



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Joan Karpinski,
Graduate Nurse (Special), Union
County

List Removal Appeal

CSC Docket No. 2017-1572

ISSUED: AUG 17 2017 (HS)

Joan Karpinski appeals the removal of her name from the special reemployment list for Graduate Nurse, Union County on the basis of her failure to complete preemployment processing.

The appellant, a non-veteran, appeared on the Graduate Nurse, Union County special reemployment list.¹ On June 28, 2016, the appellant and 12 other eligibles were certified to the appointing authority.² In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis of her failure to complete preemployment processing and it appointed the eighth listed eligible effective October 24, 2016. Specifically, the appointing authority indicated that the appellant had initially accepted a job offer and sent a letter of interest but later declined due to personal illness. The appointing authority requested that the appellant submit an updated letter declining the offer and requesting that her name be retained on the special reemployment list. However, the appointing authority did not receive any such correspondence by the given deadline.

On appeal to the Civil Service Commission (Commission), the appellant states that she left a message with the appointing authority explaining that she

¹ Agency records indicate that the appellant was laid off from the subject title with the appointing authority effective December 15, 2014.
² Agency records indicate that the appellant was the first listed eligible on the certification.

could not come in for preemployment processing due to an injury. She indicates her interest in keeping her name on the subject special reemployment list.

In response, the appointing authority reiterates its reason for requesting the removal of the appellant's name from the subject special reemployment list. It also explains that another vacancy for the subject title arose at a later date. As the appointing authority had exhausted all interested candidates on the special reemployment list, it appointed the appellant to the subject noncompetitive title, effective April 23, 2017. The appointing authority notes that it has no objection to restoring the appellant's name to the subject special reemployment list. The appointing authority states that if her name is restored, her appointment from the special reemployment list be dated April 23, 2017.

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 her name from an eligible list was in error.

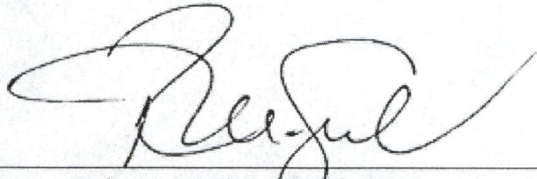
The appellant states that she left a message with the appointing authority explaining that she could not attend preemployment processing due to an injury and notes her interest in having her name be retained on the subject special reemployment list. In addition, the appellant subsequently received a regular appointment to the subject noncompetitive title with the appointing authority effective April 23, 2017. The appointing authority also has no objection to restoring the appellant's name to the subject special reemployment list so that she may receive an appointment from that list. Under these circumstances, it is appropriate to restore the appellant's name to the subject special reemployment list. As the appellant's name has been restored to the subject eligible list, it is appropriate to record her April 23, 2017 appointment as being from the special reemployment list.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant's name be restored to the special reemployment list for Graduate Nurse, Union County. Additionally, it is ordered that the appellant's record reflect a retroactive appointment date of April 23, 2017 from the special reemployment list for Graduate Nurse, Union County for salary step placement and seniority-based purposes 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 16TH DAY OF AUGUST, 2017



Robert M. Czech, Chairperson
Civil Service Commission

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