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B-26



STATE OF NEW JERSEY

In the Matter of Michael Galemba,  
County Correction Officer (C9979M),  
Essex County

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-2101

List Removal Appeal

ISSUED: FEB 06 2015 (EG)

Michael Galemba appeals the attached decision of the Division of Classification and Personnel Management (CPM) removing his name from the County Correction Officer (C9979M), Essex County eligible list due to his failure to appear for an interview.

The subject eligible list (C9979M) was promulgated on June 10, 2011 and expired on May 1, 2014. In disposing of the October 24, 2012 certification of the subject list, the appointing authority requested the removal of the appellant's name based on his failure to appear for an interview. Specifically, it stated that it sent the appellant a certified letter dated November 20, 2012 indicating that the appellant was scheduled for pre-employment processing on December 10, 2012. It also submits a USPS track and confirm printout indicating the letter was delivered on December 26, 2012. The appellant appealed the removal of his name from the subject certification to CPM. CPM upheld the removal of the appellant's name based on the information provided by the appointing authority.

On appeal, the appellant argues initially that the track and confirm printout indicates that he received the letter after the interview date. Additionally, the appellant asserts that he had the interview date changed because of a conflicting interview the same date. In support of this contention, he submits copies of an email dated December 13, 2012 from Essex County Department of Corrections (DOC) recruitment indicating that his pre-employment processing had been rescheduled to December 17, 2012. The appellant asserts that he showed up on December 17, 2012 and interviewed with Officer Orlando Camacho.

The appointing authority, despite being provided the opportunity, did not submit any further arguments or evidence for the Commission to review.

### 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 the appellant's name from an eligible list was in error. Further, it is noted that the appointing authority has the authority and ability to require a potential new hire to undergo preemployment processing to ensure that the candidate is qualified for appointment. Such preemployment processing may include any and all conditions necessary for an appointing authority to assess a candidate's qualifications. Moreover, this information is vital 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).

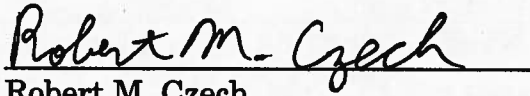
In the instant matter, the appellant's name was removed from the subject eligible list by the appointing authority for not appearing for a scheduled interview. The appointing authority indicated that it sent the appellant a certified letter concerning his interview date. On appeal, the appellant argues that his interview was rescheduled and that he showed up and had the interview on the rescheduled date. The appellant submits an email from Essex County DOC recruitment indicating this rescheduled date. The appointing authority has not refuted the appellant's claim that he attended the interview on the rescheduled date. Accordingly, since the appellant's claim that he attended an interview on a rescheduled date has not been challenged by the appointing authority, the appellant has met his burden of proof in this matter.

### ORDER

Therefore, it is ordered that the appellant's appeal of the removal of his name from the list for County Correction Officer (C9979M), Essex County be granted, and the list be revived so that the appellant's name may be certified at the time of the next certification, 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 4TH DAY OF FEBRUARY, 2015



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

Attachment

c: Michael Galemba  
Alan Abramowitz  
Kenneth Connolly



Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

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

Robert M. Czech  
Chair/Chief Executive Officer

February 10, 2014

Michael Galemba

**Title:** County Correction Officer  
**Symbol:** C9979M  
**Jurisdiction:** Essex County  
**Certification Number:** OL121415  
**Certification Date:** October 24, 2012

**Initial Determination: Removal – Did not appear for interview**

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:4-4.7(a) 3*, which permits the removal of an eligible candidate's name from the eligible list for failure to appear for a scheduled interview.

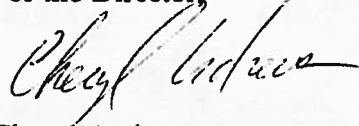
After a thorough review of our records and all the relevant material submitted, we find that there is not a sufficient basis to restore your name to the eligible list. Therefore, the Appointing Authority's request to remove your name has been sustained and your appeal is denied.

Please be advised that in accordance with Civil Service Rules, you may appeal this decision to the Division of Appeals and 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. Address all appeals to:

Henry Maurer, Director  
Division of Appeals and Regulatory Affairs  
PO Box 312  
Trenton, NJ 08625-0312

Sincerely,  
For the Director,

A handwritten signature in cursive script, appearing to read "Cheryl Andrews".

Cheryl Andrews  
Human Resource Consultant 2

c: Alan Abramowitz

