



B-36

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of A.W., Motor Vehicle
Commission

CSC Docket No. 2015-758

Discrimination Appeal

ISSUED: APR - 2 2015 (CSM)

A.W., a Technician with the Motor Vehicle Commission (MVC), appeals the attached determination of the Chairman and Chief Administrator stating that the appellant did not present sufficient evidence to support a finding that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

The appellant, a female, filed a complaint with the Equal Employment Opportunity Office (EEO) alleging she was discriminated against by "B," based on her gender. Specifically, the appellant claimed that she overheard an unnamed male co-worker refer to her as a prostitute to which "B" responded "thank you," that "B" asked her to touch his genitals in November 2012, and that "B" grabbed her in the hallway at work on January 9, 2013. For administrative reasons, the appellant's complaints were referred to the Division of Equal Employment Opportunity/Affirmative Action (EEO/AA), Civil Service Commission (Commission) to conduct an investigation into the matter. Its August 29, 2014 determination found no evidence to substantiate a violation of the State Policy.

On appeal, the appellant asserts that she recalls having a conversation with J. R-B, a Technician, regarding "B's" comment about his genitals even though J. R-B denied overhearing the comment during the investigation. The appellant also claims that she chose "Mr. W." as a possible witness due to his seat location. She also maintains that there were no witnesses to the incident with "B" in the hallway in January 2013. Therefore, the appellant maintains that there was a violation of the State Policy.

In response, the EEO/AA states that it conducted a thorough and impartial investigation. As part of its investigation, witnesses, including the appellant were interviewed. With respect to the comment regarding her being a prostitute, the co-worker named by the appellant as a possible witness was interviewed and did not recall the exchange and did not know of an employee named "B" on the floor. The appellant could also not recall "B's" last name. Regarding the alleged comment about "B's" genitals, J.R-B was interviewed and stated that the appellant worked in the same unit about three cubicles apart, but did not recall ever hearing the comment "come over and feel my penis." In response to the allegation that "B" grabbed her in the hall on January 9, 2013, the investigation reviewed a list of employees assigned to the same floor as the appellant and the EEO Officer searched for a male fitting the appellant's description of "B." However, there were no individuals that could be found fitting the physical description provided by the appellant and there were no witnesses who could corroborate hearing the statements the appellant attributed to "B." Therefore, the investigation found insufficient evidence to substantiate a violation of the State Policy.

CONCLUSION

The Commission has conducted a review of the record and finds that the appellant has not established that she was discriminated against based on her gender. The record shows that the EEO/AA interviewed the witnesses named by the appellant who could not corroborate hearing the statements the appellant attributed to "B." Additionally, the investigation was unable to locate an employee named "B" who worked on the same floor as the appellant or who matched the physical description of him provided by the appellant. Further, the appellant was unable to recall "B's" last name and there were no witnesses to corroborate the appellant's allegation that she was grabbed in the hallway. As such, the investigation did not find any evidence to substantiate the appellant's allegations.

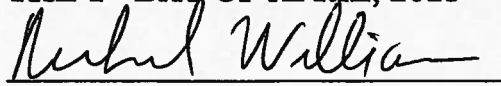
Accordingly, the Commission finds that the EEO/AA's investigation was thorough and impartial, and no basis exists to find a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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 1ST DAY OF APRIL, 2015**



**Richard Williams
Member
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: A.W.
 Betty M. Ng
 Mamta Patel
 Joseph Gambino**