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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Angelique Collazo,
Police Officer (Special),
City of Trenton

CSC Docket No. 2015-1332

List Removal

ISSUED: OCT 23 2015 (DASV)

Angelique Collazo, represented by Mark D. Laderman, Esq., appeals the attached decision of the Division of Classification and Personnel Management (CPM),¹ which upheld the removal of her name from the special reemployment list for Police Officer, City of Trenton, due to the falsification of her employment application.

By way of background, the appellant was appointed on January 7, 2008 as a Police Officer with the City of Trenton. She was subsequently laid off from her position, effective September 16, 2011, and was placed on the special reemployment list for that title. On April 2, 2013, her name was certified from the special reemployment list. In disposing of the certification, the appointing authority requested the removal of the appellant's name for falsifying her reemployment application. Specifically, the appointing authority asserted that the appellant was subjected to an updated background investigation, which revealed that she was not truthful about her two brothers being involved in a street gang. It indicated that the brothers were "confirmed street gang members residing in Trenton." The appellant answered "No" to question 22 on her employment application which asked applicants whether they are "associating with, or have . . . associated with any individuals, including relatives, who [they] know or have reason to believe are or have been members of any organization identified above." The organization which the question was referring to was any criminal group (organized crime) or street

¹ CPM is now known as the Division of Agency Services.

gang.² The appellant appealed to CPM; however, CPM determined that the appointing authority presented a sufficient basis to remove the appellant's name from the subject eligible list.

On appeal to the Civil Service Commission (Commission), the appellant indicates that the appointing authority has shown no proof that her brothers are associated with a street gang. Additionally, she contends that the appointing authority has not demonstrated that she knew or had reason to know of her brothers' association. The appellant states that the documentation contained in an internal affairs interview in 2008 established that she had no such knowledge of her brothers' involvement and continued her employment with the City of Trenton. Moreover, she notes that, on her reemployment application, she fully disclosed her brothers' criminal transgressions to the best of her knowledge. In that regard, the appellant revealed that her brothers were incarcerated, but were released and had been on parole. The appellant listed that her brothers' offenses were "first degree murder" and "drug charges." They currently "have great jobs and [are] doing well." Moreover, the appellant maintains that she did not deceive or attempt to hide information from the appointing authority. She contends that she answered question 22 in the same way as in her initial employment application in 2007. Further, the appellant asserts that her reemployment background investigation was not conducted until November 2013, but she was scheduled to return to her position on June 23, 2013. She was then told not to report to duty and was removed from the special reemployment list. The appellant alleges that the appointing authority fabricated the reason for her removal. The appointing authority did not respond to her numerous inquiries at the time. Lastly, the appellant requests that her appeal be addressed at a hearing before the Office of Administrative Law.

In response, the appointing authority submits a letter, dated August 27, 2015, from the Police Director, who indicates that the appellant was removed from the special reemployment list by the previous administration. He states that he reviewed the appellant's records and "though components might draw questions, [he] sees no reason why [the appellant] should be precluded from employment should she prevail in her appeal." The Police Director notes that he also had the Internal Affairs Bureau review the appellant's personnel file and it concurred with his findings. Moreover, the Police Director submits that there are budgeted vacancies that would allow for an appointment. He also indicates that the appellant is currently volunteering in the "Police Explorers Program" and is an asset to the program.

² The appointing authority also submitted that the appellant was involved in numerous domestic violence complaints that occurred prior to her layoff. However, CPM advised that the appointing authority could not use information prior to the appellant's layoff to remove her from the special reemployment list. As such, the appellant's arguments in that regard need not be addressed.

CONCLUSION

Initially, the appellant requests a hearing in the matter. However, list removal appeals are treated as reviews of the written record. *See N.J.S.A. 11A:2-6(b)*. Hearings are granted in those limited instances where the Commission determines that a material and controlling dispute of fact exists which can only be resolved through a hearing. *See N.J.A.C. 4A:2-1.1(d)*. As further explained below, the Commission is restoring the appellant to the special reemployment list. Thus, no material issue of disputed fact has been presented which would require a hearing. *See Belleville v. Department of Civil Service*, 155 *N.J. Super.* 517 (App. Div. 1978).

