



STATE OF NEW JERSEY

In the Matter of Rebecca French- Mesch, Water Treatment Plant Operator Apprentice (M0223V), Town of Hammonton	:	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
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CSC Docket No. 2018-1311	:	List Removal Appeal
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ISSUED: APRIL 2, 2018 (SLK)

Rebecca French-Mesch appeals the Town of Hammonton’s decision to remove her name from the Water Treatment Plant Operator Apprentice (M0223V), Town of Hammonton, eligible list on the basis of her failure to complete pre-employment processing.

By way of background, the appellant appeared on certification OL170858 that was issued to the appointing authority on July 17, 2017. In disposing of the certification, the appointing authority requested the removal of the appellant’s name. Specifically, the appointing authority contended that the appellant did not complete pre-employment processing. Agency records indicate that the appointing authority, in a September 27, 2017 letter, offered the appellant the position and requested that she indicate in writing, by no later than October 4, 2017, if she was accepting its employment offer. By October 4, 2017, the appellant wrote letters and emails to the appointing authority indicating that she had questions about the salary. In an October 6, 2017 letter, the appointing authority replied to the appellant stating that since she did not accept its offer, it would consider other options to fill the position.

On appeal, the appellant asserts that she did not fail to complete pre-employment processing. Instead, she replied prior to the appointing authority’s October 4, 2017 deadline indicating that she had questions about the salary. However, she never received a satisfactory response to her questions. The appellant would like her name restored to the list in case the salary increases the next time the appointing authority posts an announcement for the position.

Although given the opportunity, the appointing authority did not respond to the appellant's appeal.

CONCLUSION

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 the appointing authority's decision to remove the appellant's name from the eligible list was in error. *N.J.A.C.* 4A:4-4.7(a)6 provides that the name of an eligible may be removed from an eligible list for non-compliance with the instructions listed on the notice of certification.

In the instant matter, the record does not indicate that the appellant failed to complete pre-employment processing. Instead, the record indicates that the appellant replied in a timely fashion, but did not accept the appointing authority's employment offer due to concerns about the salary. Therefore, the appointing authority should have returned the certification disposition indicating that the appellant was not interested in the position due to the available salary. Accordingly, under these circumstances, the appellant's name should be restored to the subject eligible list.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant's name restored to the list, for prospective employment opportunities only.

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 27th DAY OF MARCH, 2018



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