



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Moshood
Animasaun, Program Specialist 4
Social/Human Services (PS9836K),
Department of Human Services

List Removal

CSC Docket No. 2014-1819

ISSUED: **SEP 04 2014** (HS)

Moshood Animasaun appeals the attached decision of the Division of Classification and Personnel Management (CPM), which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the Program Specialist 4 Social/Human Services (PS9836K), Department of Human Services eligible list on the basis of a false statement of a material fact.

The appellant took the promotional examination for Program Specialist 4 Social/Human Services (PS9836K), which had a closing date of April 2012, achieved a passing score and was listed as the fourth-ranked non-veteran eligible on the subsequent eligible list. The eligible list promulgated on October 18, 2012 and expires October 17, 2014. The appellant's name was certified to the appointing authority on March 18, 2013.¹ In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis of a false statement of a material fact. Specifically, the appointing authority asserted that the appellant was requested to provide in writing the names of 39 employees for whom the appellant claimed to have provided supervision and completed evaluations. The appointing authority further asserted that the information provided was reviewed and found to be false. In support, the appointing authority submitted a "Coordinator Medical Services Job Manual" (Job Manual) dated January 29, 2010. The Job Manual indicated under "Staff Supervision" that the

¹ There have been no other certifications of the list. Additionally, if restored, the appellant's name could be bypassed from the March 18, 2013 certification pursuant to *N.J.A.C. 4A:4-4.8*, the "Rule of Three."

Coordinator oversaw a Secretary, Clinic Supervisor, a "coder," a Physical Therapy Assistant, a Medical Services Clerk, an individual in "admissions," four Physical Therapy Consultants and two Speech Therapy Consultants. It further noted that the Coordinator was responsible for completing the evaluations of the Secretary, Clinic Supervisor, a "coder," a Medical Services Clerk and the individual in admissions. However, for the remainder of the employees, the Coordinator would "review and provide secondary approval" with the Clinic Supervisor being responsible for completing the evaluations.

On appeal to CPM, the appellant asserted that he was a Program Coordinator, Mental Health at the now-closed Hagedorn Psychiatric Hospital (Hagedorn) from December 2008 to March 2011. On March 26, 2011, he was provisionally appointed, pending promotional examination procedures, to the title of Program Development Specialist 1, Mental Health and became the "Coordinator of Medical Services." He argued that his responsibilities changed significantly with the title change. In that regard, the appellant stated that his supervisor at the time clarified that a major part of his job description would be to supervise the Medical Services Department staff at Hagedorn and prepare Performance Evaluation System (PES) documents, a responsibility that was noted on the appellant's own PES document. The appellant claimed that as a Program Development Specialist 1, Mental Health and the Coordinator of Medical Services from March 2011 to May 2012, he supervised about 35 employees at the Hagedorn Medical Services Department and prepared the PES document for most of the staff members he supervised. The appellant contended that some of the employees he supervised at Hagedorn transferred with him to Greystone Park Psychiatric Hospital, and he named five such employees. The appellant further contended that the appointing authority did not contact the employees who transferred with him or his former supervisor to verify his claim and argued that the appointing authority's verification method was discriminatory.² The appellant submitted a copy of his PES document. CPM determined that the appointing authority had sufficiently supported and documented its decision to remove the appellant's name from the eligible list.

On appeal to the Civil Service Commission (Commission), the appellant reiterates the arguments presented to CPM and submits supporting documentation, including his PES document.

The appointing authority, despite being provided the opportunity, did not present any arguments or documentation for the Commission's review.

² It should be noted that this appeal is not the proper forum to initially raise claims of discrimination. The appellant is advised that he may file a complaint with his department's Equal Employment Opportunity office if he believes there has been discrimination.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)6, allows the Commission to remove an eligible's name from an employment list when he or she has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process. *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.

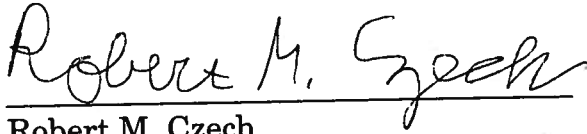
In the instant matter, the appointing authority alleges that during his interview, the appellant falsely claimed to have supervised and completed evaluations for 39 employees. However, a review of the record does not indicate sufficient documentation to show that the appellant made a false claim. The list of employees the appellant claimed to have supervised does not contain any dates. The appellant's PES document for the rating cycle March 1, 2011 to February 28, 2012 notes that one of the appellant's duties was to complete Performance Assessments but does not specify the number of staff members for whom the appellant was to complete the assessments. Finally, the Job Manual, which is dated January 29, 2010, lists various responsibilities that include oversight of six therapy consultants and one physical therapy assistant; oversight and completion of PES evaluations for five employees; and the review and secondary approval of PES evaluations for clinic staff after the clinic supervisor's completion of those evaluations. However, the Job Manual also does not establish that the appellant's claim was false. Specifically, the Job Manual is dated January 29, 2010, yet the appellant was not appointed to the Coordinator title until March 26, 2011, more than a year later. Moreover, other than the bald statement and the Job Manual, the appointing authority has not specifically indicated that the appellant did not supervise the individuals he indicated or that he was not responsible for either the completion of or review and approval of those individuals' evaluations. Accordingly, under these circumstances, the appointing authority has not presented sufficient cause to remove the appellant's name from the subject eligible list.

ORDER

Therefore, the Commission orders that the appellant's name be restored to the Program Specialist 4 Social/Human Services (PS9836K), Department of Human Services eligible list so that the appellant may be considered 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 3RD DAY OF SEPTEMBER, 2014



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

- c. Moshood Animasaun
James Frey
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

December 24, 2013

Moshood Animassaun

Title: Program Specialist 4
Symbol: PS9836K
Jurisdiction: Greystone Park Psychiatric Hospital
Certification Number: PS130410
Certification Date: 03/18/2013

Initial Determination: Removal – False statements(s) of material facts(s)

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) 6, where an individual has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process permits the removal of an eligible candidate's name from the eligible list.

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 & Regulatory Affairs (ARA) 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 ARA. 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
Appeals & Regulatory Affairs
Written Record Appeals Unit
PO Box 312
Trenton, NJ 08625-0312

Sincerely,

A handwritten signature in cursive script, appearing to read "Tonjua Wilson".

Tonjua Wilson
Human Resource Consultant
State Certification Unit

For Joe M. Hill Jr. Assistant Director
Division of Classification & Personnel Management

C Jerri Casazza, Manager
File