

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of E.F-H., Department
of Human Services

CSC Docket No. 2017-2379

Discrimination Appeal

ISSUED: **AUG 18 2017** (SLK)

E.F-H., a Habilitation Plan Coordinator with the Department of Human Services, appeals the decision of the Assistant Commissioner, Office of Legal Affairs, Department of Human Services, which did not substantiate her allegation to support a finding that she had been subject to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

By way of background, E.F-H., an African-American, alleged that E.H., a Caucasian and an Assistant Chief Executive Officer Care Facility, Hunterdon Developmental Center (HDC), subjected her to race and color discrimination. Specifically, E.F-H. alleged that she and E.E.H., an African-American and a Head Cottage Training Supervisor, were removed from the building, not allowed to have client contact and required to take additional training while R.S., a Caucasian and a Cottage Training Supervisor, was not, even though R.S. was similarly situated regarding the subject incident. The Office of Equal Employment Opportunity's (EEO) investigation consisted of two interviews and a review of twelve relevant documents. During the investigation, E.H. denied the allegation and stated that, while interviewing E.F-H. for a promotion, E.F-H. volunteered that she witnessed an incident of client neglect by R.S. and only reported the incident to E.F-H.'s supervisor when she should have filed an HDC-15 Form and reported it directly to Quality Assurance. E.H. then referred the matter to Risk Management because there was a potential violation of policy and the Quality Assurance Investigator instructed that E.F-H., R.S., and E.E.H., who was R.S.'s supervisor, be removed from client contact during the abuse or neglect investigation per an HDC

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DATE: 10/15/2001
FROM: [illegible]
SUBJECT: [illegible]

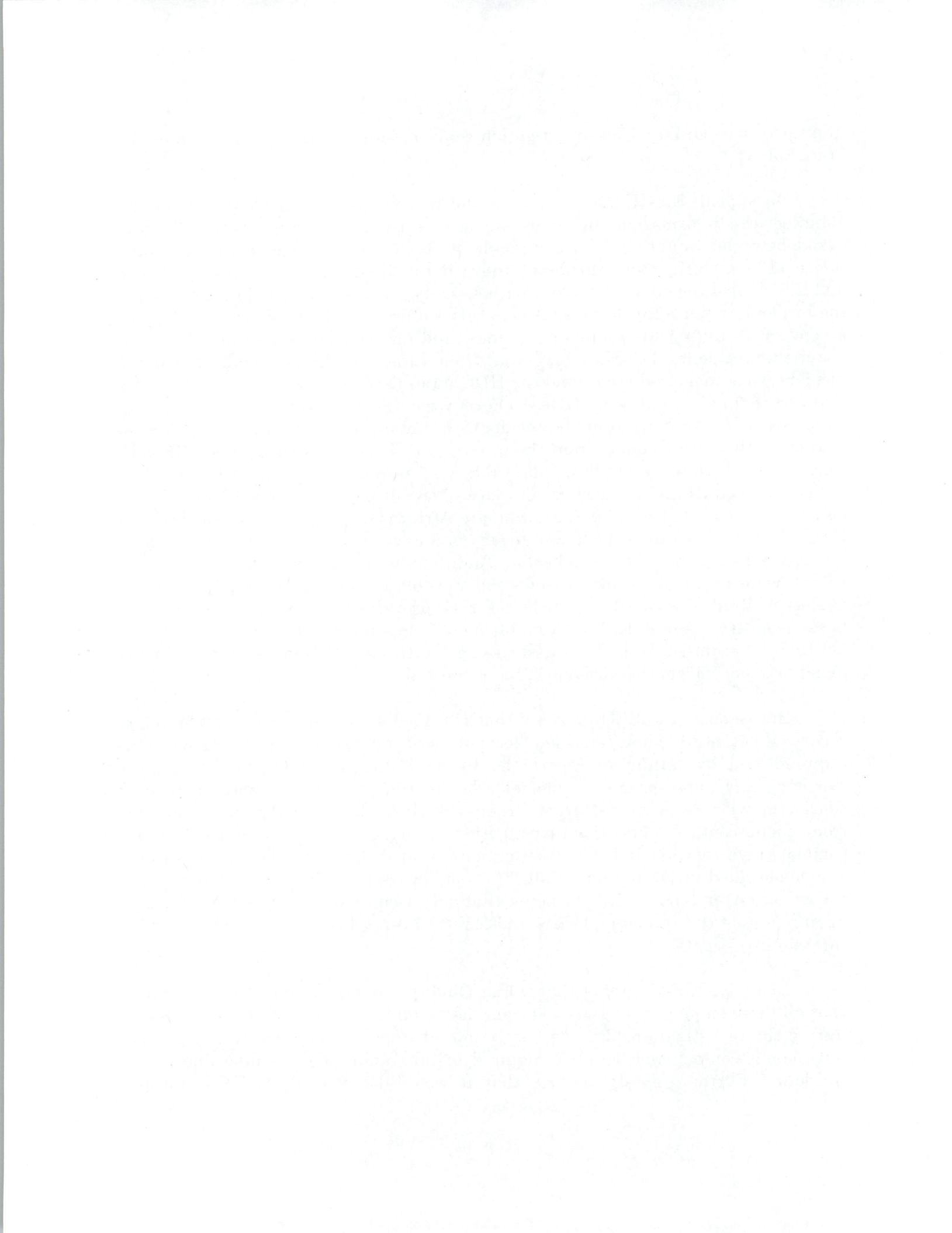
[The following text is extremely faint and largely illegible. It appears to be a letter or report containing several paragraphs of text.]

Administrative Order. The investigation could not substantiate a violation of the State Policy.

