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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matters of Shaniqua McRae
and Oluwatoyin Olukotun,
Supervisor Juvenile Unit, Corrections
(PS5765P), Juvenile Justice
Commission

Administrative Appeals

CSC Docket Nos. 2016-3904 &
2016-3916

ISSUED: FEB 14 2017 (EG)

The Juvenile Justice Commission (JJC) requests that Shaniqua McRae and Oluwatoyin Olukotun receive retroactive dates of permanent appointment as Supervisor Juvenile Unit, Corrections.

As background, the Supervisor Juvenile Unit, Corrections (PS5765P), Juvenile Justice Commission eligible list promulgated on December 20, 2012 and expired on December 19, 2015. The eligible list was certified two times and resulted in three appointments. The final certification was issued on September 25, 2015, and included the name of four eligibles, including McRae and Olukotun. McRae ranked number one on the certification and Olukotun ranked third. The certification was disposed of effective March 24, 2016, with no permanent appointments. In the instant matter, the JJC states that it intended to permanently appoint McRae and Olukotun but that due to an administrative error, the September 25, 2015 certification was not disposed of properly and the PS5765P eligible list expired on December 19, 2015. The JJC requests that the subject eligible list be revived to permanently appoint McRae effective October 3, 2015 and Olukotun effective February 20, 2016, which were the dates they were provisionally appointed to the subject title. The JJC states that both employees have been serving provisionally in the title and are performing the duties of a Supervisor Juvenile Unit, Corrections. It is noted that there is no current eligible list for Supervisor Juvenile Unit, Corrections.

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.A.C. 4A:4-1.10(c) states that an individual may receive a retroactive date of appointment to correct an administrative error, for an administrative delay or for other good cause.

In the instant matter, good cause exists to revive and extend the subject list and McRae and Olukotun should receive retroactive dates of permanent appointment. JJC's error resulted in it failing to appoint McRae from the September 25, 2015 certification. A review of the Supervisor Juvenile Unit, Corrections (PS5765P) eligible list reveals that McRae's name would have been reachable for appointment on the subject certification as she was listed in the first position. See *N.J.A.C.* 4A:4-4.8(b)3. Further, Olukotun's name would have listed in the second position on a subsequent certification if the eligible list were extended and he would be reachable for appointment. In this regard, it is preferable to make a permanent appointment from an eligible list instead of a provisional appointment. Accordingly, under these circumstances, McRae and Olukotun should receive retroactive dates of appointment of October 3, 2015 and February 20, 2016 respectively, for salary step placement and seniority-based purposes. In light of McRae and Olukotun's service as Supervisor Juvenile Unit, Corrections since their provisional appointments, current working test periods are not required.

ORDER

Therefore, it is ordered that the Supervisor Juvenile Unit, Corrections (PS5765P), Juvenile Justice Commission, eligible list be revived and that personnel records be amended to indicate Shaniqua McRae's permanent appointment to Supervisor Juvenile Unit, Corrections with an effective date of October 3, 2015 and Oluwatoyin Olukotun's permanent appointment to Supervisor Juvenile Unit, Corrections with an effective date of February 20, 2016, for salary step placement and seniority-based purposes only.

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 8TH DAY OF FEBRUARY, 2017



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Shaniqua McRae
Oluwatoyin Olukotun
Josie Piccolella
Kelly Glenn
Records Center