

CONCLUSION

N.J.A.C. 4A:4-4.7(a)11 allows the Civil Service Commission to remove an eligible's name from an eligible list for other valid reasons. Additionally, *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's name from an eligible list was in error. Further, it is noted that the appointing authority has the authority and ability to require a potential new hire to undergo preemployment processing to ensure that the candidate is qualified for appointment. Such preemployment processing may include any and all conditions necessary for an appointing authority to assess a candidate's qualifications. Moreover, this information is vital as it serves the important function of informing the appointing authority as to any significant differences between candidates which may assist it in the selection process. See *In the Matter of Bruce C. Cooke* (MSB, decided May 8, 2001); *In the Matter of James Smith* (MSB, decided April 24, 2001).

In the instant matter, the appellant's name was removed from the subject eligible list by the appointing authority for not appearing or responding to the scheduling of his home interview. The appointing authority indicated that it made multiple attempts to contact the appellant via email and telephone to schedule the home interview. On appeal, the appellant argues that he never received an email or telephone call regarding the home interview and provides a certified sworn statement indicating the same. See *In the Matter of Manuel Gonzalez, Jr.*, (CSC, decided December 3, 2014) (Appellant who submitted a sworn notarized statement under oath stating that he did not receive the email from the appointing authority notifying him that he was to appear for preemployment processing was restored to the list). Accordingly, under these particular circumstances, the appellant has met his burden of proof in this matter and the appointing authority has not shown sufficient justification for removing his name from the Correctional Police Officer (S9988V), Department of Corrections, eligible list.

ORDER

Therefore, it is ordered that the appellant's appeal be granted and the eligible list for Correctional Police Officer (S9988V), Department of Corrections, be revived, and the appellant's name restored and certified 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 12TH DAY OF FEBRUARY, 2020

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
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