



STATE OF NEW JERSEY

In the Matter of Damian Ward,
Department of the Treasury

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

CSC Docket No. 2026-899

Administrative Appeal

ISSUED: May 20, 2026 (HS)

Damian Ward, represented by Carrie A. Ward, Esq., requests an earlier effective date of placement on step 11 of salary range R25.

As background, the appellant’s permanent title is Investigator 1 Taxation (salary range R25). Effective November 20, 2021 (anniversary date of pay period 25 of 2021 or 25/21), the appellant’s salary increased to \$95,059.28 (step 10). By July 1, 2023, the appellant’s salary had increased to \$102,361.07. Effective July 1, 2023, the appellant received a provisional appointment, pending promotional examination procedures, to the title of Supervising Investigator, Taxation (salary range S28) at a salary of \$109,963.73 (step eight). *See N.J.A.C. 4A:3-4.9(d)*. However, the appellant did not place high enough on the resulting eligible list (PS9961U) to retain the position. Therefore, effective December 30, 2023, the appellant was returned to his permanent title of Investigator 1 Taxation (salary range R25). At that time, his salary was set at \$102,361.07 (step 10). As Step 10 was the maximum step at the time, the appellant was assigned an anniversary date commensurate with the date he returned to his permanent title. Thus, the appellant’s assigned anniversary date was set as the effective date of his return to his permanent title, which was pay period two of 2024 (2/24).

The collective negotiations agreement between the State and the Communications Workers of America for the July 1, 2023 – June 30, 2027 term included the following provision implementing a step 11:

Effective the first full pay period on or after July 1, 2025 [*i.e.*, July 12, 2025], employees who have been at the tenth step of the same range for 24 months or longer shall be eligible for movement to the eleventh step providing their performance warrants this salary adjustment. An eleventh step shall be established for each salary range by adding the specified increment for each range in the Salary Schedule in the Appendix to this Agreement to the tenth step of each range.¹

Based on the above 24-month timeframe, the appellant was assigned a new anniversary date of 2/26, *i.e.*, December 27, 2025. Therefore, effective December 27, 2025, the appellant's salary increased to \$113,263.75 (step 11).

On appeal to the Civil Service Commission (Commission), the appellant argues that changing his anniversary date when he returned to his permanent title, effective December 30, 2023, was erroneous. He argues that his salary and anniversary date should have been reconstructed as if he had remained in his permanent title, pursuant to *N.J.A.C.* 4A:3-4.10(c)4. Had that been done, he argues, his anniversary date would not have changed from November 20, 2021 (25/21) and he would have already possessed the 24 months at step 10 needed to move to step 11 as of the first full pay period after July 1, 2025, *i.e.*, July 12, 2025, rather than having to wait until December 27, 2025. Thus, the appellant insists he is owed back pay.

In response, the appointing authority relies on prior email communications responding to inquiries from the appellant. These communications reflect that *N.J.A.C.* 4A:3-4.10(c)2 was utilized to reset the appellant's anniversary date upon his return to his permanent title.

In reply, the appellant reiterates his contention that *N.J.A.C.* 4A:3-4.10(c)4 should have governed. The appellant also requests that the Commission disregard the appointing authority's response as untimely.

CONCLUSION

Initially, it is noted that the appellant contends that the appointing authority provided an untimely response that should be disregarded. However, there is no jurisdictional statutory timeline within which a party is required to respond to an appeal. *See e.g., In the Matter of Michael Compton* (MSB, decided May 18, 2005). In addition, in order for the Commission to make a reasoned decision in a matter, it must review a complete record. *See e.g., In the Matter of James Burke* (MSB, decided June 22, 2005). Moreover, the appellant had the opportunity to reply. As such, there is no basis to disregard the appointing authority's response.

N.J.A.C. 4A:3-4.10(c) provides, in pertinent part:

¹ Step 11 was also incorporated into the Fiscal Year 2026 Compensation Compendium.

