



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Nadia Morales, Sheriff's Officer (S9999R), Hudson County

CSC Docket No. 2016-4443

List Removal Appeal

ISSUED: DEC 15 2016 (CSM)

Nadia Morales appeals the removal of her name from the eligible list for Sheriff's Officer (S9999R), Hudson County on the basis that her name had been removed from the pool of eligibles for another jurisdiction or title area for an unsatisfactory background report.

The appellant's name appeared as an eligible on the subject list that expires on May 1, 2017. On July 17, 2015, the appellant's name was certified (OL150892) in the 55th position. In disposing of the certification on May 11, 2016, the appointing authority requested the appellant's name be retained on the list for future certifications. Thereafter, on June 13, 2016, the appellant contacted this agency and indicated that she was given the option to "defer appointment consideration" for the Sheriff's Officer position when she responded to the certification in 2015 and stated that she is now available for appointment consideration. However, the appellant was advised that her name was also certified (OL150099) on January 23, 2015 from the County Correction Officer (S9999R), Hudson County eligible list, where she was in the 230th position. In disposing of that certification on November 5, 2015, that appointing authority requested the removal of her name based on an unsatisfactory background report. Therefore, although she had requested that her name be retained on the list for Sheriff's Officer, it had been removed from the title area for the pool of eligibles because she had been removed for cause from the County Correction Officer (S9999R) list.

On appeal, the appellant states during her background check for Sheriff's Officer, she was unable to obtain her firearms identification card due to an investigation regarding her arrest in 2010. Therefore, she requested that her name

be retained on the Sheriff's Officer list for future certifications. After the charges were dismissed and she was able to obtain her firearms identification card, the appellant states that she was surprised to learn that her name was removed from the pool of eligibles because she did not appeal the removal of her name from the County Correction Officer list. The appellant explains that she was already in the pre-employment process with the Sheriff's Office when she received the notification regarding her removal from the County Correction Officer list. Therefore, had she known that not appealing this matter, even though she deferred appointment consideration for the Sheriff's Officer title, would have resulted in the removal of her name from the pool of eligibles, she would have taken the necessary steps to appeal her removal from the County Correction Officer list.

Although provided the opportunity, the appointing authority did not submit any information for the Civil Service Commission (Commission) to review in this matter.

A review of agency records indicates that there is no record of the appellant appealing the removal of her name from the County Correction Officer eligible list to the Division of Agency Services or the Commission.

CONCLUSION

N.J.A.C. 4A:4-4.7(g) states that when this agency has accepted a single application for one or more title areas, an eligible whose name has been removed from the pool of eligibles for one jurisdiction or title area for cause shall be removed from the pool of eligibles for any other jurisdiction or title area.

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 the present matter, the record reflects that as of November 5, 2015, the appellant's name was correctly removed from the County Correction Officer list based on a 2010 arrest in Bayonne for aggravated assault. The appellant never appealed that matter. As such, when the certification for Sheriff's Officer (OL150892) was issued on July 17, 2015, the appellant's name was properly included on the certification. However, when the County Correction Officer certification (OL150999) was disposed on November 5, 2015, that appointing authority requested the removal of the appellant's name due to an unsatisfactory background report. As noted earlier, there is no record that the appellant appealed the removal of her name from that list to either Agency Services or the Commission. Accordingly, since her name was removed for cause from the County Correction Officer list, which is a title area included for the unified Law Enforcement

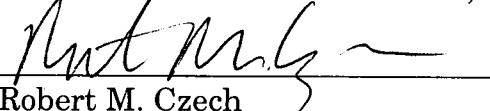
Examination (LEE), her name was removed from the pool of eligibles for the other title areas. Therefore, notwithstanding the fact that she requested that her name be retained for future certifications on the Sheriff's Officer (OL150892) certification, the appellant's name could not be certified on any future certification for Sheriff's Officer.

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 7TH DAY OF DECEMBER, 2016


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