

B-14

STATE OF NEW JERSEY

In the Matter of Karen Lee, Assistant  
Social Work Supervisor Psychiatric  
(PS2900K), Ancora Psychiatric  
Hospital

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2018-95

List Removal Appeal

ISSUED: NOV 27 2017 (SLK)

Karen Lee appeals her removal from the eligible list for Assistant Social Work Supervisor Psychiatric (PS2900K) for failing to respond to the certification notice.

By way of background, on April 7, 2017, a notice was sent to the appellant indicating that her name had been certified to Ancora Psychiatric Hospital from the Assistant Social Work Supervisor Psychiatric (PS2900k) eligible list on certification PS170518. However, the appellant failed to respond to the certification notice.

On appeal, the appellant presents that she has shown interest in the position as demonstrated by the fact that she has interviewed for the position several times, with the last interview being held on September 15, 2016.

In response, the appointing authority indicates that although the Civil Service Commission mailed her a notice of certification on April 7, 2017, it did not receive a response from her. Therefore, it removed her from the list.

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:4-6.3(b) provides that an appellant has the burden of proof to show that an appointing authority's decision to remove the appellant's name from an eligible list was in error.

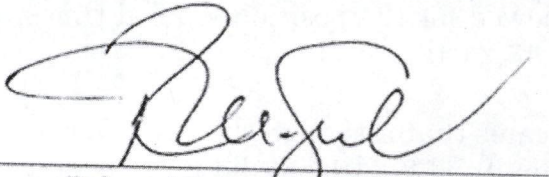
In the instant matter, the appointing authority presented a valid basis to remove the appellant's name from the list. A review of agency records indicates that the appellant's name was certified to the appointing authority for a position in the subject title on May 19, 2015 on certification PS160665, on July 2, 2015 on certification PS150859, on September 6, 2016 on certification PS161158, and on April 7, 2017 on the subject certification. The appellant presents that she expressed interest in a position in the subject title as demonstrated by her participation in interviews for a position for the subject title, with the last one taking place on September 15, 2016. However, the Commission notes that these interviews took place **before** she received notice for the subject certification. A candidate needs to respond to each notice of certification the he or she receives for an eligible list to remain on that list. Her responses to prior notices of certifications and prior interviews did not relieve her of the responsibility to respond to the subject certification. As the appellant has not submitted any evidence that she responded to the subject certification, she has not met her burden of proof in this matter. Accordingly, the appointing authority has shown sufficient cause for removing her name from the Assistant Social Work Supervisor Psychiatric (PS2900K) 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 15<sup>th</sup> DAY OF NOVEMBER, 2017



Robert M. Czedo, Chairperson  
Civil Service Commission

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