



**STATE OF NEW JERSEY**

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

In the Matter of Luckner Toussaint,  
Senior Building Maintenance Worker  
(Special), The College of New Jersey

List Removal Appeal

CSC Docket No. 2017-634

**ISSUED: FEBRUARY 18, 2020 (ABR)**

Luckner Toussaint appeals his removal from the Senior Building Maintenance Worker, The College of New Jersey special reemployment list on the basis of his failure to respond to the certification notice.

By way of background, the appellant was appointed as a Senior Building Maintenance Worker with Trenton Psychiatric Hospital (TPH), effective October 6, 2012. Subsequently, after a June 27, 2014 reduction in force at TPH, the appellant was laterally transferred, in lieu of a layoff, to the title of Residential Services Worker at New Lisbon Developmental Center and was placed on the subject special reemployment list. On May 7, 2015, the appellant's name was certified (OS150381) to the appointing authority from the subject special reemployment list. In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis that he failed to respond to the certification notice.

On appeal to the Civil Service Commission (Commission), the appellant maintains that he moved to a new residence two years before filing his appeal in this matter and never received the subject certification notice. The appellant submits that he was not aware that he was required to notify this agency of his change of address. Accordingly, he seeks to be restored to the subject special reemployment list.

In response, the appointing authority confirms that it requested the appellant's removal from the subject special reemployment list due to his failure to respond to the subject certification notice. However, it declines to take a position

with regard to the appellant's request to have his name restored to the subject special reemployment list.

### CONCLUSION

*N.J.A.C.* 4A:4-3.2(e) states that it shall be the responsibility of an eligible to keep a current address on file with the Commission. *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 his or her name from an eligible list was in error. In this matter, the appellant acknowledges that he failed to update his address until approximately two years after changing his residence. However, it is the employee's responsibility to timely notify this agency of any change to his or her address. Consequently, the appellant was properly removed from the subject special reemployment list.

### 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 12<sup>TH</sup> DAY OF FEBRUARY, 2020




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