

B-5



STATE OF NEW JERSEY

In the Matter of Olumide Ajao and
Tanita Stocks,
Correction Officer Recruit (S9988T),
Department of Corrections

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

CSC Docket Nos. 2017-53 and 2016-
3161

List Removal Appeals

ISSUED: DEC 14 2016 (SLK/JET)

Olumide Ajao and Tanita Stocks appeal the removals of their names from the Correction Officer Recruit (S9988T), Department of Corrections, eligible list on the basis that they did not complete pre-employment processing. These matters have been consolidated due to common issues presented.

The appellants took the open competitive examination for Correction Officer Recruit (S9988T), achieved a passing score, and were ranked on the subsequent eligible list. In disposing of the certification, the appointing authority indicated that both Ajao and Stocks failed to complete Phase 3 of the hiring process. Specifically, it represented that Ajao failed to respond to its e-mails, phone calls and voicemails to schedule a home interview. Regarding Stocks, the appointing authority asserted that it notified her by e-mail to schedule a date for her home interview and that she failed to respond.

On appeal to the Civil Service Commission (Commission), Ajao submits a sworn notarized statement indicating that the last e-mail he received was in March 2016, which was for Phase 1 and 2 of pre-employment processing. He does indicate that he had an issue with his phone between May 27, 2016 and June 3, 2016. However, he provides documentation that he purchased a new phone on June 3, 2016 and states that his new phone uses the same phone number that was provided to the appointing authority. Ajao highlights that his e-mail address remained constant throughout the hiring process. Stocks asserts that she did not receive any e-mails, messages, or telephone calls notifying her to schedule an appointment to

appear for Phase 3 of pre-employment processing. She adds that she is working two jobs and she is responsible for taking care of her mother, who underwent surgery on January 7, 2016 and on February 25, 2016. In support, Stocks provides a sworn notarized statement, indicating that she did not receive any messages, e-mails, or mail from the appointing authority to appear for Phase 3 of pre-employment processing.

In response, the appointing authority maintains that it stands by its initial decision to remove Ajao's name. With respect to Stocks, the appointing authority asserts that, by way of e-mail dated January 22, 2016, Stocks was notified to schedule a date for her home interview. The appointing authority adds that it also attempted to contact Stocks by telephone and she did not respond. In addition, the appointing authority states that Stocks was notified at some point that she would be contacted by e-mail to appear for Phase 3 of pre-employment processing.¹ In support, the appointing authority provides documentation to show that it attempted to notify Stocks to schedule a date to appear for Phase 3 of pre-employment processing.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)11 allows the removal an eligible's name from an eligible list for other valid reasons. *N.J.A.C.* 4A:4-6.3(b), in conjunction with *N.J.A.C.* 4A:4-4.7(d), provides that the appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority's decision to remove his or her name from an eligible list was in error.

In this matter, both Ajao and Stocks submitted sworn notarized statements indicating that they never received any notice for Phase 3 of the pre-employment process. See *In the Matter of Salena Bradley* (CSC, decided July 16, 2014) (Commission restored appellant's name to the Correction Officer Recruit (S9988R) eligible list as she submitted a sworn notarized statement that she had not received the e-mail from the Department of Corrections notifying her of the date she was to appear for pre-employment processing). Accordingly, under these circumstances, the appellants have met their burdens of proof in this matter and the appointing authority has not shown sufficient justification for removing their names from the Correction Officer Recruit (S9988T), Department of Corrections eligible list.

ORDER

Therefore, it is ordered that these appeals be granted and the appellants' names be restored to the eligible list for prospective employment opportunities only.

¹ The appointing authority confirms that it used the telephone number and e-mail address provided by the appellant that was submitted on the applicant contact form.

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 7th DAY OF DECEMBER, 2016



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