



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Donald Huber,
Taxpayer Service Representative 1
(PS4014U), Department of the
Treasury

Administrative Appeal

CSC Docket No. 2015-536

ISSUED: **SEP 19 2014** (SLK)

The Department of the Treasury requests that the eligible list for Taxpayer Service Representative 1 (PS4014U), Department of the Treasury, be revived in order to appoint Donald Huber effective May 3, 2014.

By way of background, the eligible list for Taxpayer Service Representative 1 (PS4014U), Department of the Treasury, promulgated with 41 names on May 10, 2012, and expired on May 9, 2014. Huber's name appeared as the 16th ranked eligible. Three certifications were issued from the symbol and 11 eligibles were appointed. There are currently 24 active eligibles remaining on the list, and Mr. Huber is the second highest active eligible on the list. On April 3, 2014, Mr. Huber filed an appeal of his classification, claiming that he was not performing the duties of his permanent title of Taxpayer Service Representative 2. He maintained that the appropriate title for his position was Taxpayer Service Representative 1. Thereafter, the Division of Classification and Personnel Management (CPM) conducted an audit of his position. On July 31, 2014, CPM determined that Huber's assigned duties and responsibilities were consistent with the definition and examples of work included in the job specification for Taxpayer Service Representative 1. CPM assigned a classification effective date of May 3, 2014. Huber was subsequently appointed provisionally pending promotional examination procedures as a Taxpayer Service Representative 1 effective May 3, 2014.

In the instant matter, the appointing authority requests that the subject eligible list be revived in order to permanently appoint Huber effective May 3, 2014.

It states that Huber is now the second highest remaining eligible on the list and his position was reclassified to Taxpayer Service Representative 1 effective May 3, 2014. However, CPM's determination was not rendered until July 31, 2014. The appointing authority further states that it would be unfair to expect Huber to compete again for the title against a large population of employees in order to obtain permanent status. Therefore, the appointing authority maintains that good cause exists to revive the Taxpayer Service Representative 1 (PS4014U), Department of the Treasury, eligible list and appoint Huber.

CPM supports the appointing authority's request. It indicates that there is no active promotional list nor is there a pending promotional announcement for Huber's unit scope. Furthermore, it notes that the filling of the 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 Huber's position is properly classified as Taxpayer Service Representative 1 and assigned an effective date of May 3, 2014, which was during the life of the Taxpayer Service Representative 1 (PS4014U), Department of the Treasury, eligible list. Huber is now the second highest remaining eligible on the list and is reachable for appointment. Furthermore, there is not an active eligible list or a pending promotional announcement for Huber's unit scope. Therefore, good cause exists to revive the Taxpayer Service Representative 1 (PS4014U), Department of the Treasury, eligible list, and issue a certification to provide Huber with a regular appointment effective May 3, 2014. The appointment shall be considered permanent upon Huber's successful completion of a current working test period.

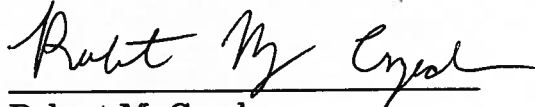
ORDER

Therefore, it is ordered that this request be granted. It is further ordered that the Taxpayer Service Representative 1 (PS4014U), Department of the Treasury, eligible list be revived and Donald Huber 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 17th DAY OF SEPTEMBER, 2014**



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