

B-14



STATE OF NEW JERSEY

In the Matter of Alex Haralam,  
Correction Officer Recruit (S9988R),  
Department of Corrections

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-2538

List Removal Appeal

ISSUED: OCT 24 2014 (JET)

Alex Haralam appeals the attached decision of the Division of Classification and Personnel Management (CPM), which upheld the removal of his name from the Correction Officer Recruit (S9988R), Department of Corrections, eligible list, on the basis of his failure to appear for pre-employment processing.

The appellant took the open competitive examination for Correction Officer Recruit (S9988R), achieved a passing score, and was ranked on the subsequent eligible list. The appellant's name was certified to the appointing authority on May 23, 2013. In disposing of the certification, the appointing authority requested the removal of the appellant's name from the eligible list on the basis of his failure to appear for pre-employment processing. On appeal to CPM, the appellant asserted, among other things, that his name should be restored to the subject eligible list. CPM determined that the appointing authority had presented a sufficient basis to remove the appellant's name from the subject eligible list.

On appeal, the appellant asserts that he was under the impression that he was "not allowed" to appear at pre-employment processing on October 21, 2013 since he could not provide proof of his residency in Newark. The appellant contends that he notified the appointing authority by way of e-mail that he changed his mailing address to his mother's address in Parsippany because he was concerned about identify theft. The appellant adds that the appointing authority advised him that he could not provide a notarized letter to prove his residency in Newark. In addition, the appellant states that he is 33 years old and it is his last opportunity to

be appointed as a Correction Officer Recruit. Thus, the appellant requests that his name be restored to the subject eligible list.

In response, the appointing authority maintains that the appellant's name should be removed from the eligible list. Specifically, the appointing authority asserts that the appellant was notified by way of e-mail that he was scheduled to appear for pre-employment processing on October 21, 2013. The appointing authority confirms that it sent the notice to the e-mail address that was provided by the appellant. Further, the appointing authority contends that on October 6, 2013, the appellant contacted human resources and stated that he only rented a room in Newark. In this regard, the appellant indicated that the lease and the utility bills were not in his name and all of his important documents were sent to his mother's house in Parsippany. The appointing authority adds that the appellant also requested if he could provide a notarized statement to show that his residence was in Newark. In response, the appointing authority informed the appellant that he could not provide a notarized statement to show that he lived in Newark. The appointing authority also advised the appellant that since he could not provide proof of residency, he could not be considered for appointment from the Northern Region eligible list and his name would be moved to the Statewide list. In addition, the appellant was notified that his name was not reachable on the Statewide certification due to his rank.<sup>1</sup> Moreover, the appointing authority asserts that the appellant failed to appear for pre-employment processing on October 21, 2013.<sup>2</sup>

### CONCLUSION

*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. *N.J.A.C. 4A:4-4.7(a)11* allows the Commission to remove an eligible's name from an eligible list for other valid reasons.

It is initially noted that that an appointing authority has the right to require potential new hires to undergo pre-employment processing to ensure that the candidate is qualified for appointment. Such pre-employment processing may include any and all conditions necessary for an appointing authority to assess a candidate's qualifications. Further, this information is important as it serves the important function of informing the appointing authority as to any significant differences between candidates which may assist it in the selection process. *See, In the Matter of Bruce C. Cooke* (MSB, decided May 8, 2001); *In the Matter of James Smith* (MSB, decided April 24, 2001).

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<sup>1</sup> The appointing authority notes that the appellant's rank is 05418 and it had only reached rank 0749.

<sup>2</sup> The appointing authority notes that it did not cancel the appellant's appointment to appear for pre-employment processing.

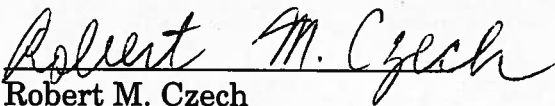
In the instant matter, the appointing authority requested the removal of the appellant's name from the eligible list on the basis that he failed to respond to the notice to appear for pre-employment processing. While the appellant argues that he was under the impression that he was not permitted to appear for pre-employment processing, the Commission is not persuaded. A review of the record reveals that the appointing authority correctly removed the appellant's name from the eligible list for failure to respond to appear for pre-employment processing. In this regard, the appointing authority notified the appellant by way of an e-mail that he was scheduled to appear for pre-employment processing on October 21, 2013. Further, the appointing authority confirms that it sent the notice to the e-mail address provided by the appellant. The explanations provided by the appellant on appeal are not sufficient to explain why he failed to appear for pre-employment processing on October 21, 2013. Moreover, the appellant has not provided any substantive documentation to show that the appointing authority's decision to remove his name from the eligible list was incorrect. Accordingly, the appointing authority has presented a sufficient basis to remove the appellant's name from the eligible list for Correction Officer Recruit (S9988R), Department of Corrections.

### 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 22<sup>nd</sup> DAY OF OCTOBER, 2014



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
Director  
Division of Appeals  
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c: **Alex Haralam**  
**Jennifer Rodriguez**  
**James Mulholland**  
**Kenneth Connolly**  
**Dan Hill**



STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION

DIVISION OF CLASSIFICATION & PERSONNEL MANAGEMENT  
P. O. Box 313  
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Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

Robert M. Czech  
Chair/Chief Executive Officer

April 1, 2014

Alex Haralam

**Title:** Correction Officer Recruit  
**Symbol:** S9988R  
**Jurisdiction:** Department of Corrections  
**Certification Number:** JU13D01  
**Certification Date:** 05/23/13

**Initial Determination: Removal – Did not appear/complete pre-employment processing**

This is in response to your correspondence contesting the removal of your name from the above-referenced eligible list.

The Appointing Authority requested removal of your name in accordance with *N.J.A.C. 4A:4-6.1(a) 4*, which permits the disqualification of an eligible candidate's name from the eligible list when one has failed to pass preliminary examination procedures.

After a thorough review of our records and all the relevant material submitted, we find that there is not a sufficient basis to restore your name to the eligible list. Therefore, the Appointing Authority's request to remove your name has been sustained and your appeal is denied.

Please be advised that in accordance with Civil Service Rules, you may appeal this decision to the Division of Division of Appeals & Regulatory Affairs (ARA) within 20 days of the receipt of this letter. You must submit all proofs, arguments and issues which you plan to use to substantiate the issues raised in your appeal. Please submit a copy of this determination with your appeal to ARA. You must put all parties of interest on notice of your appeal and provide them with copies of all documents submitted for consideration.

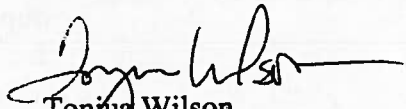
Please be advised that pursuant to P.L. 2010, c.26, effective July 1, 2010, there shall be a \$20 fee for appeals. Please include the required \$20 fee with your appeal. Payment must be made by check or money order only, payable to the NJ CSC. Persons receiving public assistance pursuant to P.L. 1947, c. 156 (C.44:8-107 et seq.), P.L. 1973, c.256 (C.44:7-85 et seq.), or P.L. 1997, c.38 (C.44:10-55 et seq.) and individuals with established veterans preference as defined by N.J.S.A. 11A:5-1 et seq. are exempt from these fees.

Alex Haralam  
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Address all appeals to:

Henry Maurer, Director  
Division of Appeals & Regulatory Affairs (ARA)  
Written Record Appeals Unit  
PO Box 312  
Trenton, NJ 08625-0312

Sincerely,

  
Tonjua Wilson  
Human Resource Consultant  
State Certification Unit

For Joe M. Hill Jr. Assistant Director  
Division of Classification & Personnel Management

C James Mulholland, Director  
File