



STATE OF NEW JERSEY

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

In the Matter of Jason Holobinko,
Fire Captain, Linden

CSC Docket No. 2019-2345

Administrative Appeal

ISSUED: April 22, 2019 (RE)

The Division of Agency Services (Agency Services), on behalf of Linden, requests that Jason Holobinko be provided with a retroactive regular appointment to the title of Fire Captain, effective January 1, 2018.

By way of background, Holobinko appeared as the fourth ranked eligible on the eligible list for Fire Captain, Linden (PM0455U), which issued February 1, 2017. The eligible list was certified (PL170422) in March 2017 with three names and those candidates were appointed. The list was certified a second time (PL180316) with three names, and Holobinko was appointed on March 9, 2018. However, Holobinko had been promoted to Fire Captain and was performing the duties of that title on January 1, 2018. The appointing authority failed to provisionally appoint Holobinko to Fire Captain on January 1, 2018 or to request a certification for Holobinko. Subsequently, he was found ineligible for the Deputy Fire Chief (PM0120A), Linden examination and filed an appeal. He was informed that he could not receive a regular appointment date prior to the certification date, and that he had eleven months, and 21 days of continuous permanent service in the title Fire Captain as of the February 28, 2019 closing date. As he fell nine days short of the requirement, he was appropriately found to be ineligible for that examination.

Subsequently, Linden indicated that it failed to request a certification for Holobinko's appointment prior to January 1, 2018 due to administrative error. It has verified that Holobinko has been performing the duties of a Fire Captain since that date and it desires to correct Holobinko's employment record. Agency Service

recommends approval of granting a retroactive appointment for Holobinko in the title Fire Captain.

CONCLUSION

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.

In the instant matter, there is no basic factual dispute but, rather, the central issue involves providing a retroactive regular appointment to the title of Fire Captain, effective January 1, 2018, for Holobinko from certification (PL180316). Mr. Holobinko has been performing the duties of Fire Captain since January 1, 2018 and he is reachable under the "rule of three" on the certification for (PL180316) in accordance with *N.J.A.C.* 4A:4-4.8. However, due to an administrative error, Linden did not request a certification at the time it approved Holobinko for appointment. Under these circumstances, Holobinko should receive a regular appointment retroactive to January 1, 2018, and he shall be considered to have started his three-month working test period on this date. With this correction, Holobinko will have had one year of permanent service in the title Fire Captain, and should be admitted to the examination for Deputy Fire Chief (PM0120A), Linden.

ORDER

Therefore, it is ordered that the request be granted, and Holobinko be provided with a regular appointment as Fire Captain, effective January 1, 2018 and be admitted to the examination for Deputy Fire Chief (PM0120A), Linden. Holobinko'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 17th DAY OF APRIL, 2019



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