



STATE OF NEW JERSEY

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

In the Matter of Maria Starkey (Nunn-Ling), Motor Vehicle Commission

Administrative Appeal

CSC Docket No. 2022-2533

ISSUED: September 20, 2023 (EG)

Maria Starkey (Nunn-Ling), a Senior Technician MVC, with the Motor Vehicle Commission appeals her appointment date.

As background, official records indicate the appellant was provisionally appointed to the title of Transitional Customer Service Representative 4, effective December 15, 2003. The appellant’s name appeared on the June 17, 2004, certification of the Transitional Customer Service Representative 4 (S0311F) eligible list, and she received a permanent appointment, effective June 21, 2004.

On appeal to the Civil Service Commission (Commission), the appellant argues that her start date of record is June 21, 2004, even though she actually started on December 15, 2003, which she believes should be her permanent appointment date. In support of her contention, the appellant submits: a printout from this agency indicating a hire date of December 15, 2003, and a permanent date of June 26, 2004; a printout from the pension system indicating her date of enrollment as June 26, 2004; and a printout from her appointing authority indicating a hire date of December 15, 2003, and a permanent date of June 21, 2004. The appellant contends that the failure to record her hire date “properly” affects her placement on the seniority list for vacations as an employee hired after her is higher on this list. Further, the appellant argues that she had no access to any information as to her official hire date and as such, her appeal should not be considered untimely.

CONCLUSION

N.J.A.C. 4A:2-1.1(b) provides that an appeal must be filed within 20 days after the appellant knew or reasonably should have known of the decision, situation or action being appealed. Further, *N.J.A.C.* 4A:2-1.4(c) states that the burden of proof is on the appellant in these type of appeals before the Commission.

In the instant matter, the recording of the appellant's start date occurred 20 years ago. Contemporaneous appeals in situations such as this are important as any individuals involved or records of the event would be more easily attainable. Additionally, the Commission finds that appellant's explanation that she could not attain information about her start date for such an extended time unpersuasive. There is no evidence that the appellant reached out to her human resources or to this agency to obtain information and was denied her request. It is incumbent upon an employee to remain abreast of their employment status. Therefore, this appeal is denied as untimely.

Regardless, even assuming *arguendo*, that the appeal had been filed timely, official records do not support the appellant's contention that her permanent hire date was December 15, 2003. Official personnel records do, indeed, indicate that she was hired on December 15, 2003, but that appointment was as a provisional employee pending open competitive procedures. She received a permanent appointment date of June 21, 2004, from the June 17, 2004, certification of the Transitional Customer Service Representative 4 (S0311F) eligible list. There is no evidence in the record indicating that her permanent appointment should have been December 15, 2003. Moreover, such an appointment would not have been permitted as an individual may only receive a permanent appointment to a competitive division career service title, such as Transitional Customer Service Representative 4, by appearing on and being appointed from an eligible list. While the appellant claims that her appointment date affects her placement on a vacation seniority list, she does not provide any arguments or evidence that the Commission has authority over such lists. In this regard, so long as not in violation of any provision of Civil Service law or rules, how an appointing authority administers vacation leave to its employees is outside the Commission's purview. Such matters are either based on appointing authority policy or covered in a negotiated agreement between the appointing authority and the employee's union.

ORDER

Therefore, it is ordered that this appeal be denied.

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 20TH DAY OF SEPTEMBER, 2023

Allison Chris Myers

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Chairperson
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