



STATE OF NEW JERSEY

In the Matter of Kleovoulos
Zissimopoulos, Police Officer
(S9999U), Margate

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

CSC Docket No. 2018-2679

List Removal Appeal

ISSUED: JUNE 8, 2018 (JET)

Kleovoulos Zissimopoulos appeals the removal of his name from the Police Officer (S9999U), Margate eligible list on the basis of an unsatisfactory background report.

The appellant took the open competitive examination for Police Officer (S9999U), achieved a passing score, and was ranked on the subsequent eligible list. The appellant's name was certified on November 17, 2017. In disposing of the certification, the appointing authority requested the removal of the appellant's name from the eligible list on the basis of an unsatisfactory background report. It is noted that the appointing authority provided a copy of the employment application to the Division of Agency Services (Agency Services) in support of its request to remove the appellant's name from the list.

On appeal to the Civil Service Commission (Commission), the appellant asserts that he disclosed relevant information to the appointing authority with respect to his background, and he did not provide any adverse information that would have resulted in the removal of his name from the list. The appellant adds that he was appointed and is currently serving as a Police Officer in Atlantic City, and nothing in his background prevented him from being appointed in that jurisdiction.

Despite being provided with the opportunity, other than the appellant's employment application, the appointing authority did not provide any

documentation or arguments on appeal to show that the appellant has an unsatisfactory background report.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allows the Commission to remove an eligible's name from an eligible list for other sufficient reasons. Removal for other sufficient reasons includes, but is not limited to, a consideration that based on a candidate's background and recognizing the nature of the position at issue, a person should not be eligible for an appointment. *N.J.A.C.* 4A:4-4.7(b)1 provides that upon request of the eligible or upon the eligible's appeal, the appointing authority shall provide the eligible with copies of all materials sent to the appropriate Commission representative when it disposed of the certification. *N.J.A.C.* 4A:4-4.7(b)2 provides that, if the appointing authority fails to provide the eligible with copies of materials, the request for removal may be denied. *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 his or her name from an eligible list was in error.

In this matter, the appellant argues, among other things, that he does not possess an unsatisfactory background and he is currently serving as a Police Officer in Atlantic City. Although the appointing authority indicated that the appellant possesses an unsatisfactory background report, it did not provide any arguments on appeal or any substantive evidence in support of that claim pursuant to *N.J.A.C.* 4A:4-4.7(b)1. Rather, it only provided a copy of the appellant's employment application in support of its request to remove his name from the list when it disposed of the certification. A review of the appellant's employment application only indicates two minor encounters with law enforcement more than 14 years prior to him filing the application. This is not sufficient to show that the appellant possesses an unsatisfactory background report. Without any arguments from the appointing authority indicating how the information in the employment application establishes an unsatisfactory background, it cannot be used to remove the appellant's name from the list. Pursuant to *N.J.A.C.* 4A:4-4.7(b)2, the appointing authority was notified that failure to provide such information may result in the request for removal being denied. Accordingly, the appellant has met his burden of proof in this matter as the appointing authority has not shown sufficient justification for removing his name from the Police Officer (S9999U), Margate, eligible list.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant's name be restored to the list 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 6th DAY OF JUNE, 2018



Deidre L. Webster Cobb
Chairperson
Civil Service Commission

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