccone)
Joseph Tomlinson (2022-2106) (c/o Lisa Ciccone)
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