



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Phillip Szczur, Social
Worker (C0110S), Cape May County

List Removal Appeal

CSC Docket No. 2017-517

ISSUED: APR 10 2017 (HS)

Phillip Szczur appeals the removal of his name from the eligible list for Social Worker (C0110S), Cape May County on the basis of his failure to complete preemployment processing.

The appellant, a non-veteran, took and passed the open competitive examination for Social Worker (C0110S), which had a closing date of February 13, 2014. The resulting eligible list promulgated on July 10, 2014 and expires on July 9, 2017. The appellant's name was certified to the appointing authority on February 19, 2016. In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis of his failure to complete preemployment processing. Specifically, the appointing authority indicated that the appellant did not inform it that he was going to accept the position within the allotted time to do so.

On appeal to the Civil Service Commission (Commission), the appellant presents the following narrative. On May 31, 2016, the appellant received a letter postmarked May 27, 2016 that instructed him to contact J.G., Keyboarding Clerk 1, within five days if he was "interested in accepting this position." On June 2, 2016, the appellant called J.G. to inform her that he was interested in accepting the position. J.G. told him that he would need to take a drug test, get a physical and fill out some forms. The appellant asked J.G. the location for the drug test, whether he had to make an appointment and the timeframe to complete the drug test. He asked questions about benefits. Although J.G. answered some benefit questions, she could not answer others and told the appellant to speak to two other individuals

when he came in to pick up his drug screen voucher. The appellant also asked for confirmation of the salary due to a discrepancy between the figures stated during interviews and the figure stated in the May 27, 2016 letter. J.G. could not answer his salary question and told him to speak to Social Services because the Freeholders approved the salary and she had nothing to do with it. J.G. also told him to speak with J.C., with whom the appellant interviewed in May 2016. J.G. asked the appellant five or six times during this conversation if he was interested in accepting the position, and the appellant told her "yes" each time. J.G. told the appellant that once he spoke with J.C. and they settled the matter, he should call her back so that she could proceed with the new hire process. The appellant then left a message for J.C. On June 3, 2016, J.C. returned the appellant's call as J.C. had been out of the office the previous day. The appellant inquired about the salary, and J.C. confirmed the figure and that there would be no negotiation since the Freeholders had already approved it. J.C. asked the appellant if he was still interested, and the appellant answered that he was interested. J.C. answered some other benefit questions. J.C. also said he was happy to have the appellant aboard and told the appellant to contact J.G. the following week to proceed with the new hire process. J.C. stated there was no hard start date. On June 7, 2016, the appellant called J.G. to inform her that he had spoken with J.C. and was now calling her back as instructed to proceed with the new hire process. J.G. responded that the position was no longer available and that the appellant had not called within five days of receiving the May 27, 2016 letter. At that point, the appellant reminded J.G. that he received the letter on May 31, 2016 and that they had a long conversation on June 2, 2016 in which he stated that he was interested. However, J.G. responded that the matter was out of her hands. Thereafter, the appellant followed up with Social Services and Human Resources.

The appellant contends that when a person is offered employment, it is customary to have questions on salary and benefits. He states that he was not provided with all information and there was a discrepancy in the salary figures. The appellant asserts that he followed the instructions to call within five days, asked questions, followed through with J.C. and J.G. as instructed and had the position taken from him for no apparent reason. He requests that his name be restored to the eligible list.

In response, the appointing authority states that the five-day period for the appellant to indicate to J.G. that he was interested in accepting the position ran from May 30, 2016 through June 3, 2016. The appointing authority also submits a certified statement in which J.G. presents the following narrative. On June 2, 2016, the appellant contacted her to advise that he received the offer letter but had an "issue with the salary." J.G. informed the appellant that he would have to contact J.C. The appellant then stated that the "salary was off by a few hundred dollars and I have a few other issues with it." The appellant indicated he would call J.C. J.G. "explicitly informed [the appellant] that he would need to get back to [her]"

within the five days if he was accepting the position." On June 7, 2016, J.G. mailed an offer letter to the next person on the certification. Later that morning, J.G. received a voicemail from the appellant stating that he would accept the position.

The appointing authority contends that when the appellant contacted J.G. on June 2, 2017, he appeared to be "on the fence." It requests that this appeal be denied.

CONCLUSION

*N.J.A.C. 4A:4-4.7(a)*11 allows the Commission to remove an eligible's name from an eligible list for other valid reasons. *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.

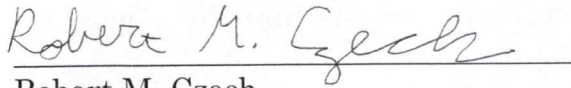
In the instant matter, the appointing authority requested the removal of the appellant's name from the subject eligible list on the basis that he did not complete preemployment processing. The record reflects that the appellant was initially given a five-day window from May 30, 2016 through June 3, 2016 within which to contact J.G. if he was interested in accepting the position. The appellant contacted J.G. on June 2, 2016 and noted a concern over the salary. J.G. referred the appellant to J.C. with respect to his salary concern. In her certified statement, J.G. indicates that she also instructed the appellant at that time that he needed to again contact her, within the same five-day window, if he was accepting the position. The appellant presents no substantive evidence to dispute that J.G. instructed him in this manner or that another person gave him a conflicting instruction. The appellant also presents no substantive evidence that he communicated actual acceptance of the position to J.G. on June 2, 2016 as opposed to expressing only that he was "interested" in accepting the position. The appellant's subsequent call to J.G. on June 7, 2016 was therefore outside the five-day window. Accordingly, there is a sufficient basis to remove the appellant's name from the subject eligible list on the basis of failure to complete preemployment processing.

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 5TH DAY OF APRIL, 2017



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