



STATE OF NEW JERSEY

In the Matter of Christina Josey,	:	FINAL ADMINISTRATIVE ACTION
Claims Adjudicator Trainee,	:	OF THE
Disability Determinations (S0459A),	:	CIVIL SERVICE COMMISSION
Department of Labor and Workforce	:	
Development	:	
	:	
	:	
CSC Docket Nos. 2021-389 and 2021-	:	List Removal Appeals
390	:	
	:	

ISSUED:FEBRUARY 23, 2021 (SLK)

Christina Josey appeals the decisions 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. These appeals have been consolidated due to common issues presented.

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,¹ the appointing authority indicated that the appellant had an unsatisfactory work history. Specifically, personnel records indicate that the appellant, on April 10, 2015, resigned not in good standing due to insufficient notice from her position as a Youth Worker with the Juvenile Justice Commission. Further, on January 23, 2017, her separation from employment as a Rehabilitation Counselor, Mental Health from Trenton Psychiatric Hospital was designated as a General Resignation.²

¹ The appointing authority removed the appellant’s name from the subject list on certifications OS200153 and OS200154. The certifications were for two separate locations. Since the appellant was removed on two separate certifications, two separate appeals needed to be filed.

² Personnel records also indicate that on December 7, 2020, the appellant started as an Instructor-Counselor-Trainee with the Department of Military and Veterans Affairs.

On appeal, the appellate states that she is being penalized “for being honest.” She presents that as part of the federal background check, she stated that she resigned from a previous job within the past five years. Thereafter, the appellant indicates that the appointing authority informed her that she needed to reach out to her former employer, Trenton Psychiatric Hospital, because it must provide proof that she resigned. However, she states that Trenton Psychiatric Hospital indicated that its policy was not to disclose the reasons for separation for the protection of its employees. Thereafter, the appellant indicates that she spoke with her interviewer who agreed that most employers do not release that kind of information and the interviewer assured her that she would follow up with human resources. She states that she again reached out to her interviewer who said that she had not heard anything, so she assumed that there was not any issue.

Although given the opportunity, the appointing authority did not respond. As such, it is relying on the information that it provided the Division of Agency Services when it requested that the appellant’s name be removed from the subject list on the subject certifications.

CONCLUSION

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.

N.J.A.C. 4A:2-6.3(a) provides that a general resignation is a third category of employee resignation from employment, distinct from a resignation in good standing and a resignation not in good standing. *N.J.A.C.* 4A:2-6-3(b) provides that an employee may be deemed to have reached a general resignation from employment for purposes of reaching a settlement in a disciplinary action appealed by an employee to the appointing authority or to the Civil Service Commission (Commission) in accordance with *N.J.A.C.* 4A:2-2. The settlement shall clearly state in writing the parties have agreed to a general resignation as a resolution to the disciplinary appeal. *N.J.A.C.* 4A:2-6.3(c) provides that an appointing authority may not unilaterally impose a general resignation on an employee.

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 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.

Initially, concerning the appellant's belief that she was removed "for being honest" during the background check, it is noted that she had an obligation to be honest during the selection or appointment process. Otherwise, the appellant could have been removed for falsification. *See N.J.A.C. 4A:4-4.7(a)1*, in conjunction with *N.J.A.C. 4A:4-6.1(a)6*. In this matter, personnel records indicate that on April 10, 2015, the appellant resigned not in good standing due to insufficient notice from her position as a Youth Worker with the Juvenile Justice Commission, and, on January 23, 2017, her separation from employment as a Rehabilitation Counselor, Mental Health from Trenton Psychiatric Hospital was designated as a General Resignation, which indicates that she resigned in lieu of major discipline. On appeal, the appellant offers no explanation for these resignations nor does it appear that she explained the circumstances of these resignations to the appointing authority during the selection process. Regardless, even if the appellant had provided reasonable explanations, as she was unable to hold long-term employment with two separate State appointing authorities within approximately four years of the May 21, 2019 subject examination closing date, the appointing authority had a legitimate concern regarding the appellant's long-term efficacy. Therefore, the appellant's adverse employment history appointing was sufficient cause for the removal of the appellant's name from the list.

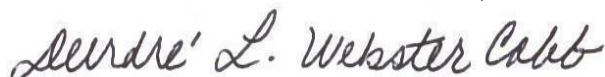
Accordingly, the appellant has not met her burden of proof in this matter and the appointing authority has shown sufficient cause for removing her name from the Claims Adjudicator Trainee, Disability Determinations (S0459A), Department of Labor and Workforce Development, eligible list.

ORDER

Therefore, it is ordered that these appeals 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 17TH DAY OF FEBRUARY, 2021



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