

B-4



STATE OF NEW JERSEY

In the Matter of Taia Carter,
County Correction Officer (C9979M),
Essex County

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-2737

List Removal Appeal

ISSUED: NOV 06 2015 (JET)

Taia Carter, represented by Charles M. Grossman, Esq., appeals the attached decision of the former Division of Classification and Personnel Management (CPM),¹ which upheld the removal of her name from the County Correction Officer (C9979M), Essex County eligible list on the basis of her failure to properly complete pre-employment processing.

The appellant took the open competitive examination for County Correction Officer (C9979M), achieved a passing score, and was ranked on the subsequent eligible list. The appellant's name was certified to the appointing authority on February 25, 2014. In disposing of the certification, the appointing authority requested the removal of the appellant's name from the eligible list on the basis of her failure to properly complete pre-employment processing. Specifically, the appointing authority indicated that the appellant failed to submit notarized and sworn documentation as required. It is noted that the appellant failed to notarize the Authorization for Release of Information and the Affidavit of Residency. On appeal to CPM, the appellant asserted, among other things, that her name should be restored to the subject eligible list. CPM determined that the appointing authority had presented a sufficient basis to remove the appellant's name from the subject eligible list.

On appeal, the appellant maintains that she submitted documentation that was properly sworn and notarized. Further, the appellant disputes that the

¹ Now the Division of Agency Services.

appointing authority did not receive any notarized documentation. In this regard, the appellant contends that a member of the appointing authority's Internal Affairs unit confirmed that only one document was not notarized. In addition, the appellant explains that the notary who assisted her did not retain copies of the notarized documents for the appellant's records. The appellant adds that the notary does not recall the date that the documents were notarized. As such, the appellant does not have copies of the notarized documents to submit on appeal. The appellant adds that it is inconceivable that she cannot follow simple directions. Moreover, the appellant states that CPM's decision does not properly explain why the removal of her name from the list was upheld.

In support, the appellant submits a signed affidavit from a notary, Beverly Allen, who indicates that she notarized documentation for the appellant. The affidavit does not indicate what documents were notarized or the date the notary service was performed. The appellant also submits various letters of recommendation to show that she is capable of following directions.

Despite being provided with the opportunity, the appointing authority did not provide a response.

CONCLUSION

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 or her name from an eligible list was in error. *N.J.A.C. 4A:4-4.7(a)11* allows the Commission to remove an eligible's name from an eligible list for other valid reasons.

It is initially noted that that an appointing authority has the right to require potential new hires to undergo pre-employment processing to ensure that the candidate is qualified for appointment. Such pre-employment processing may include any and all conditions necessary for an appointing authority to assess a candidate's qualifications. Further, this information is important as it serves the important function of informing the appointing authority as to any significant differences between candidates which may assist it in the selection process. *See, In the Matter of Bruce C. Cooke* (MSB, decided May 8, 2001); *In the Matter of James Smith* (MSB, decided April 24, 2001).

In the instant matter, CPM properly removed the appellant's name from the eligible list for failure to complete pre-employment processing. The record reflects that the appellant failed to submit notarized and sworn documentation that was required in order to complete pre-employment processing. In this regard, the Affidavit of Residency and the Authorization for Release of Information were not properly sworn and notarized as required. The appellant argues that she properly

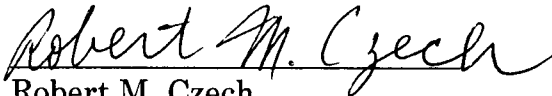
submitted the required sworn and notarized documentation. Other than the appellant's assertions, there is no evidence to show that the Affidavit of Residency and the Authorization for Release of Information were notarized. Further, the affidavit submitted from the appellant's notary is not dispositive. In this regard, the affidavit does not establish that the Affidavit of Residency and the Authorization for Release of Information were notarized. Rather, it essentially indicates that the notary was uncertain of the exact date when the notary service was performed. Although the appellant argues that a member of the Internal Affairs unit stated that only one document was not notarized, even assuming the validity of that statement, such information does not refute the appointing authority's contention that the appellant failed to complete pre-employment processing. The fact that the appellant failed to submit even one of the notarized documents is sufficient to remove her name from the list. Moreover, the letters of recommendation are not sufficient to overcome the fact that the appellant failed to have the documentation notarized. The appellant has not provided any substantive documentation to show that the appointing authority's decision to remove her name from the eligible list was incorrect. Accordingly, the appointing authority has presented a sufficient basis to remove the appellant's name from the eligible list for County Correction Officer (C9979M), Essex County.

