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STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Paul Murray,
County Correction Officer (C9975M),
Mercer County

CSC Docket No. 2015-370

List Removal Appeal

ISSUED: **FEB 06 2015** (EG)

Paul Murray appeals the attached decision of the Division of Classification and Personnel Management (CPM) removing his name from the County Correction Officer (C9975M), Mercer County eligible list due to his failure to appear for an interview¹.

The subject eligible list (C9975M) was promulgated on June 10, 2011 and expired on May 1, 2014. In disposing of the September 18, 2013 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 letter dated October 24, 2013 to the appellant's updated address, indicating that the appellant was scheduled for pre-employment processing on November 5, 2013. It also submits the sign-in sheet indicating the appellant did not show up on November 5, 2013 as required. Thereafter, a Certification Disposition Notice dated February 7, 2014, was sent to the appellant indicating that his name was removed from the eligible list because he failed to appear for an interview as scheduled.² The appellant appealed to CPM arguing that his Certification Notice went to an old address. He provided a copy of a letter dated September 30, 2013 to

¹ CPM's July 22, 2014 decision incorrectly indicates that the appellant was removed for non-response to a Certification Notice.

² The Certification Disposition Notice was sent to the appellant's prior address. In this regard, it is noted that the appellant has provided evidence that he informed the appointing authority of an address change but did not indicate that he also informed CPM or the Civil Service Commission of said change of address.

the appointing authority indicating his address change and his interest in the position. CPM upheld the removal of the appellant's name.

On appeal, the appellant reiterates that he responded to the Certification Notice in a timely manner. In support of his contention, he submits copies of the information he had submitted in his appeal to CPM. It is noted that in response to the appellant's appeal, Commission staff sent the parties a letter dated September 11, 2014 requesting further arguments or evidence regarding the appellant's removal from the subject list for failing to appear for an interview. The appellant did not submit any further arguments or evidence in response to this letter.

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. Moreover, there is a presumption that mail correctly addressed, stamped and mailed is generally received by the party to whom it was addressed. See *SSI Medical Services, Inc. v. State Department of Human Services*, 146 N.J. 614 (1996); *Szczesny v. Vasquez*, 71 N.J. Super. 347, 354 (App. Div. 1962); *In the Matter of Joseph Bahun*, Docket No. A-1132-00T5F (App. Div. May 21, 2001).

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 asserts that it sent the appellant a letter to his updated address concerning his interview date. On appeal, the appellant argues that the Notice of Certification was sent to his old address and that he had updated his address with the appointing authority. The appellant also states that he responded as interested to the position. However, the appellant does not indicate that he never received the notice for an interview sent by the appointing authority. Although CPM's decision incorrectly indicated that the appellant was removed for

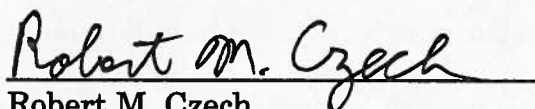
non-response to the Notice of Certification, which may have caused some confusion, the Certification Disposition Notice and the letter from Commission staff in response to the appeal both clearly indicate that the appellant was removed for failing to appear for an interview. In this regard, the Commission notes that the appellant fails to make any arguments regarding his failing to appear for an interview. Accordingly, since the notice of interview letter was properly addressed and the appellant has not provided any arguments regarding his failure to appear for the interview, sufficient justification has been presented for removing the appellant's name from the County Correction Officer (C9975M), Mercer County 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 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: Paul Murray
Raissa Walker
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

DATE: July 22, 2014

Paul S. Murray	Title: County Correction Officer Symbol: C9975M Jurisdiction: Mercer County Certification Number: OL131234 Certification Date: 9/18/13
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Initial Determination: Removal – Non-Response to Certification Notice

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)6*, which permits the removal 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 is sustained and your appeal is **denied**. Please be advised that C9975M expired on May 9, 2014 and there will be no further certifications issued from the eligible list.

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.

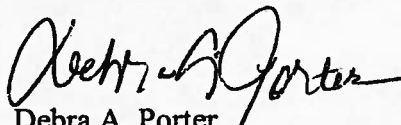
Pursuant to P.L. 2010 c.26, effective July 1, 2010, there shall be a \$20 fee for appeals. Please include the required \$20 fee with your appeal. Payment must be made by check or money order only, payable to the NJ CSC.

Paul S. Murray
July 22, 2014
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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
Written Record Appeals Unit
PO Box 312
Trenton, NJ 08625-0312

Sincerely,
For the Acting Director,


Debra A. Porter
Senior Management Assistant

c: Raissa L. Walker

