

State Police when he attempted to minimize C.M.'s complaint and failed to report her complaint to Civil Rights.

On appeal, C.M. states that while she understands that the investigation did not reveal that an independent corroborating witness heard R.G. say the alleged statement, she asserts that he did in fact say it. Specifically, she states that R.G. made the statement in front of a now retired employee, H. C.M. additionally alleges that H. told her that R.G. made inappropriate comments about her gender. C.M. asserts that Civil Rights informed her that it was precluded from interviewing H. during the course of the investigation while he was employed because his attorney would not permit it. However, now that H. is retired, C.M. requests that Civil Rights be required to interview H. C.M. also seeks financial compensation for the money lost due to R.G.'s fabrications and her transfer to the Paterson Yard. She requests that she be paid for all of the hours the Fort Lee contractors worked, as she did not receive work after the unfounded transfer to Paterson Yard.

Civil Rights confirms that although C.M. was a State Police employee, she was in fact working for the Department of Transportation as part of its snow removal program and that this matter arose out of her work in that program. It also confirms that she initially worked in Fort Lee Yard and then was placed in Paterson Yard. However, although given the opportunity, it did not provide any other information for the Civil Service Commission (Commission) to consider.

CONCLUSION

N.J.A.C. 4A:7-3.1(a) states, in pertinent part, that employment discrimination or harassment based upon a protected category, such as gender, is prohibited and will not be tolerated.

N.J.A.C. 4A:7-3.2(i) provides that at the EEO's discretion, a prompt, thorough, and impartial investigation into the alleged harassment or discrimination will take place.

N.J.A.C. 4A:7.3-2(m)4 states, in pertinent part, that the appellant shall have the burden of proof in all discrimination appeals.

The Commission has conducted a review of the record in this matter and finds that R.G.'s alleged comment to C.M. that the men do not respect her because she is a woman cannot be substantiated. The investigation was thorough as Civil Rights interviewed many witnesses and these witnesses were unable to independently corroborate that R.G. made the comment. Further, C.M.'s statements indicate that Civil Rights made a good faith effort to interview H.; however, it was unable to do so while H. was employed. Moreover, the Commission finds no persuasive evidence that would now require that H. be interviewed. In this

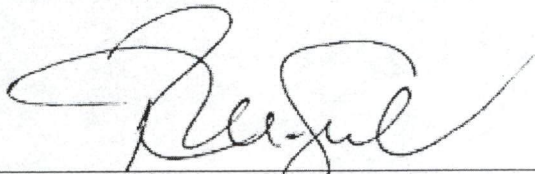
regard, as R.G. has already been found to have multiple violations of the State Policy and has already received discipline because of this complaint, the Commission finds that even if R.G. made the alleged statement, additional discipline against R.G. is unwarranted. With respect to C.M.'s request for lost wages due to her transfer to Paterson Yard, this is not a matter within the Commission's jurisdiction. In this regard, it cannot be assumed that C.M.'s assignments, regardless of her location, would have been any different or that she would have received any additional monies or actually performed any additional work. Accordingly, the Commission finds that Civil Rights' investigation was prompt, thorough and impartial and C.M. has not met her burden of proof.

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 26th DAY OF JULY, 2017



Robert M. Czedo, Chairperson
Civil Service Commission

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