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 5th DAY OF NOVEMBER, 2015



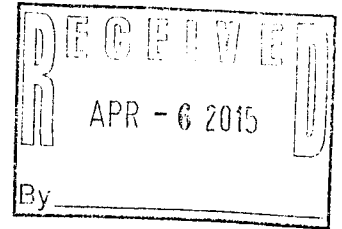
Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals
& Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
PO Box 312
Trenton, New Jersey 08625-0312

Attachment

**c: Taia Carter
Charles M. Grossman, Esq.
Alan Abramowitz
Joe Hill**



Chris Christie
Governor
Kim Guadagno
Lt. Governor

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
DIVISION OF CLASSIFICATION AND PERSONNEL MANAGEMENT
P. O. Box 314
Trenton, New Jersey 08625-0313

Robert M. Czech
Chair/Chief Executive Officer

March 9, 2015

Mr. Charles M. Grossman
Pitman Mindas Grossman Lee and Moore
150 Morris Avenue
PO Box 696
Springfield, NJ 07081

RE: Taia L. Carter - Title: County Correction Officer - Jurisdiction: Essex County
Symbol: C9979M - Certification No: OL140238

Dear Mr. Grossman:

This is in response to your appeal filed on behalf of your client, Taia L. Carter, regarding the disposition notice that she received removing her name from the certification list referenced above.

Our records show Ms. Carter was certified February 25, 2014, as a County Correction Officer for a position in Essex County. The appointing authority disposed of the certification indicating the removal of Ms. Carter's name in accordance with N.J.A.C. 4A:4-4.7(a)11, which permits the removal of an eligible candidate's name from the eligible list for failure to appear for or complete pre-employment processing as required. Ms. Carter failed to have the required documents notarized.

In your letter dated October 7, 2014, you state that Ms. Carter is adamant that she signed the papers upon receipt on March 22, 2014, and that she returned them to the County on March 27, 2014, properly signed and notarized. Ms. Carter also states that she had the papers notarized by Ms. Beverly Allen, an employee of the Plainfield Housing Authority and also a friend of Ms. Carter's mother. However, neither Ms. Carter or Ms. Allen can provide copies of the notarized papers as proof. Furthermore, it is noted that Ms. Allen cannot recall the exact date that she notarized the papers. In her affidavit she states, "I did that for Ms. Carter some 5-6 months ago." "I don't remember exactly".

Based on this information, and after a thorough review of our records and all the relevant material submitted, we find that there is not a sufficient basis to restore your client's name to the eligible list. Therefore, the appointing authority's request to remove your client's name has been sustained and your appeal is denied.

Symbol C9979M expired on May 1, 2014. No further certifications will be issued from the eligible list.

Mr. Charles M. Grossman
March 9, 2015
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In accordance with Civil Service Rules, you may appeal this decision to the Division of Appeals and Regulatory Affairs (DARA) within 20 days of the receipt of this letter. You must submit all proofs, arguments and issues which you plan to use to substantiate the issues raised in your appeal. Please submit a copy of this determination with your appeal to DARA. You must put all parties of interest on notice of your appeal and provide them with copies of all documents submitted for consideration.

Pursuant to P.L. 2010 c.26, effective July 1, 2010, there shall be a \$20 fee for appeals. Please include the required \$20 fee with your appeal. Payment must be made by check or money order only, payable to the NJ CSC.

Persons receiving public assistance pursuant to P.L. 1947, c. 156 (C.44:8-107 et seq.), P.L. 1973, c.256 (C.44:7-85 et seq.), or P.L. 1997, c.38 (C.44:10-55 et seq.) and individuals with established veterans preference as defined by N.J.S.A. 11A:5-1 et seq. are exempt from these fees. Address all appeals to:

Henry Maurer, Director
Division of Appeals and Regulatory Affairs
Written Record Appeals Unit
PO Box 312
Trenton, NJ 08625-0312

Sincerely,
For the Director,



Debra A. Porter
Senior Management Assistant

c. Alan Abramowitz