



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Joseph Lisa, Sheriff's Officer (S9999R), Hudson County

CSC Docket No. 2016-4236

List Removal Appeal

ISSUED: OCT 21 2016 (CSM)

Joseph Lisa appeals the removal of his name from the eligible list for Sheriff's Officer (S9999R), Hudson County, on the basis of falsification of his employment application.

In disposing of the July 15, 2015 certification, the appointing authority requested the removal of the appellant's name, contending that he had falsified his application. In its request, the appointing authority stated that the appellant indicated on his application that he had applied for a position as a Special Law Enforcement Officer 2 (SLEO2) with the Hoboken Police Department, but indicated that he was "not called." However, when performing its background investigation, the appointing authority contacted the Hoboken Police Department and was advised that the appellant applied to be a SLEO, completed an application, presumably passed a background check, but failed the psychological examination. Therefore, the appointing authority maintained that the statement on his application that he was "not called" is false. Further, the appointing authority stated that he falsified his responses to questions 43 through 45, which ask if he had ever been rejected from any law enforcement, government employment or otherwise disqualified from employment by a government entity when he responded "no." The appointing authority maintained that the appellant should have answered "yes" since he failed the psychological examination for SLEO 2 with the Hoboken Police Department.

On appeal, the appellant states that he never received notification from Hoboken and was unaware that he failed the psychological examination for SLEO 2.

In support of his appeal, the appellant provides a letter dated July 18, 2016 from Quentin Wiest, Business Administrator, Hoboken, indicating that it has no record in its files indicating that he was notified of his psychological examination results when he applied for an SLEO 2 position in 2013. He also provides a letter dated July 1, 2016 from Police Chief Kenneth F. Ferrante, Hoboken, indicating that the background investigation team checked his file to see if there was any correspondence sent to him regarding his application for SLEO 2 and there were no copies of letters sent to him regarding his psychological examination results.

Although provided the opportunity, the appointing authority did not provide any additional information for the Civil Service Commission to review in this matter.

### CONCLUSION

*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 removal of 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), 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 or her name from an eligible list was in error.

While falsification of an employment application will justify list removal, particularly for law enforcement positions, this is not the case in this situation. In this case, the record establishes that the appellant indicated on his application that he applied for a SLEO 2 position with Hoboken but that he was "not called." Although the appointing authority indicated in disposing of the certification that he falsified his application because the appellant would have been notified that he would be not moving to the next step in the hiring process, the appellant has provided documentation from the appointing authority for Hoboken and the Hoboken Police Chief that there is nothing in their files indicating that he was formally notified of the results of his psychological examination. Further, the appointing authority has not rebutted the documentation or arguments provided by the appellant in this appeal. Therefore, as there is nothing in the record to demonstrate that the appellant was notified that he would not continue with the selection process for SLEO 2 on the basis of his psychological examination, the appointing authority has not established that he falsified his application.

While the appellant's name is being restored to the eligible list, a review of the certification record indicates that no permanent appointments were made to eligibles who were listed in lower positions on the certification. Therefore, the appellant's name should be recorded as interested, but not reachable for appointment on certification OL150892.

**ORDER**

Therefore, it is ordered that this appeal be granted.

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 19<sup>TH</sup> DAY OF OCTOBER, 2016



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