



STATE OF NEW JERSEY

In the Matter of Jenny Alvarado,
 Judiciary Clerk 2, Bi-lingual in
 Spanish/English (S0979A), Vicinage
 2, Bergen County

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

CSC Docket No. 2023-993

List Removal Appeal

ISSUED: November 22, 2023 (VJ)

Jenny Alvarado appeals the removal of her name from the Judiciary Clerk 2, Bi-lingual in Spanish/English (S0979A), Vicinage 2, Bergen County eligible list due to her failure to appear/complete the pre-employment processing.

By way of background, the appellant's name appeared on the Judiciary Clerk 2, Bi-lingual in Spanish/English (S0979A) eligible list and was certified to Vicinage 2, Bergen County (OS220364) on June 15, 2022. The appellant was sent an email from the appointing authority on June 30, 2022, and was told that the pre-employment processing application had to be completed by July 4, 2022. Agency records confirm that an email was sent on June 30, 2022, to the email address provided by the appellant on her application.

On appeal, the appellant maintains that she did not receive any notification by email to complete the pre-employment processing as the application was sent to her junk email folder.¹ The appellant also notes that she would have rather received the pre-employment processing packet by regular mail or Google email.

In response, the appointing authority states that Alvarado's name was removed because she did not complete the pre-employment processing application in

¹ It is unclear in the record as to whether the appellant is arguing that she did not receive any emails regarding the pre-employment application, or that she did receive them, but they went to her junk email folder.

the email, nor did she respond that she was no longer interested in the position. In the email sent by the appointing authority dated June 30, 2022, it stated that “If you are no longer interested and/or wish to be retained for future consideration, please respond by replying to this email. “Failure to respond at all will result in removal of your name from the certification listing.” The email was not returned as “undeliverable” by the computer system, which would have indicated that an invalid email address was used. Additionally, being that Alvarado previously responded to an email noting her interest, it should have been reasonable that she check her spam/junk mail folder for further notice regarding the hiring process.

CONCLUSION

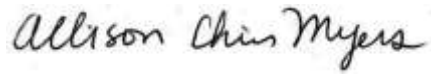
N.J.A.C. 4A:4-4.7(a)6 provides that an eligible’s name may be removed from a list for “non-compliance with the instructions listed on the notice of certification.” *N.J.A.C.* 4A:4-4.7(a)11 provides that an eligible’s name may be removed from a list for other valid reasons, such a failure to complete preemployment processing. *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 name from an eligible list was in error. *N.J.A.C.* 4A:4-3.2(e) provides that it shall be the responsibility of an eligible to keep a current address on file with the Civil Service Commission. In the present matter, it was the responsibility of the appellant to check her spam/junk email folders to ensure receipt of emails from the appointing authority, especially where as here, she had already been in email correspondence with the appointing authority. In this matter, the record demonstrates that the appointing authority sent the email to the appellant’s email address of record, and the email was not returned as undeliverable. Accordingly, the appellant has failed to satisfy her burden of proof.

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 22ND DAY OF NOVEMBER, 2023



Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Jenny Alvarado
Lynda Villareal
Department of Human Services Information Services