

B-11



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Cecilia Rodgers,  
Technical Support Specialist 1  
(PS1412P), Department of Law and  
Public Safety

Request for List Revival

CSC Docket No. 2016-781

ISSUED: **SEP 08 2015** (HS)

The Department of Law and Public Safety requests that the eligible list for Technical Support Specialist 1 (PS1412P), Department of Law and Public Safety be revived to allow for the retroactive permanent appointment of Cecilia Rodgers, effective March 22, 2014.

By way of background, the subject eligible list of five names promulgated August 4, 2011 and expired on August 3, 2014. Rodgers was ranked fifth on the list. The fourth ranked eligible was appointed effective October 13, 2011. The third ranked eligible was regularly appointed to the title of Administrative Analyst 2 (Data Processing) from a promotional list effective December 15, 2011.<sup>1</sup> The appointing authority requested that the subject eligible list be revived to effectuate the appointment of Rodgers, effective March 22, 2014, based on a classification review of her position completed by the Division of Agency Services (Agency Services) on March 13, 2015 that determined that she had been performing the duties of a Technical Support Specialist 1, effective March 22, 2014.

Agency Services recommends that the subject eligible list be revived to effectuate Rodgers' permanent appointment, effective March 22, 2014.

<sup>1</sup> It is noted that Administrative Analyst 2 (Data Processing) is a class code 26, while Technical Support Specialist 1 is a class code 25. Thus, a movement from the former to the latter title would not be considered a promotion.

## 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.

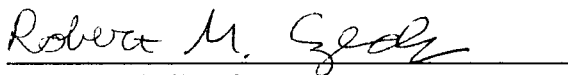
In the instant matter, the record establishes that Rodgers was ranked fifth on the eligible list for Technical Support Specialist 1 (PS1412P). Pursuant to Agency Services' March 13, 2015 determination, Rodgers' position was reclassified to Technical Support Specialist 1, effective March 22, 2014. This effective date fell within the life of the eligible list. In addition, as the fourth ranked eligible had been appointed effective October 13, 2011 and the third ranked eligible had been promoted to a higher level title effective December 15, 2011, Rodgers would have been reachable for appointment on March 22, 2014. See *N.J.A.C.* 4A:4-4.8(a)3. Therefore, good cause has been established to revive the subject eligible list so that Rodgers may be regularly appointed to the title of Technical Support Specialist 1. Moreover, Rodgers shall also be given a retroactive date of permanent appointment to March 22, 2014, upon successful completion of a current working test period, for salary step placement and seniority-based purposes only.

## ORDER

Therefore, it is ordered that this request be granted and the eligible list for Technical Support Specialist 1 (PS1412P), Department of Law and Public Safety, be revived to effectuate the regular appointment of Cecilia Rodgers. It is also ordered that upon successful completion of a current working test period, Rodgers be given a retroactive date of permanent appointment to March 22, 2014, 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 2<sup>ND</sup> DAY OF SEPTEMBER, 2015



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