

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Deborah Nargi,
Department of Environmental
Protection

Administrative Appeal

CSC Docket No. 2023-361

ISSUED: October 12, 2022 (RE)

Deborah Nargi requests a retroactive effective date of the reclassification of her position from Agency Services Representative 1 to Agency Services Representative 4.

The record in the present matter establishes that the petitioner, a permanent Agency Services Representative 1, with the Department of Environmental Protection, completed a Position Classification Questionnaire (PCQ) and submitted it to her immediate supervisor on April 26, 2021. The petitioner’s supervisor agreed with the petitioner’s description of her duties on the PCQ and forwarded it to the program manager/division director on April 26, 2021, who signed it on February 1, 2022, and forwarded it to Human Resources who signed it on February 4, 2022. The delay by the program manager/division director was not explained. The file contains an updated PCQ, which the petitioner and her supervisor signed on June 5, 2022, but no page was included for the program manager/division director’s or the appointing authority’s comments and signatures. There is no explanation in the file for this additional PCQ. Nonetheless, Agency Services assigned the petitioner¹ the title of Agency Services Representative 4 with a provisional appointment date of February 26, 2022 pursuant to *N.J.A.C.* 4A:3-3.9(f). On request, the petitioner argues that she should not be penalized for an administrative delay.

¹ The determination also indicates that the record includes “that due to an [unspecified] administrative error, there was a significant delay in forwarding the package to the Civil Service Commission.”

CONCLUSION

In accordance with *N.J.A.C.* 4A:3-3.9(c)3, Classification Appeals Procedure, the supervisor and program manager/division director shall complete their portions of the questionnaire and provide their signatures on the form ... within 15 days of the employee's submission of the petition to the immediate supervisor. By no later than the end of this period, the program manager/division director shall submit to the agency representative the completed questionnaire, along with the petitioner's most recent PAR form. *N.J.A.C.* 4A:3-3.9(c)4 states, in pertinent part, that within 10 days of receipt of the petition, the agency representative shall either notify the petitioner that specific additional information is required, or forward the petition with organizational chart to the appropriate representative of the Civil Service Commission.

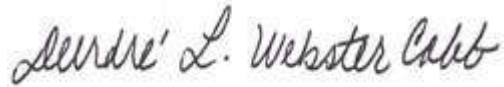
Under these particular circumstances, there is a sufficient basis to substantiate that there was an undue delay in the processing of the request for reclassification. Since there is no indication in the record that the petitioner was not performing Agency Services Representative 4 from April 26, 2021 forward, for the purpose of establishing an effective date, assuming that the program manager/division director forwarded the appeal within the 15 days specified in *N.J.A.C.* 4A:3-3.9(c)3, it would have been received by Human Resources on May 14, 2021, and forwarded within 10 days to Agency Services on May 24, 2021. *N.J.A.C.* 4A:3-3.9(f) provides that if an appeal is upheld, the effective date of implementation shall be, in State service, the pay period immediately after 14 days from the date the appeal or reclassification request is received, or at such earlier date as directed by the Civil Service Commission. Therefore, the petitioner is to be granted a retroactive provisional appointment date to Agency Services Representative 4 of June 19, 2021. Further the petitioner should receive differential pay from June 19, 2021 to February 26, 2022, and for any other periods thereafter based on any salary step change caused by the retroactive date.

ORDER

Therefore, it is ordered that this request be granted, and the petitioner be granted a retroactive provisional appointment date to Agency Services Representative 4 of June 19, 2021. Further, the petitioner should receive differential pay from June 19, 2021 to February 26, 2022, and for any other periods thereafter based on any salary step change caused by the retroactive date.

This is the final administrative determination in this matter. Any further review is to be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 12TH DAY OF OCTOBER, 2022



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Deborah Nargi
Phiroza Stoneback
Division of Agency Services
Records Center