

B-22



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Frank Borg, Office  
Supervisor (M0466R), New  
Brunswick

CSC Docket No. 2016-4002

List Removal Appeal

ISSUED: APR - 5 2017 (WR)

Frank Borg appeals the removal of his name from the eligible list for Office Supervisor (M0466R), New Brunswick, on the basis that he was outside the residency scope.

By way of background, the examination for Office Supervisor (M0466R), New Brunswick was announced with the closing date of May 21, 2013 and was open to the residents of New Brunswick and Middlesex County. An eligible list subsequently promulgated on September 5, 2013 with the names of seven eligibles and expired on September 4, 2016. In disposing of the March 2, 2015 certification (OL150263), the appointing authority requested the removal of Frank Borg, the second-ranked eligible's name because he failed to meet the residency requirements. On July 15, 2015, Borg appealed the removal of his name from the subject eligible list to the Division of Agency Services (Agency Services), maintaining that he had lived in Middlesex County for 20 years. However, due to an administrative error, his appeal was never processed.

In support of his appeal, Borg submits documentation which establishes that he was a Middlesex County resident at all relevant times. Additionally, it is noted that the appointing authority removed Borg because it believed that the subject examination was open only to New Brunswick residents. It is further noted that Agency Services supports Borg's appeal.

## CONCLUSION

*N.J.A.C.* 4A:4-2.11(e)1 states that unless otherwise specified, residency requirements shall be met by the announced closing date for the examination. When an appointing authority requires residency as of the date of appointment, residency must be continuously maintained from the closing date up to and including the date of appointment. Additionally, *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 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.

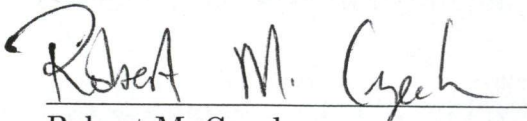
In the instant matter, the subject examination was open to, in part, residents of Middlesex County. Borg was removed from the subject eligible list for failing to meet the residency requirements and the list expired on September 4, 2016. However, Borg was a resident of Middlesex County at all relevant times and due to administrative errors, his name was removed from the subject eligible list and his appeal of the removal was not processed. Accordingly, Borg's appeal is granted and the subject eligible list should be revived to allow him to be considered for prospective employment opportunities.

## ORDER

Therefore, it is ordered that this appeal be granted and the eligible list for Office Supervisor (M0466R), New Brunswick be revived and the appellant's name certified at the time of the next certification for Office Supervisor, New Brunswick 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 5<sup>th</sup> DAY OF APRIL, 2017



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Director  
Division of Appeals and  
Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Frank Borg  
Thomas Loughlin  
Kelly Glenn  
Records Center