N.J.A.C. 4A:8-2.3 provides in part that a permanent employee shall be granted special reemployment rights based on the permanent title from which he or she has been laid off, demoted or displaced by job location. Employees shall be placed on a special reemployment list for an unlimited duration. Removal of names from a special reemployment list may be made in accordance with applicable rules. *N.J.A.C. 4A:4-4.7(a)1*, in conjunction with *N.J.A.C. 4A:4-6.1(a)6*, allows the Commission to remove an eligible's name from an employment list when he or she has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process. *N.J.A.C. 4A:4-6.3(b)*, in conjunction with *N.J.A.C. 4A:4-4.7(d)*, states 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.

In the instant matter, the appellant was removed from the subject special reemployment list since she answered "No" to the question of whether she was ever associated with any individual whom she knew or had reason to believe was a member of an organized crime group or street gang. However, the appellant's background investigation revealed that her brothers were "confirmed street gang members residing in Trenton." The Commission emphasizes that it is the appellant's burden to show by a preponderance of the evidence that the decision to remove her name was in error. She has not shown that the background investigation consisted of false information. While the appellant may not have known of her brothers' affiliation in 2007 at the time of her initial application, she was certainly aware of it in 2008 when an internal affairs investigation regarding the matter was conducted, notwithstanding that she remained employed. Thus, it is difficult to accept that, in 2013, the appellant did not have reason to believe that her brothers had been members of a street gang. Nonetheless, the appointing authority now presents the Police Director's support of the appellant's employment. The Police Director indicates that there are currently budgeted vacancies that would allow for an appointment. Moreover, the appellant was otherwise forthcoming regarding her brothers' criminal backgrounds. Under these circumstances, the Commission finds a sufficient basis to restore the appellant's

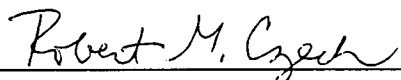
name to the special reemployment list for Police Officer, City of Trenton. However, as there was a basis for the appellant's removal, her appointment from the April 2, 2013 certification will not be mandated. Rather, her name shall be certified to the appointing authority, for prospective employment opportunities only.

ORDER

Therefore, it is ordered that this appeal be granted and Angelique Collazo's name be restored to the special reemployment list for Police Officer, City of Trenton. It is further ordered that the appellant's name be certified to the appointing authority, 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 21ST DAY OF OCTOBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

c: Angelique Collazo
Mark D. Laderman, Esq.
Terry K. McEwen
Kenneth Connolly
Joseph Gambino



LAW OFFICES OF K&R

OCT 29 2014

RECEIVED

Chris Christie
Governor
Kim Guadagno
Lt. Governor

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
DIVISION OF CLASSIFICATION & PERSONNEL MANAGEMENT
P. O. Box 313
Trenton, New Jersey 08625-0313

Robert M. Czech
Chair/Chief Executive Officer

October 27, 2014

Mark D. Laderman

Re: Angelique Collazo

Title: Police Officer
Jurisdiction: Trenton
Symbol: Special
Certification No: OL130437
Certification Date: 04/02/2013

Initial Determination: Removed – Falsification of Application

This is in response to your correspondence contesting the removal of your client's name from the above-referenced eligible list.

The Appointing Authority requested removal of your client's name in accordance with N.J.A.C. 4A:4-6.1(a)6, which permits the removal of an eligible candidate's name from the eligible list if the eligible "Has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process."

As part of the pre-employment process, Ms. Collazo was required to provide a complete and accurate record of her background. The documentation submitted by the Appointing Authority demonstrates that she did not comply with these instructions. Specifically, it has been held that a candidate's name may be removed from an eligible list based on falsification of the employment application when the withheld information is material to the position sought, not whether there was any intent to deceive on the part of the applicant. In support of its decision, the Appointing Authority states that Ms. Collazo indicated on her application (dated 4/16/2013) that she has "not associated with any individuals, including relatives, who you know or have reason to believe are or have been members of any organizations identified above", i.e., criminal groups or street gangs. The Appointing Authority performed the background investigation and, when comparing the information listed by your client in her application to the information revealed, determined that the disposition was appropriate.

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 decision to remove Ms. Collazo's name has been sustained and the appeal is denied.

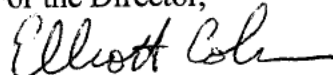
In accordance with Merit System Rules, you may appeal to the Division of Appeals and Regulatory Affairs (DARA) within 20 days of receipt of this letter. You must submit all proofs, arguments and issues which you plan to use to substantiate the issues raised in your appeal. Please submit a copy of this 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.

Please be advised that 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 Appeals Record Unit
PO Box 312
Trenton, NJ 08625-0312

Sincerely,
For the Director,



Elliott Cohen
Human Resource Consultant
Local Placement Services

c:
Terry K. McEwen

