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

Request for List Extension

The Department of Health (DOH) requests the revival and extension of the Coordinator, Primary and Preventative Health Services (PS5472H), Department of Health, eligible list.

In the instant request, the appointing authority asked that the subject eligible list be revived and extended to effectuate the permanent appointments of Felicia Walton, the third ranked eligible, and Mary Higgins, the fourth ranked eligible on the subject list. The appointing authority states that it had requested a certification from the list before its expiration but was denied because its appointment waiver request was pending review by the Civil Service Commission (Commission) at that time.

DPF-439 * Revised 7/95

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. Additionally, *N.J.S.A.* 11A:4-6 and *N.J.A.C.* 4A:4-3.3(b)1 provide that an eligible list may, for good cause, be extended, except that no list shall have a duration of more than four years.

In the instant matter, the appointing authority seeks the revival of the Coordinator, Primary and Preventative Health Services (PS5472H) eligible list in order to allow it to make two permanent appointments. Specifically, it indicates that it wishes to appoint Walton and Higgins, the third and fourth ranked eligibles, respectively. In this regard, the appointing authority asserts that it had requested a certification, prior to the expiration date of the subject eligible list, but was told it could not be issued as its appointment waiver was still pending. The Commission notes that the filling of vacancies through permanent appointments from an active eligible list is preferable to making provisional appointments. Under these circumstances, good cause has been presented to revive the subject eligible list.

However, for reasons that are unclear in the record, Higgins was provisionally appointed, pending promotional examination procedures, to the subject title effective May 25, 2019. In this regard, it is noted at the time of Higgins provisional appointment, the subject eligible list was complete and had not yet expired. Therefore, pursuant *N.J.A.C.* 4A:4-1.5(a)1 a provisional appointment could not be made. Moreover, since Higgins is the fourth ranked eligible on the subject eligible list she would not have been reachable for appointment on May 25, 2019. Therefore, since Higgins was not reachable for appointment on the subject eligible list, and the appointing authority has indicated that it also wishes to appoint Walton, the third ranked eligible, any eligible ranked higher than Higgins that the appointing authority also appoints, Walton, or any other eligible higher ranked than Higgins would be entitled to a retroactive date appointment date to May 25, 2019, the date of Higgins' provisional appointment.

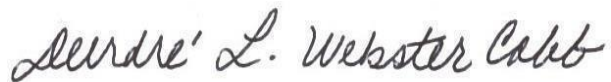
Under these circumstances, good cause has been presented to revive the subject eligible list so that a certification may be issued to allow for permanent appointments to the title of Coordinator, Primary and Preventative Health Services. Moreover, any eligibles appointed from this certification, upon completion of a current working test period, are entitled to a retroactive date of appointment to May 25, 2019, for salary step placement and seniority-based purposes only.

ORDER

Therefore, it is ordered that this request be granted, and the eligible list for Coordinator, Primary and Preventative Health Services (PS5472H) be revived and a certification issued. It is also ordered that upon successful completion of a current working test period, Higgins and any higher ranked eligible appointed be given a retroactive date of appointment to May 25, 2019, 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 24TH DAY OF NOVEMBER 2020



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