



B-4

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Akeisha Burroughs,  
Police Officer (S9999M), Newark

List Removal

CSC Docket No. 2016-584

ISSUED: **OCT 09 2015** (SLK)

Akeisha Burroughs appeals the attached determination of the Division of Agency Services (Agency Services) which upheld the removal of her name from the eligible list for Police Officer (S9999M), Newark, due to her unsatisfactory driving record.

By way of background, the appellant's name appeared on certification OL131365 that was issued to the appointing authority on October 15, 2013. The certification contained 350 names and 49 eligibles were appointed. The list expired on May 1, 2014. In disposing of the certification, the appointing authority requested the removal of the appellant's name due to an unsatisfactory driving record. In support of its request, the appointing authority submitted its background report which included a copy of the appellant's five year Driver History abstract. Based on this information, the appointing authority stated that the appellant had multiple motor vehicle and parking infractions and license suspensions which exhibit a pattern of disregard for motor vehicle laws. The appellant appealed the matter of the removal of her name to Agency Services, which found that the appointing authority sustained its request.

On appeal, the appellant states that the appointing authority represented that it would request to remove candidates from the eligible list if they had an unsatisfactory driving record within the past two years. However, the appellant maintains that the request to remove her name was based on motor vehicle matters

that occurred more than two years ago and therefore was improper. The appellant claims that most of her driving suspensions were due to unpaid parking tickets and, as of September 2014, three points have been removed from her driving record which proves she is a safe driver. The appellant presents that one of her moving violations was for not having a child restraint system. However, she contends that this violation was unjustified as her child fell asleep while properly in a seat belt in an appropriate car seat, but she received a ticket anyway because her child's head was tilted over the car seat. She also claims that her other moving violations were due to charges being downgraded based on the advice of the prosecutor during court appearances. The appellant asserts that her motor vehicle moving violations and parking infractions do not evidence a pattern of disregard for motor vehicle laws, but instead show that she is human and has made mistakes. With respect to her driving suspensions, the appellant states that these are based on her inability to pay for parking tickets due to unforeseen hardships or unintentionally not answering summons. However, all of these infractions have been satisfied, dismissed, rescinded, and/or resolved. The appellant maintains that her background demonstrates that she has the good character necessary to be a Police Officer as she is a certified public school teacher and the State has licensed her to care for foster children in her home.

Although provided the opportunity, the appointing authority did not submit any additional information or argument for the Civil Service Commission (Commission) to review.

### CONCLUSION

*N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allows the Commission to remove an eligible's name from an eligible list for other sufficient reasons. Removal for other sufficient reasons includes, but is not limited to, a consideration that based on a candidate's background and recognizing the nature of the position at issue, a person should not be eligible for appointment. Additionally, the Commission, in its discretion, has the authority to remove candidates from lists for law enforcement titles based on their driving records since certain motor vehicle infractions reflect a disregard for the law and are incompatible with the duties of a law enforcement officer. See *In the Matter of Pedro Rosado v. City of Newark*, Docket No. A-4129-01T1 (App. Div. June 6, 2003); *In the Matter of Yolanda Colson*, Docket No. A-5590-00T3 (App. Div. June 6, 2002); *Brendan W. Joy v. City of Bayonne Police Department*, Docket No. A-6940-96TE (App. Div. June 19, 1998). Additionally, *N.J.A.C.* 4A:4-6.3(b) provides that an appellant has the burden of proof to show that an appointing authority's decision to remove the appellant's name from an eligible list was in error.

In the instant matter, the appointing authority had sufficient reason to remove the appellant's name from the subject eligible list. While the appellant

claims that the appointing authority's request to remove her name was based on matters that were more than two years old and therefore not within its stated time period for reviewing a candidate's driving history, all of the incidents on her five year Driver History abstract occurred either after the August 31, 2010 closing date or within the two years prior to the closing date. These incidents include nine separate "Basic Driving" suspensions. Further, while the appellant claims that "most" of her driving infractions involve parking violations or other issues that do not indicate that she has a disregard for motor vehicle laws, her Driver History abstract indicates otherwise as she has committed numerous motor vehicle violations such as unsafe operation of a motor vehicle, obstructing passage of other vehicle, disregard of stop sign regulations, using a hand held cell while driving, and speeding. Additionally, while the appellant asserts that she is a safe driver based on the fact that all of the issues on her driving abstract have been resolved and that points were recently removed from her driving record, the appellant's ability to drive a vehicle in a safe manner is not the main issue in determining whether or not she should remain eligible to be a Police Officer. These violations evidence disregard for the motor vehicle laws and the exercise of poor judgment. The appellant has offered no substantive explanation for these infractions. While the Commission is mindful that her teaching certificate and State license to care for foster children as well as her recent attempts to remedy her driving record are positive characteristics, this is not enough at this time to overcome a driving record that shows a pattern of disregard for the law and questionable judgment on the appellant's part. Such qualities are unacceptable for an individual seeking a position as a municipal Police Officer.

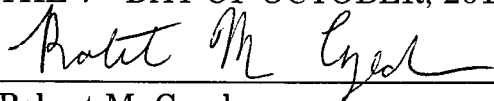
Accordingly, the appellant has not met her burden of proof in this matter and the appointing authority has shown sufficient cause for removing her name from the Police Officer (S9999M), Newark eligible list.

#### 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 7<sup>th</sup> DAY OF OCTOBER, 2015



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
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Henry Maurer  
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P.O. Box 312  
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c: Akeisha Burroughs  
Michael Greene  
Joe Hill



STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION

AGENCY SERVICES  
P. O. Box 313  
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Chris Christie  
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Kim Guadagno  
*Lt. Governor*

Robert M. Czech  
*Chair/Chief Executive Officer*

July 1, 2015

**Akeisha Burroughs**

**Title: Police Officer**  
**Jurisdiction: Newark**  
**Symbol: S9999M**  
**Certification No: OL131365**  
**Certification Date: 10/15/2013**

**Initial Determination: Removed – Unsatisfactory Driving Record**

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

The Appointing Authority requested removal of your 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 "valid reasons as determined by the Chairperson of the Civil Service Commission or designee".

In support of its decision, the Appointing Authority provided a Background Investigation Report which included a copy of your Driver History abstract. Based on this information, the Appointing Authority states that you have had multiple motor vehicle and parking infractions and license suspensions which exhibit a pattern of disregard for motor vehicle laws.

In your letter, you indicate that your failure to respond timely to the Notice of Disposition was because you had not received it, a circumstance which you blame on the United States Postal Service. However, you offer no substantive explanation for the infractions listed on your abstract, which is the cause for your removal. A Police Officer is a law enforcement employee who must enforce and promote adherence to the law. Police Officers hold highly visible and sensitive positions within the community and the standards for an applicant include good character and an image of utmost confidence and trust. Based on the information presented, your background shows a pattern of questionable judgment and a disregard for motor vehicle laws.

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 name to the eligible list. Therefore, the Appointing Authority's decision to remove your name has been sustained and the appeal is denied. Please note that S9999M expired on May 1, 2014; therefore, no further certifications will be issued from the eligible list.

In accordance with Merit System Rules, this decision may be appealed 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 (C44:10-55 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

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