



**STATE OF NEW JERSEY**

In the Matter of S.C.,	:	<b>FINAL ADMINISTRATIVE ACTION</b>
Claims Adjudicator Trainee,	:	<b>OF THE</b>
Disability Determinations (S0459A),	:	<b>CIVIL SERVICE COMMISSION</b>
Department of Labor and Workforce	:	
Development	:	
	:	
	:	
CSC Docket No. 2021-451	:	List Removal Appeal
	:	
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**ISSUED: JANUARY 22, 2021 (SLK)**

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S.C. appeals the decision to remove her name from the Claims Adjudicator Trainee, Disability Determinations (S0459A), Department of Labor and Workforce Development eligible list on the basis that she had an unsatisfactory employment record.

The appellant took the open competitive examination for Claims Adjudicator Trainee, Disability Determinations (S0459A), Department of Labor and Workforce Development, which had a May 21, 2019 closing date, achieved a passing score, and was ranked on the subsequent eligible list. In seeking her removal, the appointing authority indicated that the appellant had an unsatisfactory work history.

On appeal, the appellant presents that she was ranked within the top 10 on the subject eligible list and was informed that her interview went well. Thereafter, she indicates that the appointing authority reached out to her regarding her resignation from her position as a Human Services Assistant with Hunterdon Developmental Center. She states that she informed the appointing authority that she resigned due to her concerns about working in healthcare during a pandemic, which prompted her to seek a career change. The appellant believes that she was not removed because she had an unsatisfactory employment record, but because the appointing authority found her response to its inquiry as unsatisfactory. She presents that the subject title does not require any experience and, therefore, she believes that her employment record should not be used against her. Regardless, she

submits the contact information of her former supervisor who can verify that she has an acceptable work history.

In response, the appointing authority presents that the appellant resigned not in good standing from her prior position on August 3, 2020, as she provided less than the required two weeks' notice. Further, it presents that it reached out to her to see if there were any extenuating circumstances that would justify her not giving the required amount of notice; however, it found that her response did not justify her providing insufficient notice. Therefore, the appointing authority removed her name from the subject list for an unsatisfactory employment history.

In reply, the appellant states that to get so far in the recruiting process and feels she is being removed due to a technicality. She presents that there is no State or federal law that requires an employee to give two weeks' notice. However, the appellant indicates that her prior work history indicates that she normally gives sufficient notice. She explains that there were increasingly documented cases regarding exposure to COVID-19 on the job. Further, she indicates that she started to show some symptoms and her physician ordered her to quarantine for a couple of weeks. She submits her prescription from her physician as evidence. Following her mandated quarantine, the appellant states that she was on approved leave, which was COVID-19 related. She explains that at the time of her resignation, she was not on the payroll and she felt what she did was best at the time. The appellant states that she was attracted to apply for a position in the subject title as it was a trainee position and she was looking forward to a fresh start.

## CONCLUSION

*N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allows the Civil Service Commission (Commission) to remove an eligible's name from an eligible list for having a prior employment history which relates adversely to the title.

*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 or her name from an eligible list was in error.

*N.J.A.C.* 4A:2-6.1(a) indicates that any permanent employee in the career service may resign in good standing by giving the appointing authority at least 14 days written or verbal notice, unless the appointing authority consents to a shorter notice. *N.J.A.C.* 4A:2-6.1(a) states that if an employee resigns without complying with the required notice in *N.J.A.C.* 4A:2-6.1, he or she shall be held as having resigned not in good standing.

Initially, as indicated above and contrary to the appellant's assertion, Civil Service rules require an employee to provide at least 14 days' notice of resignation in order for such resignation to be considered to be in good standing. In this regard, while the Commission can appreciate the appellant's concerns about potential exposure to COVID-19 in her prior position, this does not excuse her from resigning from her prior position not in good standing. Specifically, common courtesy and professionalism indicates that the appellant should have reached out to her prior employer to indicate that she wanted to resign from her position due to her concerns about COVID-19, but she wanted to do so in a manner that conformed with its policies and the regulatory requirements. This is especially true during the pandemic as the current health situation may have made scheduling coverage for its clients even more difficult. Accordingly, she was not removed due to a "technicality." Instead, the appointing authority had a legitimate business concern about employing her based on her previous actions. The fact that the appellant may have otherwise performed in her prior position in a satisfactory manner does not overcome the appointing authority's legitimate concerns.

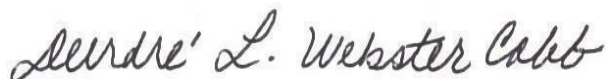
Accordingly, the appellant has not met her burden of proof in this matter and the appointing authority has shown sufficient cause for removing her name from the Claims Adjudicator Trainee, Disability Determinations (S0459A), Department of Labor and Workforce Development, eligible list.

### **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 20<sup>H</sup> DAY OF JANUARY 2021



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