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STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION

In the Matter of Shikeya Walker-
Baldwin, Senior Community Program
Specialist (S0090P), Department of
Human Services

CSC Docket No. 2014-2759

Administrative Appeal

ISSUED: DEC 19 2014 (JET)

Shikeya Walker-Baldwin, represented by Bilal Hill, Esq., appeals the attached determination of the Division of Classification and Personnel Management¹ (CPM) which found that the appointing authority had presented a sufficient basis to retain her name on the eligible list for Senior Community Program Specialist (S0090P), Department of Human Services for future certifications only.

By way of background, the subject list of 110 eligibles promulgated on August 30, 2012 and expires on August 29, 2015. The appellant's name was certified from the list on September 3, 2013 (OS130577) for a position with the Division of Developmental Disabilities in Passaic County. In disposing of the certification, the appointing authority indicated that the appellant's name should be retained since it had received a letter from the appellant indicating that she would like to be retained on the list. Therefore, the appellant was not selected for appointment and her name was retained on the list as being interested in future certifications only. Subsequently, the appellant appealed this determination to CPM, arguing that she never responded to the certification indicating that she was not currently interested in the position. The appellant also requested copies of the materials the appointing authority provided in support of its request to retain her name for future certifications. In response, CPM provided the appellant a copy of an undated letter date stamped as received by the Division of Developmental Disabilities Human Resources on September 11, 2013. That letter indicated:

¹ Now the Division of Agency Services.

I, Shikeya Walker am writing to the Appointing Authority this letter that I would like to be retained on the list for Passaic County Senior Community Program Specialist. Certification No. OS130577.

The letter contained an illegible signature over the appellant's hand-printed name. Based on this documentation, CPM determined that the appellant's name was properly retained on the eligible list.

On appeal, the appellant asserts that she did not write the letter to the appointing authority stating that she would like to be retained on the list for future certifications. In this regard, she claims that her signature was forged on the correspondence provided to CPM requesting the retention of her name on the list. Additionally, the appellant states that she sent a letter of interest in the position to the appointing authority on September 13, 2013, which is two days after the date stamped on the letter she claims was fraudulently provided to the appointing authority. The appellant adds that she can show that the signature on the letter is fraudulent with the assistance of a handwriting expert and contends that the appointing authority resorted to forgery in order to prevent her from being appointed. In support of her appeal, the appellant provides copies of certified mail receipts indicating that she sent certified mail to the appointing authority on September 13, 2013. Therefore, the appellant requests a hearing since there is a material and controlling dispute of fact in this matter.

Despite being provided with the opportunity, the appointing authority did not provide a response.

According to agency records, certification OS130577 contained the names of 13 eligibles. The eligibles in the 1st and 2nd positions on the certification were recorded as interested but bypassed. The eligibles in the 3rd through 6th positions, including the appellant, who was in the 4th position, were recorded as being interested in future certifications only. The individuals in the 7th and 9th positions were appointed effective November 30, 2013, the individuals in the 8th and 12th positions were removed for not responding to the certification and the remaining individuals were listed as interested but not reachable or responded late to the certification notice. It is also noted that the notice date on the Notification of Certification for OS130577 is September 10, 2013.

DISCUSSION

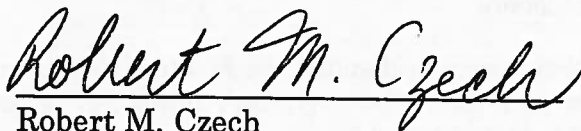
In this matter, the appellant states that she sent a letter of interest in the position in response to certification OS130577 to the appointing authority on September 13, 2013. However, the appointing authority provided this agency with a letter purportedly provided by the appellant indicating that she would like to be retained on the list that is date stamped as received in the human resource office on

September 11, 2013. The appellant denies that she sent this letter to the appointing authority and maintains that the undated letter provided to the appointing authority is fraudulent. Given that the appointing authority has not provided the Commission with any additional information or arguments concerning this matter, in conjunction with the fact that the appellant was reachable for appointment consideration but two lower ranked eligibles were appointed, this matter cannot be decided on the written record. Therefore, the Commission refers this matter to the Office of Administrative Law for a hearing concerning the appellant's allegations regarding the letter provided to this agency by the appointing authority in disposing of certification OS130577.

ORDER

The Commission orders that this matter be referred to the Office of Administrative Law for further proceedings as set forth above.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 17th DAY OF DECEMBER, 2014



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

c: Shikeya Walker-Baldwin
Bilal Hill, Esq.
Brenda Baxter
Christina Mongon
Christopher S. Myers



Chris Christie
Governor
Kim Guadagno
Lt. Governor

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
DIVISION OF STATE AND LOCAL OPERATIONS
P. O. Box 313
Trenton, New Jersey 08625-0313

Robert M. Czech
Chair/Chief Executive Officer

April 24, 2014

SHIKEYA WALKER

Title: SR CMNTY PROG SPCLST
Symbol: S0090P
Jurisdiction: HSR
Certification Number: OS130577
Certification Date: 09/03/2013

Initial Determination: I7: Retain- Interested for future certifications only

This is in response to your correspondence contesting the bypass of your name from the above-referenced eligible list. The Appointing Authority requested bypass of your name. They informed us that you had sent in a letter requesting to be retained on the list for Passaic County.

After a thorough review of our records and all the relevant material submitted, we find that your name was bypassed on the eligible list for a valid reason and not removed. Therefore, the Appointing Authority's request to bypass 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 Merit System Practices and Labor Relations (MSPLR) 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 MSPLR. 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, Merit System Practices and Labor Relations, Written Record Appeals Unit, PO Box 312, Trenton, NJ 08625-0312.

Sincerely,

Kairavi Inamdar on behalf of
Valerie Stutesman, IPMA-CP
Leader/Manager

c: Brenda Baxter