STATE OF NEW JERSEY

In the Matters of Araion Malone, Newark	:	**FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION**
CSC Docket Nos. 2026-1622 and 2026-2530	:	Administrative Appeals

ISSUED: September 23, 2026 **(HS)**

Araion Malone, an Office Services Manager with Newark, requests a retroactive date of permanent appointment. These matters have been consolidated herein due to similar issues presented.[1]

As background, the record indicates the following. The appellant was serving permanently in the title Supervisor of Accounts. Effective March 11, 2019,[2] the appellant received a provisional appointment, pending qualifying examination procedures, to the title Office Services Manager.[3] Said title requires five years of experience in the supervision of two or more office services functions involving records management, printing or duplication services, mail and messenger services, equipment maintenance and repair, procurement and supply, or other related functions in support of office operations and services. Five years of experience in the analysis, evaluation, development, and improvement of office practices, methods, and procedures could be substituted for the stated experience requirement. In December 2022, the appellant completed a qualifying examination application, which included her resume. Effective April 29, 2026, the Division of Agency Services (Agency

[1] It is noted that the appellant's appeal in CSC Docket No. 2026-1622 was filed prior to the Division of Agency Services' determination that the appellant passed her qualifying examination for Office Services Manager, while her appeal in CSC Docket No. 2026-2530 was filed after said determination.
[2] As March 11, 2019 is the date indicated in the County and Municipal Personnel System, the Civil Service Commission will rely on this date.
[3] Because Supervisor of Accounts has a higher designated class code as compared to Office Services Manager, the movement was appropriately processed as a demotion. *See N.J.A.C.* 4A:1-1.3.

Services) determined that the appellant passed the qualifying examination. Specifically, Agency Services credited the appellant with seven years and two months of applicable experience based on her provisional service in the Office Services Manager title (*i.e.*, March 2019 – April 2026). No other position listed on the examination application was deemed applicable. The appellant has received a permanent appointment to the title Office Services Manager, effective April 29, 2026, as she passed her working test period.

On appeal to the Civil Service Commission (Commission), the appellant states that Newark did not properly and promptly process her December 2022 qualifying examination application and that she is entitled to a retroactive date of permanent appointment of March 11, 2019, with seniority credit and back pay, consisting of all longevity pay and salary differentials withheld, to account for the administrative errors and delays. She maintains that Newark acknowledged these problems in a May 7, 2026 e-mail, where it recognized "the administrative error associated with the filing and processing history" regarding the Office Services Manager title. The appellant also states her concern that, absent action, her future pensionable earnings are threatened.

In response, Newark acknowledges that the appellant received a provisional appointment to the title of Office Services Manager in March 2019 and filed her qualifying examination application in December 2022 but otherwise opposes this appeal. Relying on case law such as *O'Malley v. Department of Energy*, 109 *N.J.* 309 (1987), Newark argues that being selected does not create a vested right to appointment on a particular date. Until all statutory and regulatory requirements are satisfied and the appointment becomes effective, the appellant had only an expectation, not an enforceable entitlement to the position. Further, Newark claims that granting the appellant a retroactive appointment would prejudice it by imposing unanticipated financial liability in the form of back pay, pension contributions, payroll adjustments, and other employment-related costs for a period during which the appellant did not lawfully occupy the position or perform its duties. Such relief would effectively require Newark to compensate the appellant for services that were never rendered and for a position that was not legally held during the period in question. Additionally, Newark argues that retroactive seniority would likewise prejudice the rights and legitimate expectations of other employees. Seniority affects promotional opportunities, layoff rights, vacation selection, overtime assignments, pension calculations, and other employment benefits. Employees who relied upon the existing seniority structure would be adversely affected through no fault of their own. The Commission has long recognized the importance of maintaining stability and predictability in the administration of the civil service system.

In reply, the appellant urges that it is factually false for Newark to assert that retroactive relief would compensate her for services never rendered because the record establishes that she has continuously executed the duties of Office Services

Manager since March 2019. She argues that case law such as *O'Malley* does not prevent the Commission from granting a retroactive permanent appointment date pursuant to *N.J.A.C.* 4A:4-1.10(c) due to Newark's administrative errors or delays. The appellant insists that Newark's response confirms the timeline of her assignment while offering no factual defense for the clerical processing error executed on her 2022 qualifying examination application.

CONCLUSION

N.J.A.C. 4A:4-1.10(c) provides that when a regular appointment has been made, the 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 dispute that the processing of the appellant's December 2022 qualifying examination application was administratively delayed. Nevertheless, there is no basis for relief. In this regard, it should be noted that the title of Office Services Manager requires five years of applicable experience. The only applicable position on the appellant's qualifying examination application as determined by Agency Services was her Office Services Manager position, which she commenced in March 2019. Thus, had Newark in fact processed the application in December 2022, the application would have been rejected because the appellant would not have demonstrated possession of the five years of applicable experience needed. In other words, the appellant actually benefited from the delayed processing of her application and the ability to remain in her provisional position and accumulate the needed experience. Moreover, Newark does not support the appellant's request. Accordingly, good cause does not exist to provide the appellant with a retroactive date of permanent appointment, and thus, the Commission need not consider whether an award of back pay is warranted. Finally, the Commission acknowledges that the appellant has expressed concern over potential impacts to her pension. However, the Commission has no jurisdiction over such issues, which are better addressed to the Department of the Treasury, Division of Pensions and Benefits.

ORDER

Therefore, it is ordered that these appeals be denied.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 23RD DAY OF SEPTEMBER, 2026



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