



STATE OF NEW JERSEY

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

In the Matter of Keith Huntley and
Frank Martorano, Equipment
Operator, (PM2346T), City of Clifton

Administrative Appeal

CSC Docket Nos. 2018-3592 and
2018-3593

ISSUED August 1, 2018 (VJ)

The City of Clifton requests a retroactive permanent appointment date for Keith Huntley and Frank Martorano, to the title of Equipment Operator, effective July 16, 2017.

By way of background, a promotional examination for the title of Equipment Operator (PM2346T) was announced with a closing date of November 21, 2015. The resultant eligible list of four names, including Huntley and Martorano as the first and fourth ranked eligibles promulgated March 24, 2016 and expires March 23, 2019. On February 6, 2017 a certification (PL170180) containing all four eligibles' names was issued to the appointing authority. In disposing of the certification (PL170180) the appointing authority bypassed Huntley and appointed the second and third ranked eligibles, effective June 1, 2017. On March 6, 2018 a certification (PL180301) containing Huntley and Martorano's names was issued to the appointing authority. The appointing authority returned the certification (PL180301) appointing Huntley and Martorano, effective March 6, 2018.

In the instant matter, the appointing authority asserts that it initially appointed Thomas Fantozzi and Daniel Pendergast, effective June 1, 2017. However, due to a divisional restructuring it was not ready to appoint Huntley and Martorano at that time. However, upon completion of the restructuring it appointed Huntley and Martorano to the subject title, effective July 16, 2017. The appointing authority maintains that, due to an administrative error it failed to request a new certification to record their appointments.

The Division of Agency Services (Agency Services) supports the appointing authority's request.

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. Generally, the award of a retroactive appointment date is for seniority purposes only and is limited to situations in which an appellant could have been appointed on the requested retroactive date, but as a result of an administrative error, he or she received a later appointment date.

In the instant matter, the record establishes that Huntley and Martorano's names appeared on the eligible list for Equipment Operator (PM2346T). However, due to an administrative error, a certification was not requested in a timely manner to record the appointments of Huntley and Martorano, effective July 16, 2017. A review of the record reveals that Huntley and Martorano were reachable for appointment on July 16, 2017. Thereafter, the appointing authority requested a certification (PL180801) which it returned appointing Huntley and Martorano, effective March 6, 2018. There is sufficient evidence in the record which indicates that Huntley and Martorano have been successfully performing the duties of Equipment Operator. Moreover, the record reveals that they were reachable for appointment on July 16, 2017. Furthermore, as the record establishes that Huntley & Martorano have successfully completed their working test periods, no further period of probation is required. Consequently, their permanent appointments should be recorded as July 16, 2017.

ORDER

Therefore, it is ordered that this request be granted and that the permanent appointments of Huntley and Martorano to the title of Equipment Operator be recorded as July 16, 2017.

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 1st DAY OF AUGUST 2018



Deirdre L. Webster Cobb
Chairperson

Civil Service Commission
Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Dominick Villano
Keith Huntley
Frank Martorano
Kelly Glenn
Records Center