

On appeal, the appellant argues that he was working out-of-title from November 1, 2013 to February 18, 2014. He states that although he was first on the current promotional list, Bloomfield Township failed to promote him. Also, he indicates that he returned the questionnaire to the Township Administrator on January 6, 2014, and that the Township Administrator then had 15 business days to return it to CPM. He called his Human Resource office regarding the status and was told that the case was closed due to his promotion. The appellant argues that if the Township had sent the paperwork in within 15 days he would have been received a provisional Deputy Fire Chief appointment earlier, which would afford him additional time in grade for future promotional tests. He requests an earlier appointment date.

N.J.A.C. 4A:3-3.9(d) states that, in local service, a classification appeal from an employee, union representative, or appointing authority shall be submitted, in writing, to the appropriate representative of the Civil Service Commission. The appeal must identify the specific duties that do not conform to the specification for the title and, if the appellant proposes a different title for the position, an explanation of how that existing title more accurately describes the duties of the position than the current or proposed title. If requested by a representative of the Commission, the appeal shall also include a completed position classification questionnaire and an organizational chart. If the appellant's supervisor has not signed the questionnaire within five working days of receipt of the questionnaire from the appellant, the appellant may forward the questionnaire to the appropriate representative of the Commission without the supervisor's signature but with a notation of the date of presentation to the supervisor.

CONCLUSION

In the matter at hand, there is no basis to grant the appellant an earlier effective date. CPM received the request on December 19, 2013, but did not receive the questionnaire prior to the appellant's promotion on February 19, 2014. The appellant's representation asked for the review to be closed; however, even if he had not done so, he could have forwarded the questionnaire to CPM within five working days after discovery that CPM have not received it if he wished to pursue the appeal. Further, absent some bad faith motivation or evidence of serious negligence on the appointing authority's part, internal departmental processing delays, of which this Commission has no control, do not provide a sufficient basis for retroactive date of position classification. Mr. Motzer has presented no such evidence of bad faith, intentional misconduct, or negligent handling on the appointing authority's part. In fact, he has not even presented such a circumstance as an argument.

ORDER

Therefore, it is ordered that this appeal be denied.

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
THE 16th DAY OF JULY, 2014



Robert M. Czech
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and
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