

B-72



**STATE OF NEW JERSEY**

In the Matter of Auditor 3 (PS8135R),  
Board of Public Utilities

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

CSC Docket No. 2017-1764

List Revival

**ISSUED: DEC 23 2016 (JET)**

The Division of Agency Services (Agency Services), on behalf of the Board of Public Utilities, requests revival of the promotional list for Auditor 3 (PS8135R), Board of Public Utilities, in order to effectuate Dante Cusi's permanent appointment.

By way of background, the Auditor 3 (PS8135R), Board of Public Utilities, eligible list promulgated on August 1, 2013 and expired on July 31, 2016. The list was certified one time and resulted in one appointment, and two eligibles, including Cusi, remain on the list tied for rank 1.

In the instant petition, the appointing authority requests to revive the eligible list until a new promotional list is issued. It states that it, in order to appoint Dante Cusi, who is tied for rank number 1 on the list, it is necessary to revive the list. The appointing authority states that, due to internal delays that it was experiencing, it was unable to obtain approval for Cusi's appointment until after the list had expired. Agency Services confirms that there are no active promotional lists for Auditor 3 for the Board of Public Utilities nor is there a pending promotional announcement. Agency Services states that it is in support of the request, as filling the position from a recently expired list is preferable to and more expedient than announcing a new examination. It is noted that this agency received the appointing authority's request after the July 31, 2016 expiration date of the subject list.

**CONCLUSION**

N.J.A.C. 4A:4-3.4 provides that an eligible list may be revived under the following circumstances:

1. To implement a court order, in a suit filed prior to the expiration of the list;
2. To implement an order of the [Commission] in an appeal or proceeding instituted during the life of the list;
3. To correct an administrative error;
4. To effect the appointment of an eligible whose working test period was terminated by a layoff; or
5. For other good cause.

*N.J.S.A.* 11A:4-6 and *N.J.A.C.* 4A:4-3.3(b)1 provide that an eligible list may, for good cause, be extended, except that no list shall have a duration of more than four years.

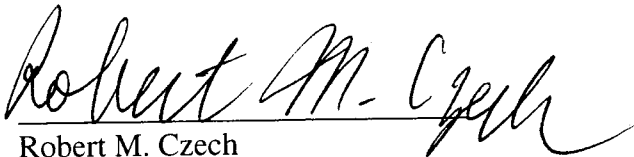
In this matter, the appointing authority requests that the subject eligible list be revived. The appointing authority explains that, due to administrative delays, it was unable to appoint Dante Cusi to the subject title prior to the expiration date of the subject list. In addition, Agency Services is in support of reviving the eligible list and there are no active promotional lists or a pending promotional announcement for the subject title. The Civil Service Commission (Commission) notes that the filling of vacancies through permanent appointments from an active eligible list is preferable to provisional appointments. Accordingly, the Commission finds that good cause has been presented to revive and extend the eligible list for Auditor 3 (PS8135R) until a new list can be issued or until the subject list has reached the statutory duration of four years, whichever comes first.

#### ORDER

Therefore, it is ordered that this request be granted, and the eligible list for Auditor 3 (PS8135R), Board of Public Utilities, be revived and extended until a new list can be issued or until the subject list has reached the statutory duration of four years, whichever comes first.

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 21<sup>st</sup> DAY OF DECEMBER, 2016



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