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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Darren Jenkins II,
Human Services Specialist 1
(C0112T), Union County

List Removal Appeal

CSC Docket No. 2017-249

ISSUED: FEB 23 2017 (HS)

Darren Jenkins II appeals the removal of his name from the eligible list for Human Services Specialist 1 (C0112T), Union County on the basis of an unsatisfactory employment record.

The appellant, a non-veteran, took and passed the open competitive examination for Human Services Specialist 1 (C0112T), which had a closing date of February 26, 2015. The resulting eligible list promulgated on July 2, 2015 and expires on July 1, 2018. The appellant's name was certified to the appointing authority on March 1, 2016. In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis of an unsatisfactory employment record. In support, the appointing authority submitted an e-mail dated November 2, 2015 from K.S., Human Services Specialist 4, who supervised the appellant when he was previously employed as a Human Services Specialist 1 with the appointing authority.¹ In her e-mail, K.S. stated that she was writing in response to learning that the appellant had been recently interviewed and could be considered for employment.² K.S. presented that when the appellant initially came to K.S.' unit, he was fresh out of training and although there were some initial "blips," K.S. believed that his work was adequate. K.S. indicated in her

¹ The appellant received a regular appointment to the title of Human Services Specialist 1 with the appointing authority on August 2, 2010 and he resigned in good standing, effective June 29, 2012.

² The appellant's name was previously certified to the appointing authority from the C0112T eligible list on October 5, 2015. The disposition of this certification was recorded by this agency on December 23, 2015. The appellant's name was recorded as being interested and reachable for appointment but not appointed.

performance evaluation that the appellant met the requirements of his position and recommended that he receive a salary increase. Shortly thereafter, it was necessary to meet with the appellant and his union representative due to the discovery of extensive uncompleted work on the appellant's desk. At this meeting, the appellant was issued an oral warning³ and counseled about unfinished work. The appellant advised that these issues would not recur and his work improved for a short period. K.S. subsequently gave the appellant a recommendation letter. However, the first day following the appellant's resignation, K.S. discovered that the appellant had neglected his caseload. It took K.S. and several other individuals many weeks to again make the caseload manageable. K.S. indicated that she would not recommend the appellant for employment.

On appeal to the Civil Service Commission (Commission), the appellant states that he is unaware of any unsatisfactory employment record considered by the appointing authority and that he would like to have his candidacy reconsidered. He maintains that during his previous employment as a Human Services Specialist I with the appointing authority, he never received a complaint regarding his ability to complete his work, his work ethic or his professionalism, and his personnel file contained nothing negative. He states that he was a dedicated employee who took pride in working with integrity and respect for peers, management and clients and completed his work based on the controlling guidelines in support of his case load of more than 700 clients. The appellant notes that upon his resignation, he received recommendation letters from K.S., O.H., a Social Work Supervisor, and M.M., an Assistant Personnel Officer, copies of which he submits.

In response, the appointing authority counters that the appellant is unaware of its claim because the appellant's disregard for his work was not noticed until after his resignation and that the recommendation letters were all dated prior to his resignation.⁴ The appointing authority notes that K.S.' e-mail indicates that the appellant's co-workers were affected in that they had to pick up his caseload. It adds that two months prior to the appellant's resignation, there was a layoff of 35 positions that left it severely short-staffed and unable to quickly return the appellant's caseload to a manageable level. The appointing authority maintains that its clients count on employees to timely process their cases in order to receive cash benefits or food stamps. Late case processing also results in quality control errors that are monitored by the New Jersey Division of Family Development. Such errors put funding at risk, and this, in turn, could lead to staff reductions. In addition, the appointing authority states that oral warnings are kept by the supervisor and not sent to the official personnel file and that it is highly likely that

³ K.S. indicated that "[t]his warning was memorialized in a memo and may be part of his personnel file. However, it may also have been discarded when [the appellant] resigned."

⁴ The recommendation letters prepared by K.S., O.H. and M.M. are dated June 22, 2012, June 29, 2012 and June 28, 2012 respectively.

the memorandum that memorialized the appellant's oral warning was destroyed sometime after the appellant's resignation.

In reply, the appellant maintains that he interviewed clients, scheduled interviews and processed cases until the last day of his previous employment with the appointing authority. The appellant states that there was no additional time allocated for him to process paperwork and his supervisor did not review a transition plan with him. He asserts that since he interviewed clients until his last day of work, there may have been cases that were not processed because they required additional information and follow-up from the client and that there was no work left behind that was outside the 30-day processing window. The appellant is appalled that K.S. wrote an e-mail more than three years after his resignation to make a false accusation against him. He questions why she did not document her concerns at the time of his resignation. He also questions why she did not meet with him on his last day of work to review open items and ensure that work could be seamlessly transitioned to the team. The appellant states that although K.S. indicated that he received an oral warning, his performance evaluation reflected that he met the requirements of his position and was eligible to receive a salary increase. The appellant adds that since his resignation, he has worked for diverse organizations in the social service field that provide various services and support to clients, which has increased his knowledge in the social work field.

In reply, the appointing authority argues that K.S.' e-mail clearly explains how and why events occurred as they did, including the circumstances under which the appellant was granted a salary increase.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)7, allows for the removal of an individual from an eligible list who has a prior employment history which relates adversely to the position sought. *N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allows the Commission to remove an eligible's name from an eligible list for other sufficient reasons. Removal for other sufficient reasons includes, but is not limited to, a consideration that based on a candidate's background and recognizing the nature of the position at issue, a person should not be eligible for 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 name from an eligible list was in error.

In the instant matter, the appointing authority requested the removal of the appellant's name from the subject eligible list on the basis of an unsatisfactory employment history while he was previously employed with the appointing authority as a Human Services Specialist 1. However, there is no evidence in the

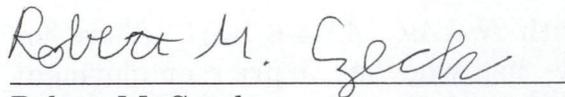
record that the appellant was formally disciplined during his previous employment⁵ and he resigned in good standing as a Human Services Specialist 1 effective June 29, 2012. Additionally, K.S. indicated in her performance evaluation that the appellant met the requirements of his position and recommended that he receive a salary increase. Under these circumstances, the Commission finds that there is not a sufficient basis to remove the appellant's name from the subject eligible list, and his name must be restored. However, the appointing authority, in its discretion under *N.J.A.C. 4A:4-4.8*, could take into account the concerns over unfinished work documented by K.S. to bypass him on the subject eligible list. In the present case, such concerns present a sufficient basis to bypass his name on the eligible list. See *N.J.A.C. 4A:4-4.8(a)3*. Accordingly, the appellant's name should be reflected on the March 1, 2016 certification as bypassed.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant's name be restored to the eligible list for Human Services Specialist 1 (C0112T), Union County but that his name be reflected as bypassed on the March 1, 2016 certification.

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 22ND DAY OF FEBRUARY, 2017



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⁵ Major discipline includes removal, disciplinary demotion and suspension or fine for more than five working days at any one time. See *N.J.A.C. 4A:2-2.2(a)*. Minor discipline is a formal written reprimand or a suspension or fine of five working days or less. See *N.J.A.C. 4A:2-3.1(a)*.

- c. Darren Jenkins II
Michael M. Yuska
Kelly Glenn

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