

CSC
B-16



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Salena Bradley,
Correction Officer Recruit (S9988R),
Department of Corrections

List Removal

CSC Docket No. 2014-1906

ISSUED: **JUL 18 2014** (HS)

Salena Bradley appeals the attached decision of the Division of Classification and Personnel Management (CPM), which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the Correction Officer Recruit (S9988R), Department of Corrections eligible list on the basis of her failure to complete pre-employment processing.

The appellant took the open competitive examination for Correction Officer Recruit (S9988R), which had a closing date of January 2013, achieved a passing score and was ranked as a non-veteran on the subsequent eligible list. The eligible list promulgated on May 23, 2013 and expires May 22, 2015. The appellant's name was certified to the appointing authority on June 5, 2013. In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis of her failure to complete pre-employment processing. Specifically, the appointing authority asserted that the appellant was scheduled to attend pre-employment processing on June 13, 2013, but she failed to appear or notify the appointing authority of her inability to attend. As a result, the appellant's name was removed from the subject eligible list.

On appeal to CPM, the appellant argued that she never received the June 7, 2013 email containing her scheduled date for pre-employment processing due to a technical problem with her email. Specifically, the appellant stated that she believed there was an error with her email service provider and that her account had been hacked, causing problems with sending and receiving emails. The

appellant stated that she changed the password for her email account but continued to have issues, causing her to ultimately create a new email account. The appellant noted that she sent an email to the appointing authority on June 30, 2013, after her return from a vacation, indicating that she was available for further instruction. The appellant further noted that due to concerns that the appointing authority was not receiving her emails, she re-sent her June 30, 2013 email. The appellant stated that she received two emails in July 2013, one indicating that the appellant would receive an appointment for pre-employment processing in the future and one providing a copy of the residential application for employment. However, CPM found that the appointing authority had sufficiently supported and documented its decision to remove the appellant's name from the eligible list.

On appeal to the Civil Service Commission (Commission), the appellant essentially reiterates the arguments submitted to CPM and submits a copy of the email correspondence between the appellant and the appointing authority. In addition, the appellant submits a notarized statement under oath stating that she did not receive any notice of a date to appear for pre-employment processing for the subject title.

In response, the appointing authority asserts that it stands with its original decision to remove the appellant from the subject eligible list. Specifically, the appointing authority maintains that it sent the email scheduling the appellant for pre-employment processing to the same email address from which the appellant had sent her response to the Notice of Certification. The appointing authority disputes the appellant's claim that her email account had been hacked since the appellant was still able to send and receive emails from that account. The appointing authority also argues that the two emails sent to the appellant in July 2013, one indicating that the appellant would receive an appointment for pre-employment processing in the future and another providing a copy of the residential application for employment, were sent in error as a result of the appellant's duplicate emails. The appointing authority states that it later caught the error and proceeded to inform the appellant that it was removing her from the subject eligible list due to her failure to complete pre-employment processing. The appointing authority also submits a copy of the email correspondence between the appellant and the appointing authority.

CONCLUSION

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. *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 the appellant from an eligible list was in error.

It is initially noted that the appointing authority has the authority and ability 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 the candidates which may assist it in the selection process. *See In the Matter of Laura C. Bonilla* (MSB, decided September 7, 2005); *In the Matter of Bruce C. Cooke* (MSB, decided May 8, 2001); and *In the Matter of James Smith* (MSB, decided April 24, 2001).

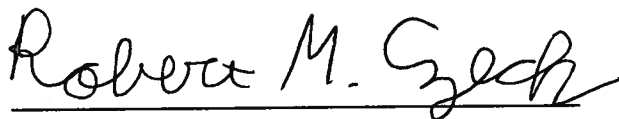
In the instant matter, the appointing authority removed the appellant's name from the subject eligible list on the basis that she did not appear for pre-employment processing. However, the appellant maintains that she never received the appointing authority's email notifying her of her scheduled date for pre-employment processing. Furthermore, the appellant submits a notarized statement under oath stating that she did not receive any notice of a date to appear for pre-employment processing for the subject title. Accordingly, under these circumstances, the appellant has met her burden of proof in this matter and the appointing authority has not shown sufficient justification for removing her name from the Correction Officer Recruit (S9988R), Department of Corrections eligible list.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant's name be restored to the eligible list for prospective employment opportunities.

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 16TH DAY OF JULY 2014



Robert M. Czech
Chairperson
Civil Service Commission

**Inquiries
and
Correspondence**

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

Attachment

- c. Salena Bradley
James J. Mulholland
Kenneth Connolly**



Chris Christie
Governor
Kim Guadagno
Lt. Governor

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

Robert M. Czech
Chair/Chief Executive Officer

January 16, 2014

Salena Bradley

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.

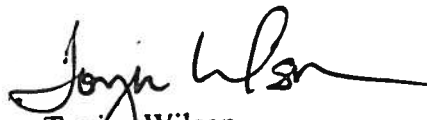
Please be advised that in accordance with Civil Service Rules, you may appeal this decision to the Division of Division of Appeals & Regulatory Affairs (ARA) within 20 days of the receipt of this letter. You must submit all proofs, arguments and issues which you plan to use to substantiate the issues 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.

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 Muholland, Director
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