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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Daniel Ryall, County
Correction Officer (S9999R), Camden
County

List Removal Appeal

CSC Docket No. 2017-166

ISSUED: **MAY 08 2017** (HS)

Daniel Ryall appeals the removal of his name from the eligible list for County Correction Officer (S9999R), Camden County on the basis of his failure to appear for an interview.

The appellant, a non-veteran, took and passed the open competitive examination for County Correction Officer (S9999R), which had a closing date of September 4, 2013. The resulting eligible list promulgated on May 2, 2014 and expired on March 22, 2017. The appellant's name was certified to the appointing authority on December 30, 2015. In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis of his failure to appear for an interview. Specifically, the appointing authority indicated that a certified letter was sent to the appellant that indicated he was scheduled for an interview on January 26, 2016 at 8:00 a.m. but that he failed to appear for the scheduled interview. Among other things, the letter instructed the appellant to notify E.O. by e-mail if he was no longer interested in the position.

On appeal to the Civil Service Commission (Commission), the appellant states that he could not attend the interview because he was already scheduled for an interview with the Camden County Police Department at that time and could not reschedule either interview.¹ He also received the appointing authority's letter

¹ Agency records indicate that the appellant's name appeared on the December 16, 2015 certification for County Police Officer issued for Camden County. The disposition of the certification was recorded by this agency on May 10, 2016.

late and could not complete the required paperwork in time. In support, the appellant submits a copy of the e-mail he sent E.O. on January 25, 2016 at 9:10 p.m. In the e-mail, the appellant indicated that he was no longer interested in the position, that he received the appointing authority's letter too late and could not finish his application in time and that he hoped to be considered for this position should an opening arise. The appellant maintains that his name should not have been removed from the eligible list since he notified E.O. as instructed.

In response, the appointing authority states that its certified letter was received on January 20, 2016 and that it did not receive the appellant's e-mail. The appointing authority maintains that it removed the appellant's name from the eligible list since it did not hear from the appellant.

CONCLUSION

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. *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 name from an eligible list was in error. It is initially noted that the appointing authority has the authority and ability to require potential new hires to undergo preemployment processing to ensure that the candidate is qualified for appointment. Such preemployment 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 the candidates that may assist it in the selection process. See *In the Matter of Laura C. Bonilla* (MSB, decided September 7, 2005); *In the Matter of Bruce C. Cooke* (MSB, decided May 8, 2001); *In the Matter of James Smith* (MSB, decided April 24, 2001).

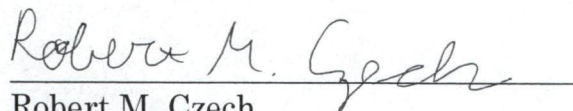
The record in this matter reflects that the appellant sent E.O. an e-mail in which he indicated that he was not interested in the current position but expressed interest in future openings. However, for reasons that are not clear in the record, that e-mail was not received. Under these circumstances, the appellant has met his burden of proof in this matter and the appointing authority has not shown sufficient justification for removing his name from the subject eligible list.

ORDER

Therefore, it is ordered that this appeal be granted and the eligible list for County Correction Officer (S9999R), Camden County be revived in order for the appellant to be considered for appointment at the time of the next certification 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 3RD DAY OF MAY, 2017



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This report is a preliminary report and should not be used for any purpose other than for information.

DEPARTMENT OF THE ARMY
ENGINEERING CENTER
FORT BELLEVILLE, ILLINOIS
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Technical Report
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