



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Michele Senica,  
Human Services Specialist 2  
(PC1878U), Ocean County

Administrative Appeal

CSC Docket No. 2018-742

**ISSUED: JULY 23, 2018 (EG)**

Michele Senica requests that her name be restored to the Human Services Specialist 2 (PC1878U), Ocean County, eligible list.

As background, the appellant was permanently appointed as a Human Services Specialist 1 effective October 2014. On May 18, 2017, she received a regular appointment to Human Services Specialist 2. Before the completion of her working test period (WTP), the appellant submitted to the appointing authority a letter dated August 11, 2017, which indicated that she was stepping down from her Human Services Specialist 2 position and requested that her name be restored to the above caption eligible list. Thereafter, on August 15, 2017, the appellant was served with a Notice of Minor Disciplinary Action indicating a one day suspension.

In the present matter, the appellant contends that the minor disciplinary action she received should not be used to keep her from being restored to the Human Services Specialist 2 (PC1878U), Ocean County, eligible list. She claims that she already lost wages for "30 minutes," had a "one full day suspension" and was "demoted" from a Human Services Specialist 2 to a Human Services Specialist 1 as a result of the disciplinary action. She requests that her name be restored so she can prove that she is deserving and better than one incident. Additionally, she submits copies of her prior performance reviews for the Civil Service Commission (Commission) to review.

In response, the appointing authority asserts that the appellant stepped down from her Human Services Specialist 2 position prior to the completion of her

WTP. In support of this contention it submits a copy of the appellant's resignation letter. Further, it asserts that it does not support the appellant's request to be restored to the subject eligible list because she recently received a minor disciplinary action.

## CONCLUSION

*N.J.A.C.* 4A:4-5.5(a) provides that an employee who, either during or at the end of a working test period, resigns in good standing or is separated due to unsatisfactory performance may, upon request, be restored to an eligible list, if the Chairperson or designee determines that the employee is suitable for appointment to another position.

1. The Chairperson or designee may consider:
  - i. Whether the list can be certified to another appointing authority;
  - ii. The recommendation of the employee's former appointing authority; and
  - iii. Any other relevant factors.

Moreover, it is noted that the appellant has the burden of proof in this matter. *See N.J.A.C.* 4A:2-1.4(c).

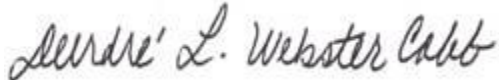
In reviewing the above factors, the Commission notes that the subject list cannot be certified to another appointing authority. Additionally, the appointing authority does not support the restoration of the appellant's name to the subject list and indicates that she had been subject to a minor disciplinary action. The appellant argues that the disciplinary action should not be used against her in this matter because that she already lost wages for "30 minutes," had a one day suspension and was "demoted" from a Human Services Specialist 2 to a Human Services Specialist 1 as a result of a disciplinary action. The Commission is not persuaded by this argument. The record clearly evidences that the disciplinary action consisted solely of a one-day suspension. Further, the resignation letter submitted by the appellant indicated her desire to step-down from her Human Services Specialist 2 position and did not mention any disciplinary action as a reason for her "stepping down." Therefore, based on the foregoing and the factors enumerated in *N.J.A.C.* 4A:4-5.5(a), the Commission finds no basis to restore the appellant to the Human Services Specialist 2 (PC1878U), Ocean County, eligible list. Accordingly, the appellant's request is denied.

**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 18TH DAY OF JULY, 2018



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