

## STATE OF NEW JERSEY

In the Matter of Michael McCoy, Truck Driver, Monroe Township

CSC Docket No. 2019-2152

## FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Administrative Appeal

**ISSUED:** April 22, 2019 (RE)

The Division of Agency Services, on behalf of Monroe Township, requests a retroactive appointment to the title of Truck Driver for Michael McCoy.

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By way of background, McCoy was a permanent Laborer Heavy<sup>1</sup> for Monroe Township when he began the duties of a Truck Driver on January 1, 2003. However, the appointing authority failed to record a provisional appointment to Truck Driver in the County and Municipal Personnel System (CAMPS). Monroe Township notified Agency Services in December 2018 stating that McCoy has been paid the Truck Driver rate since January 1, 2003, but he never applied for any promotional examination that came out since he assumed he was already in the title. In its request, Agency Services explains that prior to October 2012, the Truck Driver title was in the competitive division of the career service and thus, prior to being appointed, individuals were required to pass a competitive test and be reachable for appointment from an eligible list. However, in October 2012, the Truck Driver title was reallocated to the non-competitive division of the career service. Thus, it is now not necessary for an individual to undergo competitive testing in order to be appointed to the title. Since he had not been tested, Agency Services recommends approval of granting a provisional appointment opencompetitive (PAOC) to the title of Truck Driver, effective January 1, 2003, and a regular appointment, non-competitive (RAN) effective October 20, 2012.

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<sup>&</sup>lt;sup>1</sup> Effective October 8, 2011, the Laborer Heavy title was consolidated and renamed Laborer 1.

## CONCLUSION

*N.J.A.C.* 4A:4-1.10(c) provides that, when a regular appointment has been made, the Civil Service Commission may order a retroactive appointment date due to administrative error, administrative delay, or other good cause, on notice to affected parties.

In the instant matter, there is no basic factual dispute but, rather, the central issue involves the failure of the appointing authority to properly record an appointment to Truck Driver, a title in the competitive division, on January 1, 2003 for McCoy. McCoy has been performing the duties of Truck Driver since that date. While he has not taken an examination, the title was reassigned to the noncompetitive division on October 20, 2012. Under these circumstances, good cause exists to give Michael McCoy a provisional appointment open-competitive (PAOC) to the title of Truck Driver, effective January 1, 2003, and a regular appointment, noncompetitive (RAN) effective October 20, 2012, and he shall be considered to have served his working test period starting on this date.

## **ORDER**

Therefore, it is ordered that the request be granted, and Michael McCoy be provided with a provisional appointment open-competitive (PAOC) to the title of Truck Driver, effective January 1, 2003, and a regular appointment, non-competitive (RAN) effective October 20, 2012. Michael McCoy's CAMPS 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 17<sup>th</sup> DAY OF APRIL, 2019

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Chairperson

Civil Service Commission

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