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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Steven Albert, Police
Officer (S9999R), Mount Laurel

CSC Docket Nos. 2016-1354

List Removal Appeal

ISSUED: **OCT 09 2015** (SLK)

Steven Albert appeals Mount Laurel's request to remove his name from the eligible list for Police Officer (S9999R), Mount Laurel, on the basis of failure to respond to the Notice of Certification.

By way of background, the subject eligible list promulgated on May 2, 2014, and expires on May 1, 2016. Mr. Albert's name was listed in the 62nd position on certification OL150484 that was issued April 16, 2015. A Notice of Certification (Notice), dated April 23, 2015, was sent to the appellant instructing him that he must write to the appointing authority within five days of the notice date and his failure to do so could possibly result in removal of his name from the list. However, the appellant did not respond. Therefore, in disposing of the certification, the appointing authority requested the removal of the appellant's name, contending that he did not respond to the Notice. Mr. Albert appealed the matter of the removal of his name to the Division of Agency Services, which referred the matter to the Division of Appeals and Regulatory Affairs for direct review.

On appeal, the appellant, a veteran, presents that he is currently training at the Essex County Police Academy (Academy) and is expected to graduate in several weeks. The appellant asserts that upon graduation he was expecting to be appointed as a Police Officer by Hoboken. However, the appellant explains that when his name was certified to Mount Laurel for a position as a Police Officer, he did not reply to the Notice as he was working towards being appointed by Hoboken and did not realize that his failure to respond would remove him from the Statewide eligible list. The appellant also submits a letter from Michael Korman, Personnel

Officer, Hoboken, which confirms that the appellant is currently training at a Police Academy in order to become a Hoboken Police Officer and it requests that the appellant be added to Certification OL151165 as it is planning on making appointments in the near future.

In response, Mount Laurel has indicated that it has no objection to the appellant's name being restored to the eligible list so that he may be hired by another jurisdiction.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)6 provides that an eligible may be removed from an eligible list for non-compliance with the instructions listed on the notice of certification.

N.J.A.C. 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In the instant matter, the appointing authority had sufficient reason to request to remove the appellant's name from the eligible list as Mr. Albert did not respond to the Notice as instructed. However, the appellant explains that he did not realize that his failure to respond to the certification issued to the appointing authority would remove his name from the Statewide eligible list since he is currently training at an Academy and was expecting to be appointed as a Police Officer by Hoboken upon graduation. Further, Mr. Korman has confirmed that Hoboken would like to add the appellant's name to Certification OL151165 that was issued to it as it is planning on making appointments in the near future. Moreover, Mount Laurel does not object to the appellant's name being restored so that he may be considered for appointment by another jurisdiction.

N.J.A.C. 4A:4-4.7(g) provides that when the Commission has accepted a single application for one or more law enforcement title areas, pursuant to *N.J.A.C.* 4A:4-2.3(c), an eligible whose name has been removed from the pool of eligibles for one jurisdiction or title area for cause shall be removed from the pool of eligibles for any other jurisdiction or title area. However, failure to respond to a Notice of Certification for one jurisdiction is not "cause" for removal in a different jurisdiction in the same title. *See In the Matter of Edward J. Mari* (MSB, decided September 7, 2005). Therefore, the Commission finds good cause to restore the appellant's name to the subject eligible list. *See In the Matter of Matthew Johnson* (CSC, decided September 2, 2015). The appellant is warned, however, that he must respond to all future Notices or he may be removed from subsequent eligible lists.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant's name be restored to the list for Police Officer (S9999R), Statewide. However, Certification OL150484 issued on April 16, 2015 shall not be returned to Mount Laurel for reconsideration. Further, Mr. Albert's name shall not be added to subsequent certification, Certification OL151151 issued on September 21, 2015, that was issued to Mount Laurel. Additionally, Mr. Albert's name shall be added to Certification OL151165 issued on September 23, 2015, that was issued to Hoboken, for current opportunities.

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 7th DAY OF OCTOBER, 2015



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