



STATE OF NEW JERSEY

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

In the Matter of Teresa Baker, Senior
Library Assistant (PC0090U), Mercer
County

CSC Docket No. 2020-686

List Removal Appeal

ISSUED: November 20, 2019 (VJ)

Teresa Baker appeals Mercer County request to remove her name from the eligible list for Senior Library Assistant (PC0090U), on the basis that she failed to respond to the certification notice.

By way of background, the appellant's name appeared on the subject eligible list that promulgated on June 2, 2016 and expired on June 1, 2019. The appellant's name appeared on certification PL190610 that was issued to the appointing authority on May 6, 2019. In disposing of the certification, the appointing authority requested the removal of the appellant's name, contending that she failed to respond to the May 13, 2019 certification notice.

On appeal, the appellant maintains that she submitted a change of address request on April 24, 2019 to this agency. However, she did not receive the May 13, 2019 notice. Moreover, she maintains that she took extra steps in ensuring she would receive her mail including obtaining a post office box. However, she still did not receive all of her mail at her new address. Agency records indicate that the appellant submitted her change of address to this agency on April 24, 2019. Agency records indicate the appellant's address was updated July 12, 2019.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)6 provides that an eligible's name may be removed from a list for non-compliance with the instructions listed on the notice of certification. *N.J.A.C.* 4A:4-6.3(b) provides that an appellant has the burden of proof to show that an appointing authority's decision to remove the appellant's name from an eligible list was in error.

In the instant matter, the record establishes that the appellant submitted a change of address to this agency on April 24, 2019. However, her address was not updated until July 2019 after the certification notice had already been mailed and after the list expired on June 1, 2019. As a result of the delay, the appellant did not receive her certification notice for the subject certification. Therefore, under these circumstances, the appellant's name should be restored to the subject eligible list for Senior Library Assistant (PC0090U), Mercer County. Since the (PC0090U), eligible list expired on June 1, 2019, it is appropriate to revive this list at the time of the next certification to allow the appellant to be considered for prospective appointment at that time.

ORDER

Therefore, it is ordered that this appeal be granted and the list for Senior Library Assistant (PC0090U) be revived in order for the appellant to be considered for appointment at the time of the next certification 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 19TH DAY OF NOVEMBER, 2019



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