



STATE OF NEW JERSEY

In the Matter of Sophia Phillips,
Human Services Technician (Special),
Greystone Park Psychiatric Hospital

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2017-446

List Removal Appeal

ISSUED: FEB 10 2017 (SLK)

Sophia Phillips appeals her removal from the eligible list for Human Services Technician (Special), Greystone Park Psychiatric Hospital, for failure to respond to the certification notice.

By way of background, the appellant was a permanent Human Services Technician with Greystone Park Psychiatric Hospital, but, as part of a layoff action, accepted a demotional title right to the title of Human Services Assistant. Her "Reduction in Force Final Notice" indicated that her special reemployment locations were in the Morris Plains and Middlesex, Morris, and Somerset Counties. Thereafter, as part of a subsequent layoff action, the appellant accepted a lateral title right as a Human Services Assistant with Trenton Psychiatric Hospital. Her Reduction in Force Final Notice for the second layoff indicated that her special reemployment locations were in Essex, Mercer, and Morris Counties. Thereafter, the appellant was removed from the Human Services Technician (Special) list by the New Jersey State Veterans Memorial Home at Menlo Park (Veterans Home) on certification OS160181 for failure to respond to the certification notice. The appellant did not appeal this removal to the Civil Service Commission. Additionally, the appellant was removed from the Human Services Technician (Special) list by the subject appointing authority on certification PS160489 for failure to respond to the certification notice.

On appeal, the appellant submits a letter dated April 16, 2016 that was addressed to the appointing authority in support of her claim that she responded to certification PS160489. She explains that when she spoke to human resources, she was told that the person she addressed her response to the certification was no longer there and it did not have any record that she responded. The appellant does not recall receiving certification OS160181 and asserts that her name should not have been certified to the Veterans Home as it is in Middlesex County and that was not a special reemployment location that she selected after the layoff action while serving as a Human Services Assistant.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)6 provides that the name of an eligible may be removed from an eligible list for non-compliance with the instructions listed on the notice of certification.

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 the appointing authority's decision to remove the appellant's name from the eligible list was in error.

In the instant matter, there is a valid basis to remove the appellant's name from the subject list. A review of the Reduction in Force Final Notice that the appellant filed after her layoff as a Human Services Technician indicates that she selected Middlesex County as a location to which she would accept special reemployment rights. This is the applicable document as it provides her special reemployment locations for a position as a Human Services Technician. The fact that she filed a subsequent Reduction in Force Final Notice while serving as a Human Services Assistant that did not indicate Middlesex County as one of her special reemployment locations is not relevant as this second Reduction in Force Final Notice only provides her special reemployment locations regarding a position as a Human Services Assistant. As the second layoff was from the lower level title of Human Services Assistant, it had no bearing on her special reemployment rights for the higher level title of Human Services Technician that she accepted as a result of her first layoff. Consequently, it was appropriate that she received certification OS160181 and her failure to respond to this notice appropriately removed her from the Human Services Technician (Special) list. Furthermore, she did not appeal her removal from certification OS160181. Regardless, it is also noted that although she submits a signed letter dated April 16, 2016 addressed to the appointing authority in response to certification PS160489, she has not submitted any evidence that she submitted this letter in a timely fashion.

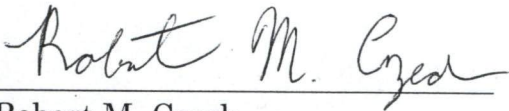
Accordingly, the appellant has not met her burden of proof in this matter and the appointing authority has shown sufficient cause for removing her name from the Human Services Technician (Special) eligible list.

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 8th DAY OF FEBRUARY, 2017



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Director
Division of Appeals
& Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Sophia Phillips
Chanda Curtis
Kelly Glenn
Records Center

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