



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE
ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Karl Williams,
County Correction Officer (S9999R),
Middlesex County

CSC Docket No. 2016-3669

List Removal Appeal

ISSUED: **NOV 30 2016** (CSM)

Karl Williams, represented by Pasquale Giannetta, Esq., appeals the removal of his name from the eligible list for County Correction Officer (S9999R), Middlesex County on the basis that he was no longer interested in the position.

The appellant's name appeared as an eligible on the subject list that expires on May 1, 2017. On September 8, 2014, the appellant's name was certified (OL141153) in the 66th position. In disposing of the certification on May 20, 2015, the appointing authority requested the removal of the appellant's name as he indicated that he was no longer interested in the position. The appealed the matter to the Division of Agency Services (Agency Services), explaining that he had applied to all law enforcement positions except Municipal Police Officer, and requested that his name not be removed from the other title areas to which he applied. Agency Services advised the appellant, as per his request, that his name was removed from future certifications from S9999R for the title of County Correction Officer.

On appeal to the Civil Service Commission (Commission), the appellant states that his name was certified to the title of Sheriff's Officer, Middlesex County on August 4, 2015 (OL150926) but was advised on August 13, 2015 that the certification was cancelled and that a new one would be issued shortly. However, when he subsequently followed up with the status of a new certification for Sheriff's Officer, he was advised that his name was removed from all of the title areas to which he applied. The appellant notes that he was not removed from the County Correction Officer certification (OL141153) for cause as he requested that his name only be removed from the County Correction Officer title area. Therefore, the

appellant requests that his name be restored to the other title areas to which he applied.

Although provided the opportunity, the appointing authority did not submit any information for the Commission to review in this matter.

A review of the appellant's certification history for the Law Enforcement Examination Series (S9999R) indicates that his name was also certified for Correction Officer Recruit, Juvenile Justice Commission (OS140516) on October 27, 2014. In disposing of that certification on August 14, 2015, the Juvenile Justice Commission removed the appellant's name from the list due to an unsatisfactory background report. There is no record of the appellant appealing that determination to Agency Services or the Commission.

CONCLUSION

N.J.A.C. 4A:4-4.7(g) states that when this agency has accepted a single application for one or more title areas, an eligible whose name has been removed from the pool of eligibles for one jurisdiction or title area for cause shall be removed from the pool of eligibles for any other jurisdiction or title area.

N.J.A.C. 4A:4-4.7(a)3 states that the name of an eligible may be removed from an eligible list for inability, unavailability or refusal of eligible to accept appointment.

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 present matter, the record reflects that as of May 20, 2015, the appellant's name was correctly removed from the County Correction Officer list since he indicated that he was no longer interested in that position, but retained on the eligible list for the other title areas he had selected, such as Sheriff's Officer and Correction Officer Recruit, Juvenile Justice Commission. As such, when the certification for Sheriff's Officer (OL150926) was issued on August 4, 2015, the appellant's name was properly included on the certification. However, when the Correction Officer Recruit, Juvenile Justice Commission certification (OS140516) was disposed on August 14, 2015, that appointing authority requested the removal of the appellant's name due to an unsatisfactory background report. As noted earlier, there is no record that the appellant appealed the removal of his name from that list to either Agency Services or the Commission. Accordingly, since his name was removed for cause from the Correction Officer Recruit, Juvenile Justice Commission list, which is a title area included for the LEE, his name was removed

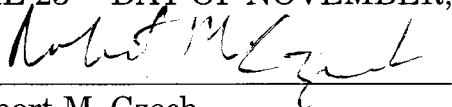
from the pool of eligibles for the other title areas. Therefore, the appellant's name could not be certified on any future certification for Sheriff's Officer in Middlesex County.

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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