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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Renee Muhn-Bensel,
Supervisor, Technical Services,
Taxation (PS4013U), Department of
the Treasury

Administrative Appeal

CSC Docket No. 2015-1053

ISSUED: NOV 21 2014 (DASV)

The Department of the Treasury requests that the eligible list for Supervisor, Technical Services, Taxation (PS4013U), Department of the Treasury, be revived in order to appoint Renee Muhn-Bensel effective May 3, 2014.

By way of background, the eligible list for Supervisor, Technical Services, Taxation (PS4013U), Department of the Treasury, promulgated with 11 names on May 10, 2012 and expired on May 9, 2014. Muhn-Bensel appeared as the seventh ranked eligible. The only certification of the eligible list was issued on May 10, 2012, and the first four ranked eligibles were appointed. On April 9, 2014, Muhn-Bensel filed an appeal of her classification, claiming that she was not performing the duties of her permanent title of Taxpayer Service Representative 1. She maintained that the appropriate title for her position was Supervisor, Technical Services, Taxation. Thereafter, the Division of Classification and Personnel Management (CPM) conducted an audit of her position. On August 22, 2014, CPM determined that Muhn-Bensel's assigned duties and responsibilities were consistent with the definition and examples of work included in the job specification for Supervisor, Technical Services, Taxation. CPM assigned a classification effective date of May 3, 2014, and Muhn-Bensel was appointed to the title provisionally pending promotional examination procedures effective that date.

In the instant matter, the appointing authority requests that the subject eligible list be revived in order to permanently appoint Muhn-Bensel effective May 3, 2014. It states that Muhn-Bensel ranks third among the remaining eligibles on

the subject eligible list and her position was reclassified to Supervisor, Technical Services, Taxation, with an effective date of May 3, 2014, during the life of the list. However, CPM's determination was not rendered until August 22, 2014. The appointing authority further states that it would be unfair to expect Muhn-Bensel to compete again against a large population of employees in order to obtain permanent status due to the timing of CPM's determination. Therefore, the appointing authority maintains that good cause exists to revive the Supervisor, Technical Services, Taxation (PS4013U), Department of the Treasury, eligible list and appoint Muhn-Bensel.

CPM supports the appointing authority's request. It indicates that there is no active promotional eligible list or a pending promotional announcement for the subject title.¹ It notes that filling a position from a recently expired list is preferable to and more expedient than announcing a new examination.

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.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, CPM determined that Muhn-Bensel's position was properly classified as a Supervisor, Technical Services, Taxation, and assigned a classification effective date of May 3, 2014, which was during the life of the Supervisor, Technical Services, Taxation (PS4013U), Department of the Treasury, eligible list. Muhn-Bensel would have been reachable on the eligible list, as she was the third ranked remaining eligible. Furthermore, there is not an active promotional or special reemployment list or a pending promotional announcement for the title. Therefore, good cause exists to revive the Supervisor, Technical Services, Taxation (PS4013U), Department of the Treasury, eligible list, and issue a certification to provide Muhn-Bensel with a regular appointment effective May 3, 2013. The appointment shall be considered permanent upon her successful completion of a current working test period.

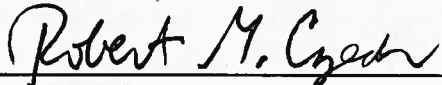
¹ Personnel records also reveal that there is no special reemployment list for the title.

ORDER

Therefore, it is ordered that this request be granted. It is further ordered that the Supervisor, Technical Services, Taxation (PS4013U), Department of the Treasury, eligible list be revived and Renee Muhn-Bensel be certified and appointed with an effective date of May 3, 2014. Moreover, it is ordered that the appointment be considered permanent upon the successful completion of a current working test period.

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 19TH DAY OF NOVEMBER, 2014**


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