

N.J.A.C. 4A:4-3.3(b) provides, in pertinent part, that promotional lists shall be promulgated for three years from the date of their establishment. *N.J.A.C.* 4A:4-3.4(a)5 states that the Commission may revive an expired eligible list for good cause. See also *N.J.S.A.* 11A:4-6. *N.J.A.C.* 4A:4-1.10(c) provides that the Commission may order a retroactive appointment date due to an administrative error, administrative delay or other good cause.

CONCLUSION

In the instant matter, there is no basic factual dispute but, rather, the central issue involves reviving an expired promotional employment list in order to effectuate the appointment of McElroy. McElroy has been performing the duties of Fire Protection Inspector since July 18, 2011 and was the highest-ranking eligible remaining on the subject list. Thus, he was reachable under the “rule of three” in accordance with *N.J.A.C.* 4A:4-4.8. Under these circumstances, good cause exists to revive the list and give McElroy a permanent appointment retroactive to August 25, 2011, and a provisional appointment on July 18, 2011. He shall be considered to have commenced his working test period starting on August 25, 2011.

ORDER

Therefore, it is ordered that the request be granted, the M2168N list be revived, Michael McElroy be provided with a permanent appointment as Fire Protection Inspector, effective August 25, 2011, and a provisional appointment on July 18, 2011. McElroy’s personnel record should be amended in accordance with this decision.

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 15th DAY OF AUGUST, 2018



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