

STATE OF NEW JERSEY

In the Matter of Michael Mandriota, Fire Officer 1, Jersey City	. F : :		DMINISTRATIVE A OF THE SERVICE COMMIS	
CSC Docket No. 2019-213	: : : : :	A	dministrative App	eal
	IS	SUED:	August 20, 2018	(RE)

The Division of Agency Services (Agency Services), on behalf of Jersey City, requests a retroactive permanent appointment of Michael Mandriota to the title of Fire Officer 1, effective July 12, 2016.

By way of background, for reasons unexplained, the appointing authority promoted Mandriota with four other candidates, in July 2016, but only requested five names from the certification at the time (PL160857). In disposing of that certification, the appointing authority removed the first ranked eligible as he had been appointed from an earlier certification, and appointed the next four candidates, effective July 12, 2016. Although he was not on the certification (PL160857), Mandriota began performing the duties of Fire Officer 1 at that time, along with the other four appointed individuals. Thereafter, the subject list was certified on August 25, 2017 (PL171041) and Mandriota was listed as the first ranked eligible. In disposing of that certification, Jersey City permanently appointed Mandriota effective August 25, 2017. Jersey City notified Agency Services in January 2018 that it failed to request a certification that included Mandriota's name. Official records indicate that the eligible list for Fire Officer 1 (PM1194S) expires on January 6, 2019. In support of its request, Jersey City provides documentation verifying that Mandriota has been performing the duties of Fire Officer 1 since July 2016. Agency Services recommends granting a retroactive appointment for Mandriota in the title Fire Officer 1.

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 effectuating the appointment of Mandriota. Mandriota has been performing the duties of Fire Officer 1 since July 2016 and was the next highest-ranking eligible on the subject list. Thus, he was reachable under the "rule of three" in accordance with *N.J.A.C.* 4A:4-4.8 had he been on the earlier certification. Under these circumstances, good cause exists to give Mandriota a permanent appointment retroactive to July 12, 2016, and he shall be considered to have commenced his working test period starting on this date.

ORDER

Therefore, it is ordered that the request be granted, and Michael Mandriota be provided with a permanent appointment as Fire Officer 1, effective July 12, 2016. Mandriota'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

derrare' L. Webster Cabb

Deirdré L. Webster Cobb Chairperson Civil Service Commission

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c: Michael Mandriota Robert Kakoleski Kelly Glenn Records Center