

B-99



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Tomasz
Petrykiewicz, Auditor 2, Taxation
(PS2369U), Department of the
Treasury

List Revival

CSC Docket No. 2016-4337

ISSUED: **DEC 09 2016** (HS)

The Department of the Treasury (Treasury) requests that the eligible list for Auditor 2, Taxation (PS2369U), Treasury be revived to effectuate the regular appointment of Tomasz Petrykiewicz.

By way of background, the subject eligible list of 100 names promulgated on April 4, 2013 and expired on June 30, 2016.¹ Sixty-nine eligibles were appointed. The names of 16 active eligibles, including Petrykiewicz as the fifth listed eligible, remain on the eligible list. On April 15, 2016, the Division of Agency Services (Agency Services) issued a classification determination finding that the most appropriate classification for Petrykiewicz's position, located in Monmouth County, was Auditor 2, Taxation, effective March 5, 2016. Petrykiewicz was provisionally appointed to the title, effective that same date.

On appeal, Treasury asserts that given the above noted classification determination and because Petrykiewicz would be reachable for appointment at his current location, there is good cause to revive the subject eligible list to allow it to effectuate Petrykiewicz's regular appointment to the subject title. It is noted that Agency Services supports the instant request.

¹ The original expiration date of the subject eligible list was April 3, 2016. Treasury previously requested that the list be revived to effectuate Petrykiewicz's appointment. In response, the Division of Agency Services revived and extended the list to June 30, 2016 as the Civil Service Commission was without a quorum at the time. However, due to an oversight, Treasury did not act upon this revival and certify the list. Upon discovery of the oversight, Treasury again requested the same relief. The Civil Service Commission is considering this subsequent request in this matter.

Agency records indicate that there are two remaining eligibles on the subject eligible list ranked higher than Petrykiewicz who also chose Monmouth County as a preferred geographic employment location. There is no active promotional eligible list for the subject title in Petrykiewicz's unit scope and no promotional examination announcement is pending.

CONCLUSION

N.J.S.A. 11A:4-6 and *N.J.A.C.* 4A:4-3.4 provide that an eligible list may be revived in order to implement a court order or decision of the Civil Service Commission in the event of a successful appeal instituted during the life of a list, to correct an administrative error, or for other good cause. *N.J.S.A.* 11A:4-6 and *N.J.A.C.* 4A:4-3.3(b)1 provide that no list shall have a duration of more than four years.

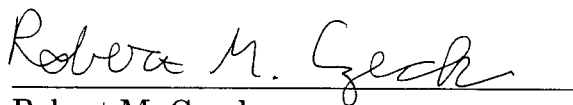
In the instant matter, the record establishes that pursuant to Agency Services' April 15, 2016 determination, Petrykiewicz's position, located in Monmouth County, was reclassified to Auditor 2, Taxation, effective March 5, 2016. In addition, as there are only two remaining eligibles on the subject eligible list ranked higher than Petrykiewicz who also chose Monmouth County as a preferred geographic employment location, Petrykiewicz would be reachable for a regular appointment at his current location. See *N.J.A.C.* 4A:4-4.8(a)3. Therefore, good cause has been established to revive the subject eligible list to allow for a certification to be issued on a one-time basis.

ORDER

Therefore, it is ordered that this request be granted and the eligible list for Auditor 2, Taxation (PS2369U), Department of the Treasury be revived to allow for Tomasz Petrykiewicz's name to be certified for consideration for a current regular appointment.

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 7TH DAY OF DECEMBER, 2016



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