



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Thomas Amponsah,
Human Services Assistant (Special),
Ancora Psychiatric Hospital

List Removal Appeal

CSC Docket No. 2017-3568

ISSUED: APRIL 2, 2018 (SLK)

Thomas Amponsah appeals the removal of his name from the special reemployment list for Human Services Assistant (Special), Ancora Psychiatric Hospital (Ancora).

By way of background, on November 28, 2014, after the appellant was notified that he was being laid off from his permanent appointment as a Human Services Assistant¹ with Trenton Psychiatric Hospital (Trenton Psychiatric), he completed a Reduction in Force (RIF) form. On the RIF, the appellant indicated his address, which was a different address from the one that the Department of Human Services² (Human Services) had on file. However, despite the fact that Human Services was in possession of the appellant's updated address from his RIF form, it did not update the appellant's address in the payroll system that is accessed by the Department of the Treasury (Treasury). The Division of Agency Services (Agency Services) uses the addresses in Treasury's payroll system to mail special reemployment certification notices that result from a layoff from State service. Therefore, on or about April 24, 2015, Agency Services sent a notice to the appellant's old address stating that his name was certified (OS150315) to Ancora from the Human Services special reemployment list. As the appellant did not

¹ The appellant was provisionally serving as a Human Services Technician for Trenton Psychiatric at that time.

² At the time the appellant was laid off, Trenton Psychiatric and Ancora were part of Human Services. These facilities are now part of the Department of Health.

respond to the certification notice, Ancora requested to remove his name from the subject special reemployment list.

On appeal, the appellant submits a notarized sworn statement that indicates he never received the subject special reemployment certification notice. He presents that when he was informed by a former coworker that this individual had been appointed to a position at Trenton Psychiatric, he contacted its human resource department. It informed him that he was not on the list and he subsequently appealed his removal. The appellant submits the above-mentioned RIF form as evidence that he updated Human Services with his current address at the time of the layoff.

Although given the opportunity, Ancora did not respond to the appellant's appeal.

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), 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 the appellant's name from an eligible list was in error.

In the instant matter, the appellant submits a notarized sworn statement under oath indicating that his address was incorrectly listed on the certification notice and Human Services was in possession of his correct address. Further, a review of the appellant's RIF form indicates that he did update Human Services with his current address at the time of the layoff. Although Human Services did not update the appellant's address in the payroll system which Agency Services used to mail the subject special reemployment certification notice, it is not unreasonable that a laid off employee would expect that the address he or she provides at the time of the layoff is the address that will be used when mailing a special reemployment certification notice. Therefore, the Commission finds that the appellant's name shall be restored to the subject special reemployment list for prospective employment opportunities.

ORDER

Therefore, it is ordered that this appeal be granted and Thomas Amponsah's name be restored to the special reemployment list for Human Services Assistant (Special), Ancora Psychiatric Hospital for prospective employment 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 27th DAY OF MARCH, 2018



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