

B-22



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Eddie Reid,
Correction Officer Recruit (S9988R),
Department of Corrections

List Removal

CSC Docket No. 2014-3214

ISSUED: SEP 19 2014 (SLK)

Eddie Reid appeals the attached determination of the Division of Classification and Personnel Management (CPM) upholding the removal of his name from the eligible list for Correction Officer Recruit (S9988R), Department of Corrections, on the basis of failure to complete pre-employment processing.

By way of background, the appellant had a rank of 4437 on certification JU13D01 that was issued on May 23, 2013. The subject eligible list promulgated on May 23, 2013 and expires on May 22, 2015. On July 12, 2013, the appointing authority acknowledged via email that it had received his response to the Notice of Certification (Notice) that he was interested in a position in the subject title, that it anticipated having pre-employment processing appointments in September, and that it would notify him via email in August if in fact it was going to schedule him for a pre-employment processing appointment in September. The appointing authority's email was sent to the same email address that the appellant had used to respond to the Notice. On September 9, 2013, the appointing authority sent to the appellant's aforementioned email address notification that he was scheduled for a pre-employment appointment on October 17, 2013. Further, the email advised that the appellant's failure to keep the appointment would result in his removal from the list. However, the appellant failed to attend his appointment and he did not write the appointing authority, as required, to advise that he would not be attending his appointment. He also did not request to be rescheduled. Therefore, in disposing of the certification, the appointing authority requested the removal of the appellant's name, contending that he did not complete pre-employment processing. The

appellant appealed the matter of the removal of his name to CPM, which found that the appointing authority sustained its request.

On appeal, Mr. Reid initially states that he had been checking his mailbox regularly and calling the appointing authority on a continual basis about the arrival of his welcome package with his appointment date as to when he would be begin pre-employment processing. He maintains that every time he called the appointing authority, he was advised that he should wait to receive his letter, which he never did. After reviewing the removal notice letters, the appellant now realizes that the scheduling appointment notification was sent by email and not by mail. The appellant presents a sworn, notarized statement indicating that he did not receive an email from the appointing authority scheduling him for pre-employment processing. He represents that during the initial process, his email was hacked and that he had to close down his account and establish a new email account. He believes this is why he never received the appointment notice.

The appointing authority states that Mr. Reid was certified from the subject eligible list on June 5, 2013. It notes that the welcome letter and Notice were mailed to the appellant's address of record. The appointing authority highlights that the Notice clearly stated, "Failure to keep any scheduled appointment resulting from this Notice will cause your name to be removed from the eligible list." The appointing authority comments that on June 10, 2013, when Mr. Reid responded to the Notice, there were no pre-employment processing appointments available and that on July 12, 2013, it informed him that it was unable to schedule him at that time. It maintains that on July 24, 2013, the appointing authority sent him an email with the residential package containing the necessary documents for him to complete prior to the appointment and it advised that any inquiries regarding the information or documentation must be made to the appointing authority in writing or by email. The appointing authority represents that it emailed him on September 9, 2013 to schedule an appointment on October 17, 2013. It states that Mr. Reid failed to report to the October 17, 2013 appointment and therefore its request to remove the appellant's name from the subject eligible list should be sustained.

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

In the instant matter, CPM determined that the appointing authority had a sufficient reason to remove the appellant from the subject eligible list as the

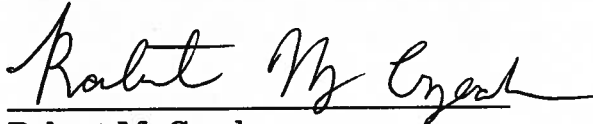
appellant did not appear at the interview. However, on appeal, the appellant has submitted a notarized sworn statement indicating that he never received the email scheduling him for the October 17, 2013 pre-employment processing appointment. Further, the appellant has indicated that he contacted the appointing authority inquiring about his pre-employment processing appointment and was advised that he would receive a letter in the mail. He presents that it is only after receiving his removal notice did he realize that the appointment notice was sent via email. Additionally, he maintains that there was an issue with his email address during the notification process as it was hacked and that he did contact the Commission providing his new email address after he changed it. Therefore, under these circumstances, the appellant's name should be restored to the subject eligible list for Correction Officer Recruit.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant's name restored to the list for Correction Officer Recruit (S9988R), Department of Corrections, for prospective employment opportunities only.

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 17th DAY OF SEPTEMBER, 2014



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

**c: Eddie Reid
James Mulholland
Kenneth Connolly**



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
DIVISION OF CLASSIFICATION & PERSONNEL MANAGEMENT
P. O. Box 313
Trenton, New Jersey 08625-0313

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

June 4, 2014

Eddie Reid

Title: Correction Officer Recruit
Symbol: S9988R
Jurisdiction: Department of Corrections
Certification Number: JU13D01
Certification Date: 05/23/2013

Initial Determination: D6: Removed -Did not appear/complete for pre-employment processing

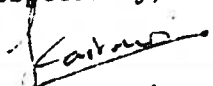
This is in response to your correspondence contesting the removal of your name from the above-referenced eligible list. The Appointing Authority requested removal of your name in accordance with *N.J.A.C. N.J.A.C. (4A:4-4.7(a)6)*, which permits the removal or bypass of an eligible candidate's name from the eligible list for non-compliance with the instructions listed on the notice of certification.

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 (DARA) 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 DARA. 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.

Respectfully,


Kairavi Inamdar on behalf of
Valerie Stutesman
Leader/Manager

c: JAMES J MULHOLLAND

