



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Tameeka Hutchins-
Hudson, Correction Officer Recruit
(S9988R), Department of Corrections

CSC Docket No. 2016-3262

Request for List Revival

ISSUED: **OCT 21 2016** (SLK)

Tameeka Hutchins-Hudson requests that the eligible list for Correction Officer Recruit (S9988R), Department of Corrections be revived in order to enable her name to be certified at the next certification for Correction Officer Recruit.

By way of background, the eligible list for Correction Officer Recruit (S9988R), Department of Corrections promulgated May 23, 2013 and was initially set to expire on May 22, 2015. Thereafter, the list was extended and expired on July 3, 2015.

In her request, the appellant presents that, in response to the notice of certification, she sent an email on May 16, 2014 to the appointing authority's Custody Recruitment unit indicating that she was interested in a position in the subject title. She submits her email as proof. However, in nearly two years after she sent the email, she states that she did not hear from the appointing authority. On March 2, 2016, she contacted Custody Recruitment and it informed her that it did not have any record that she sent the May 16, 2016 email. Although the appellant sent Custody Recruitment a copy of her email, it responded that her email was not sufficient proof that she had sent the email to Custody Recruitment. Further, since the list expired, she was advised that if she wanted a position in the subject title, she would have to re-apply for a new examination for the subject title and take a new test. The appellant argues that it is the appointing authority who made a mistake by not responding to her email and therefore its position in this matter is unfair. She requests that her name be placed at the top of the eligible list for the next time there is a certification for the subject title.

In response, the appointing authority states that it does not have anything to indicate that the appellant responded to the notice of certification for further processing in 2014. However, it notes that the appellant's asserted email was sent to an "old email system" and it has no way to go through the inbox to verify whether she actually responded. The appointing authority also notes that it does not send out list removal letters to all the candidates that fail to respond to the certification notice. Rather, she was simply not considered during the life of the eligible list.

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 Civil Service Commission (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.

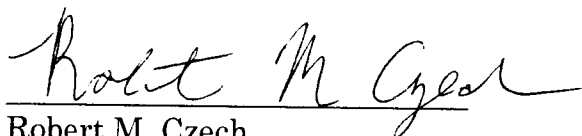
In the instant matter, the appellant submits an email demonstrating that, on May 16, 2014, she sent an email to the appointing authority's Custody Recruitment unit stating that she was interested in a position in the subject title. ~~The appointing authority has not stated that the appellant sent the email to an invalid~~ email address or presented any evidence to indicate that the appellant did not properly and timely respond to the certification notice. Instead, it simply replies that it does not have a record that it received the email from the appellant. The Commission notes that a list removal notice was not sent to the appellant and, therefore, she did not have a timely opportunity to contest the claim that she failed to respond prior to the expiration of the list. Therefore, under these circumstances, the Commission finds that the appellant has met her burden of proof. However, it is noted that the appellant does not possess a vested property interest in employment. The only interest that results from placement on an eligible list is that the candidate will be considered for an applicable position so long as the eligible list remains in force. *See Nunan v. Department of Personnel*, 244 *N.J. Super.* 494 (App. Div. 1990).

ORDER

Therefore, it is ordered that this appeal be granted and the eligible list for Correction Officer Recruit (S9988R), Department of Corrections be revived and the appellant's name certified at the time of the next certification for Correction Officer Recruit, 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 19th DAY OF OCTOBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Merit System Practices
and Labor Relations
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Tameeka Hutchinson-Hudson
Elizabeth Whitlock
Jennifer Rodriguez
Joe Hill
Records Center