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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Francesca Francis,  
Auditor 2, Taxation (PS2369U),  
Department of the Treasury

List Revival

CSC Docket No. 2017-2597

ISSUED: **MAR 09 2017** (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 Francesca Francis.

By way of background, the subject eligible list of 100 names promulgated on April 4, 2013 and expired on February 1, 2017.<sup>1</sup> Sixty-nine eligibles were appointed. The names of 16 active eligibles, including Francis as the highest ranked eligible, remain on the eligible list. On July 27, 2016, the Division of Agency Services (Agency Services) issued a classification determination finding that the most appropriate classification for Francis' position was Auditor 2, Taxation, effective March 19, 2016. Francis was provisionally appointed to the title, effective that same date.

On appeal, Treasury asserts that given the above noted classification determination and because Francis would be reachable for appointment, there is good cause to revive the subject eligible list to allow it to effectuate Francis' regular appointment to the subject title. Treasury also submits a "Hand Carry Request/Record" indicating that the instant request was hand delivered to this agency on September 9, 2016, to the attention of Agency Services.

<sup>1</sup> The original expiration date of the subject eligible list was April 3, 2016. The Department of the Treasury requested that the list be revived and extended to effectuate Tomasz Petrykiewicz's appointment. See *In the Matter of Tomasz Petrykiewicz* (CSC, decided December 7, 2016).

Agency Services, while acknowledging Treasury's evidence of delivery on September 9, 2016, indicates that it has no record of receiving the instant request prior to February 10, 2017. Agency Services supports the instant request.

Agency records indicate that there is no active promotional eligible list for the subject title in Francis' unit scope. A promotional examination announcement (PS4470U) was announced with a closing date of February 21, 2017. It is noted that the resulting eligible list has not yet promulgated.

### 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.

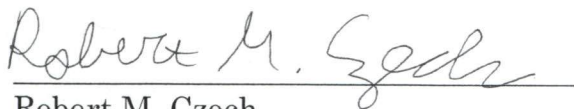
In the instant matter, the record establishes that pursuant to Agency Services' July 27, 2016 determination, Francis' position was reclassified to Auditor 2, Taxation, effective March 19, 2016. In addition, as Francis is the highest ranked eligible remaining on the subject eligible list, she would be reachable for a regular appointment. *See N.J.A.C.* 4A:4-4.8(a)3. Further, Treasury has submitted evidence that it hand delivered the instant request to this agency months before the PS4470U promotional examination announcement issued. Under these particular circumstances, good cause has been established to revive the subject eligible list to allow for a certification to be issued on a one-time basis, to allow Francis' name to be considered for a current regular appointment.

### 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 Francesca Francis' 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 9<sup>TH</sup> DAY OF MARCH, 2017



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