**STATE OF NEW JERSEY**

In the Matter of Rosabeatriz Mosley, Department of Labor and Workforce Development

CSC Docket No. 2026-1280

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

Administrative Appeal

**ISSUED:** July 1, 2026 **(HS)**

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Rosabeatriz Mosley, an Executive Assistant 3 with the Department of Labor and Workforce Development (NJDOL), appeals the determination of her salary upon her promotion to her current title, pursuant to *N.J.A.C.* 4A:3-4.9.

As background, the appellant was serving permanently in the title of County Services Specialist (salary range S27) with the Department of Children and Families (DCF). Effective September 28, 2019, the appellant reached step 10 at a salary of $100,310.78. By July 2, 2022, the appellant's salary had increased to $108,579.62. Effective September 10, 2022, the appellant received a provisional appointment, pending promotional examination procedures, to the title of Administrative Analyst 4 (salary range R29) at a salary of $119,250.94 (step 10). *See N.J.A.C.* 4A:3-4.9. Effective July 1, 2023, the appellant's salary increased to $123,424.67. However, the appellant did not place high enough on the resulting eligible list (PS8619K) to retain the position. Therefore, effective January 13, 2024, the appellant was returned to her permanent title of County Services Specialist (salary range S27) at a salary of $112,379.84 (step 10). As step 10 was the maximum step at the time, the appellant was assigned an anniversary date commensurate with the effective date of her return to her permanent title. Thus, the appellant's assigned anniversary date was set as pay period three of 2024 (3/24). *See N.J.A.C.* 4A:3-4.10 and 2024 Compensation Compendium, Section 1, Attachment B, paragraph 5(d).

Subsequently, effective January 11, 2025, the appellant received a provisional appointment, pending promotional examination procedures, to the title of Executive

Assistant 3 (salary range P29) with NJDOL at a salary of $123,503.55 (step nine). Specifically, because the appellant had not been at the maximum of her previous salary range for at least 39 pay periods due to the January 13, 2024 resetting of her anniversary date, the appellant did not receive an additional increment in the new range. *See N.J.A.C.* 4A:3-4.9(d). Effective July 12, 2025, the appellant received an across-the-board adjustment that increased her salary to $127,826.13.

In her appeal to the Civil Service Commission (Commission), dated November 24, 2025, the appellant indicates that NJDOL's December 13, 2024 offer letter for the Executive Assistant 3 position indicated a salary of $127,744.57, corresponding to step *10* rather than step nine. The appellant explains that her decision to transfer departments and thereby significantly increase her transportation and childcare expenses was made based on the step 10 salary. However, NJDOL's erroneous offer of step 10 was not identified until January 29, 2025, her first payday, and her salary was set at step nine. The appellant adds that she explored the possibility of returning to her previous position with DCF but was made aware that said position was filled. The appellant argues that there should be an ethical and legal recourse to uphold the initial offer of step 10. To that end, the appellant seeks a salary adjustment to step 10.

In response, NJDOL acknowledges that it had erroneously offered the appellant step 10 and states that said offer was contingent upon this agency's approval. However, the administrative error, which related to her anniversary date, occurred during the review of the appellant's personnel records. Specifically, although the new salary was less than two increments from the old, the appellant did not receive an extra increment because she was not frozen for more than 39 pay periods. *See N.J.A.C.* 4A:3-4.9(d). This, NJDOL explains, is where the miscalculation occurred.

NJDOL indicates that the appellant was offered the option to return to her permanent position at DCF, but she declined. NJDOL argues that the appellant has failed to provide corroborating evidence regarding her exploration of the possibility of returning to DCF and financial hardship related to increased transportation and childcare expenses. NJDOL adds that the appellant has participated in its telework program, working from home two days per week. It further advises that although a salary adjustment was requested by the appellant's leadership, a directive from the Governor's Office indicated a pause in approvals for discretionary salary increases, causing an external constraint. Also, the appellant was approved for a special project rate for fiscal years 2025 and 2026 to assist with work volume, which would have also assisted with the alleged financial burden.

In addition, NJDOL argues that the instant appeal is untimely as the appellant was notified of the complained-of salary action on January 29, 2025, yet the date of her appeal is November 24, 2025. The time between notification and the appeal date is 299 days, which, NJDOL argues, exceeds the 20-day period to file. *See N.J.A.C.* 4A:2-1.1(b).

In reply, the appellant argues that her appeal should be considered timely. In this regard, she indicates that she contacted staff of this agency on February 11, 2025. The appellant maintains that neither NJDOL nor the agency staff member advised her of her right to appeal. She states that she became aware of her appeal rights when she contacted an attorney in October 2025. The attorney suggested that she notify her union, which she did, and the appellant was informed of the option to appeal.

The appellant also insists that she is seeking compensation at step 10, not a transfer back to DCF.

