



supervisor, R.B., a Head Cook 2, purposely reassigned “another employee from the pot sink to housekeeping, so that [the appellant] and the employee who were working on diets would have to work harder” in retaliation of her complaint. It states that she also claimed that R.B. made her sweep the floor, which she conceded was part of her normal duties. DHS states that the appellant otherwise “denied that there had been ongoing unreasonable conduct by [R.B.] towards her.” Finally, DHS states that D.S. was not removed from Woodbine because it was not able to substantiate the appellant’s discrimination claims due to a lack of evidence.

## CONCLUSION

*N.J.A.C.* 4A:7-3.1(a) provides that under the State Policy, discrimination or harassment based upon the following protected categories are prohibited and will not be tolerated: race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability. *N.J.A.C.* 4A:7-3.1(b) states in part a violation of this policy can occur even if there was no intent on the part of an individual to harass or demean another. Further, retaliation against any employee who alleges that she or he was the victim of discrimination/harassment, provides information in the course of an investigation into claims of discrimination/harassment in the workplace, or opposes a discriminatory practice, is prohibited by this policy. No employee bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall be subjected to adverse employment consequences based upon such involvement or be the subject of other retaliation. *See N.J.A.C.* 4A:7-3.1(h). Moreover, the appellant shall have the burden of proof in all discrimination appeals. *See N.J.A.C.* 4A:7-3.2(m)3.

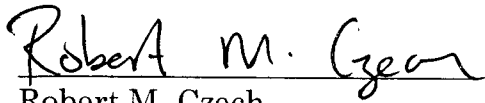
The Commission has conducted a review of the record and finds that a adequate investigation was conducted. DHS interviewed many witnesses and reviewed numerous documents as part of its investigation, but was not able to substantiate the appellant’s allegations of sexual harassment and retaliation due to a lack of evidence. Apart from her bare assertions on appeal, the appellant offers no evidence to support her allegations of nepotism, retaliation or harassment. Therefore, the appellant has failed to meet her burden of proof in this matter. *See N.J.A.C.* 4A:7-3.2(m)3. Accordingly, under these circumstances, no basis exists to find a violation of the State Policy.

**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 23rd DAY OF NOVEMBER, 2016



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

Attachment

c: N.S.  
Christina Mongon  
Mamta Patel  
Records Center