



STATE OF NEW JERSEY

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

In the Matter of AsSaboor Beyah,
Fire Fighter (M1516T), East Orange

Administrative Appeal

CSC Docket No. 2020-2506

ISSUED: JULY 31, 2020 (SLD)

East Orange requests that the Civil Service Commission (Commission) revive the eligible list for Fire Fighter (M1516T), East Orange so that AsSaboor Beyah’s name may be certified to the appointing authority for consideration at the time of the next certification.

In In the Matter of AsSaboor Beyah, Fire Fighter (M1516T), East Orange (CSC, decided May 2, 2018), the Commission restored Beyah’s name to the subject eligible list as the then-Public Safety Director stated that Beyah had indicated that he wanted to defer an offer of employment and remain on the list for future consideration. However, instead, Beyah’s name was removed from the subject eligible list on the basis of an unsatisfactory criminal record. Subsequently, the Public Safety Director indicated that she did not object to Beyah’s name being restored to the eligible list. Therefore, the Commission restored Beyah’s name to the subject eligible list, for future consideration.

In a March 2, 2020 submission, the appointing authority requests that the eligible list for Fire Fighter (M1516T), East Orange be revived to allow it to consider Beyah for appointment. In this regard, it asserts that Beyah was coded incorrectly on the certification, which led to him not being hired. Therefore, as there was an error made on its part, it requests that the subject eligible list be revived to allow it to consider Beyah on a future certification.

The appointing also asserts that after the “initial class in 2016,” there were no other appointments from the eligible list that Beyah was restored to. Moreover, it maintains that due to several resignations in its Police and Human Resource departments in June and July 2018, its ability to timely consider Beyah was impacted.

Agency records reflect that the M1516T eligible list promulgated March 11, 2016 and expired on March 28, 2019. Two certifications were issued to East Orange from the subject eligible list. The first, OL160804, was certified on June 30, 2016 and contained the name of Beyah, as the 57th listed non-veteran. This certification was disposed of on June 15, 2017, and Beyah’s name was removed effective that date. Subsequently, on May 8, 2017, a new certification, OL170578, was issued to the appointing authority. This certification was disposed of on February 23, 2018, and the appointing authority made multiple appointments from this certification. Finally, the current eligible list for Fire Fighter (M1816W), East Orange promulgated on March 29, 2019 and expires on March 28, 2021. It is noted that Beyah did not apply for the M1816W examination.

CONCLUSION

N.J.S.A. 11A:4-6 and *N.J.A.C.* 4A:4-3.4 provide that an eligible list may be revived in order to implement a court order or decision of the Commission in the event of a successful appeal instituted during the life of a list, to correct an administrative error, or for other good cause. In the instant matter, the appointing authority requests that the Commission revive the subject eligible list to allow it to consider Beyah for appointment as it was its error that resulted in his name being removed from the June 30, 2016 certification (OL160804). Moreover, it notes that several resignations in June and July 2018 in the Police and Human Resource departments resulted in issues with timely considering Beyah. Agency records indicate that there were only two certifications that were issued to East Orange prior to the expiration date of M1516T eligible list. Moreover, although Beyah was only interested in future certifications for the first certification on June 30, 2016, he was removed from that certification due to an administrative error, as noted in the prior decision. Further, the second certification was issued on May 8, 2017 and was disposed of on February 23, 2018, prior to the Commission’s May 2, 2018 decision restoring Beyah’s name to the subject eligible list for consideration for future employment opportunities. However, since there were no further certifications, and the appointing authority has requested the M1516T eligible list be revived to allow it to consider Beyah, it is appropriate under these particular circumstances to revive the eligible list for Fire Fighter (M1516T), East Orange to allow Beyah’s name to be considered for appointment at the time of the next certification.

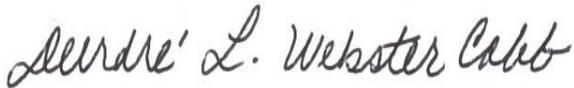
This matter is based on the particular circumstances of this matter and shall not be used for precedent in any other matter.

ORDER

Therefore, it is ordered that the list for Fire Fighter (M1516T), East Orange be revived in order for AsSaboor Beyah 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 29TH DAY OF JULY, 2020



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Solomon Steplight
AsSaboor Beyah
Agency Services