## CONCLUSION

*N.J.A.C.* 4A:2-1.1(b) provides, in pertinent part, that an appeal must be filed within 20 days after either the appellant has notice or should reasonably have known of the decision, situation, or action being appealed.

*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.

*N.J.A.C.* 4A:3-4.9(b) provides, in pertinent part:

> Employees who are appointed to a title with a higher class code shall receive a salary increase equal to at least one increment in the salary range of the former title plus the amount necessary to place them on the next higher step in the new range. If the workweek changes, workweek adjustments will be made prior to the determination of anniversary date. If the workweek increases, workweek adjustments will be made prior to salary determinations. (*See N.J.A.C.* 4A:3-4.9 (g)). This subsection shall apply when the following conditions are met:
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> 1. Employees are appointed from their permanent title to a title with a higher class code following or subject to a promotional examination;
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> 2. Employees are serving in a title which is reevaluated to a higher class code; or

3. Employees are appointed to a title with a higher class code, when the conditions in (b)1, 2, or 3 above are not applicable, provided the Chairperson or designee finds the following criteria are met:

   i. The employee has served continuously in the lower title for at least four months immediately preceding the effective date of the advancement; and

   ii. The service in the lower title provided significant preparation and training for service in the higher title.

*N.J.A.C.* 4A:3-4.9(c) provides that when an employee is advanced to a title with a salary schedule which is different (dollar value of ranges and steps do not coincide) from the employee's previous salary schedule, the steps described in *N.J.A.C.* 4A:3-4.9(b) are first performed in the previous schedule, and then the employee's salary is set at the lowest step in the new schedule and range that equals or exceeds that salary.

*N.J.A.C.* 4A:3-4.9(d) provides that when an employee has been at the maximum of his or her previous salary range for at least 39 pay periods, and the salary increases after workweek adjustment would be less than two increments in the employee's previous range, the employee shall receive an additional increment in the new range, providing the employee is not already at the maximum of the new range.

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

> 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.
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> 1. The adjustment in (c) above is made after adjustment for workweek. *See N.J.A.C.* 4A:3-4.9(f).
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> 2. The anniversary date is retained, unless the action results in step eight or nine.
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>    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.

The Fiscal Year 2024 Compensation Compendium, Section 1, Attachment B, paragraph 5(d), provided that when a demotion is applied, and the action results in step nine, the employee shall be eligible for advancement to step 10, if warranted by performance, on the pay period that reflects the difference between the time served on the step prior to demotion and 52 pay periods. If the action results in step 10, the anniversary date is set to the pay period and calendar year of the effective date of the action.

*N.J.A.C.* 4A:4-1.10(a) provides that all initial and subsequent appointments, promotions, and related personnel actions in the career, unclassified, or senior executive service are subject to the review and approval of the Chairperson or designee.

The appellant has the burden of proof in this matter. *See N.J.A.C.* 4A:2-1.4(c).

Initially, the instant appeal appears to be untimely. In this regard, the appellant was advised in January 2025 that her salary would be set at step nine, yet the appeal was not filed until several months later in November 2025. *See N.J.A.C.* 4A:2-1.1(b). Even so, there is no basis for relief. Although the appellant emphasizes that NJDOL's offer letter for her Executive Assistant 3 position indicated a salary corresponding to step 10 of salary range P29, that was corrected and for the reasons addressed below, no vested or other rights are accorded by an administrative error.

*See Cipriano v. Department of Civil Service*, 151 *N.J. Super.* 86 (App. Div. 1977); *O'Malley v. Department of Energy*, 109 N.J. 309 (1987); *HIP of New Jersey v. New Jersey Department of Banking and Insurance*, 309 *N.J. Super.* 538 (App. Div. 1998). The record reveals that the appellant was placed on step nine of salary range P29 since it had *not* been 39 pay periods since her return to her permanent title of County Services Specialist, effective January 13, 2024, and for her appointment to Executive Assistant 3, effective January 11, 2025, *N.J.A.C.* 4A:3-4.9(d) was appropriately not applied in determining her salary. Accordingly, the appellant's salary was correctly calculated upon her provisional appointment to the title of Executive Assistant 3, effective January 11, 2025. To the extent that the appellant is claiming that NJDOL's erroneous offer of step 10 has led to financial hardship due to an increase in her transportation and childcare expenses, the Commission has no authority to award monetary damages. *See N.J.A.C.* 4A:2-1.5. Further, while the appellant seeks a movement to step 10 via a salary adjustment, 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.

Finally, the Commission acknowledges an apparent dispute between the parties as to whether the appellant is in fact seeking a transfer back to DCF. However, the Commission finds it need not specifically weigh in on this dispute, other than to note that any such transfer would require consent from the two appointing authorities involved and the appellant as well as approval from this agency. *See N.J.A.C.* 4A:4-7.1(c).

**ORDER**

Therefore, it is ordered that this appeal be denied.

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 1ST DAY OF JULY, 2026

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