



B-75

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Edith France,
Correction Officer Recruit (S9988R),
Department of Corrections

List Removal

CSC Docket No. 2015-1119

ISSUED: APR 09 2015 (SLK)

Edith France appeals the attached determination of the Division of Classification and Personnel Management¹ (CPM) upholding the removal of her 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 1956 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 April 30, 2014, the appointing authority sent Ms. France an email with an appointment date for a medical examination on May 14, 2014. The appellant was advised that she must reply to the email confirming if she would be able to attend her appointment. However, Ms. France never responded, as requested, and failed to attend her scheduled appointment. The appellant also failed to notify the appointing authority that she was not going to keep her scheduled appointment, and she did not send an email requesting to be rescheduled or indicating a reason for missing her scheduled appointment. Therefore, in disposing of the certification, the appointing authority requested the removal of the appellant's name, contending that she did not complete pre-employment processing. Ms. France appealed the matter of the removal of her name to CPM, which found that the appointing authority sustained its request.

On appeal, Ms. France states that she followed every instruction that was given and has kept every appointment that was scheduled for her. The appellant

¹ Now known as the Division of Agency Services.

explains that the only email that she received was on April 30, 2014 which was for the psychological evaluation. Ms. France indicates that she responded to that email and was present for the psychological evaluation on May 12, 2014. The appellant maintains that while waiting to be called for the psychological evaluation, a fellow candidate stated that they were going to have their medical exam on Wednesday, May 14, 2014. However, Ms. France replied that she was not scheduled for it. Thereafter, the appellant checked her email inbox, trash, and junk folders to see if she had missed anything. Further, the Psychologist asked if she was going for her medical exam on Wednesday and she stated that she was not scheduled for it. Although Ms. France was wondering why she was the only candidate not scheduled for her medical exam, she presents that she continued to wait patiently because she had signed an agreement with the appointing authority stating that she would not contact it unless contacted. The appellant submits a copy of the April 30th email that she received for the psychological evaluation appointment and asserts that she never received the email for the medical examination appointment.

In reply, the appointing authority states that Ms. France responded to the Notice of Certification by email stating that she was still interested in the position. Thereafter, it provides that the appellant was sent an email to the same address scheduling Phases 1-3 pre-employment processing which she successfully completed. Next, on April 30, 2014, as part of Phase 4, the appointing authority maintains that Ms. France was scheduled for a medical examination and a psychological interview in two separate emails that it sent to the same email address. Additionally, although the appellant was instructed to respond advising if she would be attending her appointments, it presents that she only responded to the email for her psychological appointment, but did not respond to the medical examination appointment email. Subsequently, the appointing authority indicates that Ms. France did not report to her medical examination appointment on May 14, 2014, she failed to notify it that she was not going to attend, and she did not send an email requesting to be rescheduled or indicating a reason for missing her scheduled appointment. As such, it contends that it has sufficient reason to remove her from the eligible list.

In reply, Ms. France submits a notarized sworn statement indicating that all of the information that she stated in her appeal regarding the medical examination is true and that she would have attended the May 14, 2014 medical examination if she had received the email.

In further response, the appointing authority submits a certification and attachments which reiterates its previously stated arguments.

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 medical examination. However, on appeal, Ms. France has submitted a notarized sworn statement indicating that she never received the email scheduling her for the May 14, 2014 medical examination pre-employment processing appointment. Further, the appellant, after learning that other candidates had been scheduled for a medical examination on May 14th, indicates that she checked her email inbox, trash, and junk folder, but still did not see the email. Additionally, Ms. France asserts that she did not contact the appointing authority because she had signed an agreement that she would not contact it unless the appointing authority contacted her. 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 1st DAY OF APRIL, 2015



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: Edith France
James Mulholland
Jennifer Rodriguez
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

October 3, 2014

Edith France

Title: Correction Officer Recruit
Symbol: S9986R
Jurisdiction: Department of Corrections
Certification Number: JU13D01
Certification Date: 05/23/2013

Initial Determination: Removal – Did not 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.

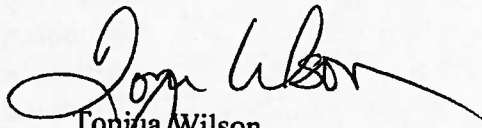
Please be advised that in accordance with Civil Service Rules, you may appeal this decision to the Division of Division of Appeals & Regulatory Affairs (DARA) within 20 days of the receipt of this letter. You must submit all proofs, arguments and issues which you plan to use to substantiate the issues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



State of New Jersey
DEPARTMENT OF CORRECTIONS
CUSTODY RECRUITMENT UNIT
PO Box 863
TRENTON NJ 08625-0863

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

GARY M. LANIGAN
Commissioner

June 10, 2014

EDITH FRANCE


RE: NOTIFICATION OF REMOVAL
Symbol: S9988R; Rank: 1956

Dear Candidate:

This is to inform you that your name has been removed from the above referenced open competitive list for Correction Office Recruit due to:

Did Not Appear/ Complete Pre-Employment Processing

On April 30, 2014 the NJDOC Office of Human Resources sent you an email with an appointment date for a medical examination on May 14, 2014. You were advised that you must reply to the email with your full name and the last five digits of your social security number, confirming if you would be able to attend your appointment. You never responded, as requested, and failed to attend your scheduled appointment. You also failed to notify this office that you were not going to keep your scheduled appointment, and you did not send an email requesting to be rescheduled or indicate a reason for missing your scheduled appointment.

NJAC 4A:4-4.7 provides for the removal of a prospective employee for the reason noted. Therefore, your name has been removed from the list.

Please be advised that in accordance with NJ Civil Service Commission rules you may appeal this action, in writing, for administrative review within twenty (20) days of receipt of this notice. Your appeal should include any documentation and/or written material which indicates your removal is not warranted. **You must send a copy of your appeal to the undersigned.**

EDITH FRANCE, COR, S9988R, RANK 1956

RE: NOTIFICATION OF REMOVAL

June 10, 2014

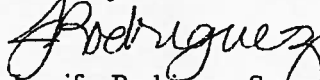
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Your appeal must be filed with:

**Assistant Director, Classification and Personnel Management
NJ Civil Service Commission
PO Box 313
Trenton, NJ 08625-0313**

YOU MUST INCLUDE A COPY OF THIS NOTICE WITH YOUR APPEAL and forward a copy of your appeal documents to the Department of Corrections for our records.

Sincerely,



Jennifer Rodriguez, Supervisor
Custody Recruitment Unit

JR/jmc
C: File