If the demotion is other than disciplinary or in lieu of removal under (b) above, the employee's salary shall be reduced one increment in the higher range. Then the employee's salary in the lower range will be set at the step that is equal to or next higher than such reduced salary.

1. The adjustment in (c) above is made after adjustment for workweek. *See N.J.A.C. 4A:3-4.9(f)*.
2. The anniversary date is retained, unless the action results in step eight or nine.
 - i. If the action results in step eight, the employee shall be eligible for advancement to step nine, if warranted by performance, on the pay period that reflects the difference between the time served on the step prior to demotion and 39 pay periods.
 - ii. If the action results in step nine, the anniversary date is based on the effective date of the action.
3. This adjustment shall be applied only when the employee has served at least 12 months in the higher title and:
 - i. The employee has previously held the lower title;
 - ii. The employee is being demoted in lieu of layoff; or
 - iii. The Chairperson or designee finds that service in the higher title provided significant preparation and training for service in the lower title.
4. If the conditions in (c)3 above are not met, then salary and anniversary date shall be determined by reconstructing the employee's salary as if the employee had remained in or been appointed to the lower title on the date he or she was appointed to the higher title. *N.J.A.C. 4A:3-4.4* may be applied, but in no case shall an employee receive a higher salary than that calculated through the application of (c) above.

N.J.A.C. 4A:3-4.5(a) provides that an anniversary date is the biweekly pay period in which an employee is eligible, if warranted by performance and place in the salary range, for a salary increase.

In this matter, the Commission emphasizes that *N.J.A.C. 4A:3-4.10(c)4*, provides, in part, that “[i]f the conditions in (c)3 above are *not met*, then salary *and anniversary date* shall be determined by reconstructing the employee’s salary *as if the employee had remained in* or been appointed to the lower title on the date he or she was appointed to the higher title” (emphases added). A review of agency records reveals that the appellant was provisionally appointed to the title of Supervising Investigator, Taxation on July 1, 2023, approximately six months prior to his return on December 30, 2023 to his previously held permanent title of Investigator 1 Taxation. Consequently, since the appellant served less than 12 months in the higher title (*i.e.*, Supervising Investigator, Taxation), he did not meet the requirements set forth in *N.J.A.C. 4A:3-4.10(c)3*. Therefore, *N.J.A.C. 4A:3-4.10(c)4* applied and his salary and anniversary date should have been reconstructed as if he had never been appointed to the Supervising Investigator, Taxation title. Prior to his appointment to the Supervising Investigator, Taxation title, the appellant had reached step 10 of salary range R25 on his anniversary date of 25/21, and step 10 remained the maximum step of the range when the appellant returned to his permanent title of Investigator 1 Taxation on December 20, 2023. Therefore, at that time, the appellant’s anniversary date of 25/21 should have been restored. The last sentence of *N.J.A.C. 4A:3-4.10(c)4* would not have prevented such action. The sentence provides, in pertinent part, that “in no case shall an employee receive a higher *salary* than that calculated through the application of (c) above” (emphasis added). This is clearly a reference to salary, not anniversary date.

The Commission further notes that when the appellant was placed on step 10 on November 20, 2021, his anniversary date was set as the effective date of his movement to step 10, then the maximum step. In other words, the appellant’s anniversary date did not change from the anniversary date he had previously been assigned when he reached step nine on November 23, 2019. Therefore, when new step 11 came into effect, the appellant’s anniversary date should have been set as being on or about 25/23, or November 18, 2023, meaning he would have served at least 24 pay periods at step 10 as of the July 12, 2025 effective date for step 11. Accordingly, the appellant’s appeal should be granted.

ORDER

Therefore, it is ordered that this appeal be granted and Damian Ward be placed on step 11 of salary range R25, effective July 12, 2025. It is also ordered that the Department of the Treasury pay the appellant differential back pay from July 12, 2025 until December 27, 2025.

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 20TH DAY OF MAY, 2026



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