

B-42



STATE OF NEW JERSEY

In the Matter of Joseph Menendez,  
Fire Officer 2 (PM3504L), Jersey City

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-532

Administrative Appeal

ISSUED: **NOV 12 2014** (EG)

Jersey City (City) requests that Joseph Menendez receive a retroactive date of appointment as a Fire Officer 2.

The City states that it intended to permanently appoint Menendez to the title of Fire Officer 2 on December 9, 2011. It expected Menendez's name to be the last name on the December 19, 2011 certification. However, the name of an eligible who had been appointed from a prior list appeared instead of Menendez's name. The City appointed Menendez from the following certification, effective June 27, 2012. In support of its contentions, the City submits a copy of an internal Personnel Action Form dated December 16, 2011 indicating Menendez's appointment to Fire Officer 2. The City also indicates that Menendez has been performing the duties of a Fire Officer 2 since December 16, 2011. It is noted that the Director of the Division of Classification and Personnel Management supports the City's request.

CONCLUSION

*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, Menendez should receive a retroactive date of appointment. The City's failure to realize that the name of an eligible from a prior list would appear on the December 19, 2011 certification led to Menendez being appointed from a later certification. A review of the Fire Officer 2 (PM3504L)

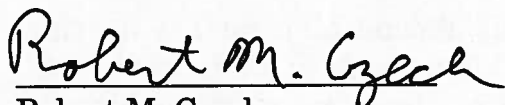
eligible list reveals that Menendez's name would have been reachable for appointment on December 19, 2011, had one more eligible's name been certified. See *N.J.A.C. 4A:4-4.8(b)3*. Accordingly, under these circumstances, Menendez should receive a retroactive date of appointment of December 19, 2011, for salary step placement and seniority-based purposes. In light of Menendez's service as a Fire Officer 2 since December 16, 2011, a current working test period is not required.

ORDER

Therefore, it is ordered that the Fire Officer 2 (PM3504L), Jersey City eligible list be revived and that personnel records be amended to indicate Joseph Menendez's permanent appointment to Fire Officer 2 with an effective date of December 19, 2011, 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 6TH DAY OF NOVEMBER, 2014



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