

B-10



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matters of Dayron Aaron,
Thomas Falkenberg, John Hammock
and Allen Suggs, Laborer 1 (Special),
Township of Ewing

CSC Docket Nos. 2016-756, 2016-757,
2016-758 and
2016-759

Administrative Appeals

ISSUED: **SEP - 3 2015** (WR)

The Township of Ewing requests that John Hammock, Dayron Aaron, Allen Suggs and Thomas Falkenberg be provided with retroactive appointment dates from the special reemployment list for Laborer 1, effective September 4, 2012, January 7, 2013, January 22, 2013 and September 30, 2014, respectively.

By way of background, a certification (OL120395) from the special reemployment list for Laborer 1 was issued on March 13, 2012 with a disposition due date of June 13, 2012 and contained the names of six eligibles. Hammock, Aaron, Suggs and Falkenberg were the second, third, fifth and sixth ranked eligibles, respectively. The disposition was returned on June 15, 2012, appointing the first ranked eligible, effective June 6, 2012 and indicating that the remaining eligibles all were interested in the position. Thereafter, on October 7, 2013, the appointing authority submitted a copy of the previously disposed certification, indicating that Hammock, Aaron, Suggs and Falkenberg were appointed September 4, 2012, January 7, 2013, January 22, 2013 and September 30, 2014, respectively. The appointing authority also indicated that the fourth ranked eligible, Matthew Mesday, was not interested in an appointment at that time. In support, it submitted a December 24, 2012 letter from Mesday. However, on October 10, 2013, Agency Services notified the appointing authority that its request was untimely and it could not make additional appointments from that certification. It also instructed the appointing authority to request a new certification and request retroactive appointment dates. The appointing authority requested retroactive appointment dates on October 25, 2013. However, for reasons that are unclear, no action was taken by this agency. Finally, the Director, Division of Agency Services, recommends

that this request be granted and that Mesday be removed from the subject special reemployment list.

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, the record establishes that Hammock, Aaron, Suggs and Falkenberg were appointed as Laborers 1 from a certification from a special reemployment list that had previously been disposed. The appointing authority was instructed to request a new certification and to request retroactive appointment dates for the appointees if necessary. While the appointing authority requested the retroactive appointment dates for the appointees, it appears that its request was not acted upon due to an unknown administrative error. However, the appointing authority did not request a new certification. Nevertheless, the appointees should not suffer due to these mistakes. Accordingly, good cause exists to provide John Hammock, Dayron Aaron, Allen Suggs and Thomas Falkenberg with retroactive appointment dates, effective September 4, 2012, January 7, 2013, January 22, 2013 and September 30, 2014, respectively.

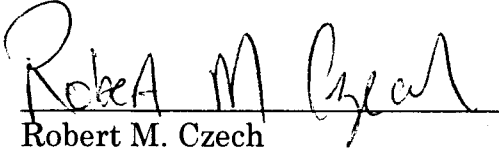
Furthermore, the record reveals that on December 24, 2012, Mesday indicated that he was not interested in an appointment as a Laborer 1. Therefore, his name must be removed from the special reemployment list for Laborer 1.

ORDER

Therefore, it is ordered that this request be granted and John Hammock, Dayron Aaron, Allen Suggs and Thomas Falkenberg be provided with retroactive appointment dates, effective September 4, 2012, January 7, 2013, January 22, 2013 and September 30, 2014, respectively, from the special reemployment list for Laborer 1. It is further ordered that Matthew Mesday be removed from the special reemployment list for Laborer 1.

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 2nd DAY OF SEPTEMBER, 2015



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