



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Sasha Ortiz, County
Correction Officer (S9999R), Essex
County

List Removal Appeal

CSC Docket No. 2016-1970

ISSUED: **NOV 3 0 2016**

(HS)

Sasha Ortiz appeals the removal of her name from the eligible list for County Correction Officer (S9999R), Essex County based on her failure to complete pre-employment processing.

The appellant, a non-veteran, took and passed the open competitive examination for County Correction Officer (S9999R), which had a closing date of September 4, 2013. The resulting eligible list promulgated on May 2, 2014 and expires on May 1, 2017.¹ The appellant's name was certified to the appointing authority on February 20, 2015. In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis of her failure to complete pre-employment processing. Specifically, the appointing authority indicated that, by letter sent on April 17, 2015 via both regular mail and certified mail to the appellant's Newark address on file, it advised the appellant of the first phase of the hiring process to be held on April 25, 2015. However, the certified mail was returned to the appointing authority with the following notation from the U.S. Postal Service: "not deliverable as addressed/unable to forward."² In addition, the appointing authority noted that the appellant's signature was absent from the April 25, 2015 sign-in sheet for the first phase of the hiring process. In support, it submitted copies of the April 17, 2015 letter, the returned certified mail envelope

¹ The expiration date of the subject eligible list was extended one year, to May 1, 2017.

² The tracking record of the certified mail shows the following status of the item on April 20, 2015: "Notice Left (No Authorized Recipient Available)."

and the April 25, 2015 sign-in sheet. Since the appellant did not appear on April 25, 2015, her name was removed from the subject eligible list.

On appeal to the Civil Service Commission (Commission), the appellant claims that she previously completed all pre-employment processing. Specifically, she claims that she attended an orientation on July 26, 2015 and was given a package to be completed. She completed all forms, returned the package to the appointing authority and signed a sheet. The appellant claims that she was told that she would hear something by September 2015. However, the next notice she received was the notice of her removal from the eligible list.

In addition, the appellant states that the mail carrier for her neighborhood had been returning her mail to the senders, and she has since asked the carrier not to do this in the future. In support, the appellant submits e-mail correspondence with the U.S. Postal Service dated March 2016 regarding the mail delivery issue. This correspondence indicates that the appellant's situation was discussed and that an investigation was made, among other things. She also submits a letter from the U.S. Postal Service dated April 13, 2016 stating: "The carrier has been corrected and there should be no further problem." The letter further states: "As a consequence of the carrier's error, please use this correspondence as verification of a delivery issue which may have caused some of your items to be returned."³

In response, the appointing authority maintains that the appellant was scheduled to appear for the first phase of the hiring process on April 25, 2015, not July 26, 2015. It reiterates that the appellant's signature is absent from the April 25, 2015 sign-in sheet. In addition, the appointing authority argues that if the appellant actually completed the pre-employment packet and attended orientation as she contends, then any issues with mail delivery are not germane to the argument at hand.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)11 allows the Commission to remove an eligible's name from an eligible list for other valid reasons. *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 from an eligible list was in error.

In the instant matter, the appellant's name was removed from the subject eligible list on the basis that she did not appear for pre-employment processing. The appellant claims that she attended an orientation on July 26, 2015; completed and returned forms to the appointing authority; and signed a sheet. However, the

³ It is not readily apparent from the e-mail correspondence or April 13, 2015 letter when the issues with mail delivery began.

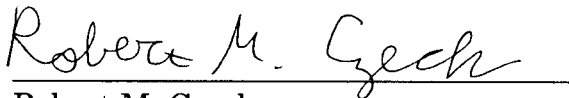
appellant provides no evidence to support these claims beyond her statements. Moreover, the appointing authority's April 17, 2015 letter clearly indicates that the appellant's scheduled date for pre-employment processing was April 25, 2015, and the appellant's signature is absent from the associated sign-in sheet. The appellant's arguments surrounding mail delivery issues are similarly unpersuasive. In this regard, the appointing authority's letter advising the appellant of pre-employment processing was sent on April 17, 2015, yet the e-mail correspondence and letter from the U.S. Postal Service regarding the mail delivery issues are respectively dated March and April 2016, several months after the appointing authority sent its letter. The e-mail correspondence and the U.S. Postal Service's letter also do not clarify when the mail delivery issues may actually have begun or whether any such issues may have existed at the time the appointing authority sent its letter. Furthermore, the tracking record for the appointing authority's April 17, 2015 letter sent via certified mail shows that notice was left on April 20, 2015. Under these circumstances, the appellant has not met her burden of proof in this matter. Accordingly, the appellant's name was properly removed from the County Correction Officer (S9999R), Essex County eligible list for failure to appear for pre-employment processing.

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 23RD DAY OF NOVEMBER, 2016



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