



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Leo Blake,
Department of Environmental
Protection

Administrative Appeal

CSC Docket No. 2022-2307

ISSUED: May 2, 2022 (RE)

Leo Blake requests a retroactive effective date of the reclassification of his position from Resource Interpretive Specialist 2, Historic Resources to Resource Interpretive Specialist 3.

The record in the present matter establishes that the petitioner, a permanent Resource Interpretive Specialist 2, Historic Resources, with the Department of Environmental Protection, completed a Position Classification Questionnaire (PCQ) and submitted it to his immediate supervisor on February 26, 2021. The appellant's supervisor agreed with the petitioner's description of his duties on the PCQ and forwarded it to the Program Manager on March 21, 2021, who signed it on March 26, 2021, and forwarded it to Human Resources the next day. However, due to an oversight, the appointing authority did not forward it to the Division of Agency Services until August 16, 2021. Thereafter, the appointing authority explained that the delay in forwarding the PCQ was its oversight. The appointing authority requested that if the classification review was granted, that Agency Services consider a retroactive date of reclassification of April 24, 2021, due to its administrative oversight. The petitioner requests a retroactive appointment date of March 27, 2021, the date that the appointing authority received the PCQ. Agency Services received the complete position classification review package from the appointing authority on August 17, 2021, found that the petitioner's position should be classified as Resource Interpretive Specialist 3, and assigned the petitioner a provisional appointment date of September 11, 2021.

CONCLUSION

In accordance with *N.J.A.C. 4A:3-3.9(c)3*, Classification Appeals Procedure, the supervisor and program manager/division director shall complete their portions of the questionnaire and provide their signatures on the form ... within fifteen days of the employee's submission of the petition to the immediate supervisor. By no later than the end of this period, the program manager/division director shall submit to the agency representative the completed questionnaire, along with the petitioner's most recent PAR form (*See N.J.A.C. 4A:6-5*). *N.J.A.C. 4A:3-3.9(c)4* states, in pertinent part, that within 10 days of receipt of the petition, the agency representative shall either notify the petitioner that specific additional information is required, or forward the petition with organizational chart to the appropriate representative of the Civil Service Commission.

Under these particular circumstances, there is a sufficient basis to substantiate that there was an undue delay in the processing of the request for reclassification. Since there is no indication in the record that the appellant was not performing Resource Interpretive Specialist 3 duties from February 26, 2021 forward, for the purpose of establishing an effective date, assuming that the supervisor and program manager/division director forwarded the appeal within the 15 days specified in *N.J.A.C. 4A:3-3.9(c)3*, it would have been received by Human Resources on March 13, 2021, and forwarded within ten days to Agency Services on March 23, 2021. *N.J.A.C. 4A:3-3.9(f)* provides that if an appeal is upheld, the effective date of implementation shall be, in State service, the pay period immediately after fourteen days from the date the appeal or reclassification request is received, or at such earlier date as directed by the Civil Service Commission. Therefore, in accordance with established controlling regulatory procedure, the appellant is to be granted a retroactive provisional appointment date to Resource Interpretive Specialist 3 of April 10, 2021. Further the appellant should receive differential pay from April 10, 2021 to September 10, 2021, and for any other periods thereafter based on any salary step change caused by the retroactive date.

ORDER

Therefore, it is ordered that this appeal be granted, and the petitioner be granted a retroactive provisional appointment date to Resource Interpretive Specialist 3 of April 10, 2021. Further, the appellant should receive differential pay from April 10, 2021 to September 10, 2021, and for any other periods thereafter based on any salary step change caused by the retroactive date.

This is the final administrative determination in this matter. Any further review is to be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 27TH DAY OF APRIL 2022

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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