



STATE OF NEW JERSEY

In the Matter of James Sullivan, III
Correctional Police Officer (S9988A),
Department of Corrections

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

CSC Docket No. 2022-499

List Removal appeal

ISSUED: JUNE 20, 2022 (VJ)

James A. Sullivan, III appeals the determination of the Department of Corrections to remove his name from the eligible list for Correctional Police Officer (S9988A), on the basis that he failed to complete pre-employment processing.

The appellant, a non-veteran, took and passed the open competitive examination for Correctional Police Officer (S9988A), which had a closing date of May 31, 2017. The resulting eligible list promulgated on June 27, 2019 and expired on June 26, 2021. The appointing authority indicates that Sullivan was scheduled for pre-employment processing on June 1, 2021. Sullivan sent an e-mail stating that he was unable to make this appointment and requested to be rescheduled. He was notified by email that he was rescheduled for June 8, 2021. On June 7, 2021, Sullivan sent a second email that he was exposed to Covid-19 and again requested to be rescheduled for his pre-employment processing. He was notified on June 15, 2021 that he was rescheduled for June 22, 2021. Subsequently, the appointing authority removed the appellant from the subject eligible list on the basis that he failed to appeal for pre-employment processing.

On appeal, Sullivan claims that, in response to his June 7, 2021 request, he was originally told that he would not be scheduled for pre-employment processing until later in the year as there were no more scheduling dates. However, he maintains that he then received an email that he was rescheduled for June 22, 2021. The appellant asserts that after he was exposed to Covid-19, his current

employer required that he quarantine for two weeks, with a return to work date of June 22, 2021. However, his current employer refused to allow him to take another day off after the two-week quarantine period. Therefore, as he was scheduled to return to work on June 22, 2021, he was unable to attend the pre-employment processing.

In response, the appointing authority states that Sullivan's name was removed because he did not complete the pre-employment processing on the scheduled date. Additionally, the appointing authority notes that it had rescheduled the appellant twice. The appointing authority also claims that it did not state he would be rescheduled later in the year, as its immediate response was, "Please report on June 8, 2021 at 8:00 a.m." In support, it submits several emails including the appointing authority's May 27, 2021 in response to the appellant's first request dated May 27, 2021 at 2:45 p.m. It also included its June 15, 2021 response to the appellant's June 7, 2021 email, rescheduling his appointment to June 22, 2021 due to the Covid-19 exposure.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)6 provides that an eligible's name may be removed from a list for "non-compliance with the instructions listed on the notice of certification." *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 her name from an eligible list was in error. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

In the instant matter, the appointing authority requested the removal of the appellant's name from the subject eligible list on the basis that he did not complete the pre-employment processing. On appeal, the appellant explains that due to a mandatory two-week quarantine, due to a Covid-19 exposure, he was to return to work with his current employer on June 22, 2021. However, his current employer refused to extend his leave and instead required he return to work on June 22, 2021. As the Civil Service Commission (Commission) is aware of the issues surrounding the pandemic and employment for many people in this State, and under the particular circumstances of this matter, it is appropriate to restore the appellant's name to the subject eligible list for prospective employment opportunities only.

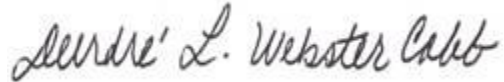
ORDER

Therefore, it is ordered that this appeal be granted, and the eligible list for Correctional Police Officer (S9988A), Department of Corrections be revived in order

for the appellant to be considered for appointment at the time of the next certification to North Hudson 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 15TH DAY OF JUNE 2022



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