On appeal, E.F-H. states that she did not witness the incident nor did she volunteer this information during an interview. Instead, she presents that she was asked how she would deal with difficult staff. E.F-H. responded that she was informed by a staff person during an audit that a client requested a piece of bacon and R.S. denied the client the bacon without cause. E.F-H. indicated that she wrote the incident on her audit form, sent it to E.H.'s office, which automatically provides a copy of all audits to Quality Assurance, and emailed her supervisor and E.H. about this incident. E.F-H. asserts that their responses did not indicate that the incident was considered major and the HDC Administrative Order at that time only required that she complete an HDC-15 Form when there was a major incident. E.F-H. states that, two days after the incident, the Administrative Order was changed to remove the word "major" from the order. E.F-H. provides that she and E.E.H. were removed from the building while R.S. was allowed to remain in the building with client contact and allowed to take several clients on a trip to the beach. E.F-H. believes that since she and E.E.H., who are African-Americans, were removed and R.S., who is Caucasian, was allowed to stay and have client contact, she was treated differently based on her race and color. Additionally, E.F-H. indicates that she and E.E.H. were required to take a course on workplace violence and reporting client neglect while R.S. was not. Further, E.F-H. provides that she was placed in the basement with a small desk with no phone or computer which is more evidence of her unfair treatment. E.F-H. requests an apology from E.H. and the removal of any negative reports from this incident from her record.

In response, the EEO presents that E-F-H. did not follow policy by failing to report a potential client abuse/neglect incident by completing an HDC-15 as required and by failing to report the incident directly to Quality Assurance. Further, E.H. appropriately referred the matter to Risk Management and, consistent with an Administrative Order, E.F-H., E.E.H. and R.S. were removed from client contact while the investigation occurred. It asserts it conducted a complete investigation and the investigation revealed that it was Quality Assurance who made the decision to remove all three employees from client contact during the investigation and not E.H. It notes that no disciplinary charges were brought against any of the three employees and E.F-H. did not lose pay or rank due to the internal investigation.

In reply, E.F-H. states that while Quality Assurance may have instructed that all three employees be removed from the building and not to have client contact during the investigation, R.S. was not removed from the building, was allowed to have client contact and was not required to take additional training due to this incident. Further, E.F-H. asserts that it was E.H. who allowed this unequal



treatment. E.F-H. claims that the investigation is incomplete as the EEO only interviewed two employees and therefore could not possibly get the whole story.

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 race and color, 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 Civil Service Commission (Commission) has conducted a review of the record in this matter and finds that E.F-H.'s allegation that E.H. subjected her to race and color discrimination cannot be substantiated. The investigation revealed that, per policy, E.H. properly referred the potential client abuse/neglect matter to Risk Management for investigation. Further, it was Quality Assurance, per policy, that removed E.F-H. from the building and client contact during the investigation and not E.H. While it is noted that there is a dispute as to whether all three employees were removed from the building and client contact during the investigation or just E.F-H. and E.E.H., the two African-American employees, even if E.F-H.'s version of the events were true, E.F-H. has not presented one scintilla of evidence that the reason for E.H.'s alleged differential treatment of E.F-H. and E.E.H., as compared to R.S., was because they are African-American and R.S. is Caucasian. Mere speculation, without evidence, is insufficient to substantiate a State Policy violation. *See In the Matter of H.F.* (CSC, decided April 19, 2017). Additionally, while E.F-H. questions why there were only two individuals who were interviewed during the investigation, E.F-H. has not presented one specific named individual, who, if interviewed, could provide evidence that the reason for E.H.'s alleged differential treatment of E.F-H. was based on her color and race. Accordingly, the Commission finds that the EEO's investigation was prompt, thorough and impartial and E.F-H. 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.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent data collection procedures and the use of advanced analytical techniques to derive meaningful insights from the data.

3. The third part of the document focuses on the role of data in decision-making. It explains how data-driven insights can help identify trends, anticipate challenges, and optimize resource allocation, ultimately leading to more informed and effective strategic decisions.

4. The fourth part of the document addresses the challenges associated with data management and analysis. It discusses issues such as data quality, integration, and security, and provides strategies to overcome these challenges and ensure the reliability and integrity of the data.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It reiterates the importance of a data-driven approach and encourages the organization to continue investing in data capabilities to stay competitive in the market.

6. The sixth part of the document provides a detailed overview of the data collection process, including the identification of data sources, the design of data collection instruments, and the implementation of data collection protocols.

7. The seventh part of the document discusses the various data analysis techniques used to process and interpret the collected data. It covers both descriptive and inferential statistics, as well as more advanced methods like regression analysis and machine learning.

8. The eighth part of the document explores the application of data analysis results to various organizational functions. It illustrates how data insights can be used to improve marketing strategies, enhance operational efficiency, and inform human resource management.

9. The ninth part of the document discusses the ethical considerations surrounding data collection and analysis. It emphasizes the need for transparency, informed consent, and data protection to ensure that the organization's data practices are compliant with relevant regulations and standards.

10. The tenth part of the document provides a comprehensive summary of the entire data management and analysis process, from data collection to the final reporting and decision-making stages.

11. The eleventh part of the document offers practical tips and best practices for implementing a successful data-driven strategy. It covers aspects such as data governance, cross-functional collaboration, and continuous monitoring and evaluation.

12. The twelfth part of the document concludes with a final call to action, encouraging the organization to embrace a data-driven culture and leverage the power of data to drive sustainable growth and success.

13. The thirteenth part of the document provides a detailed overview of the data collection process, including the identification of data sources, the design of data collection instruments, and the implementation of data collection protocols.

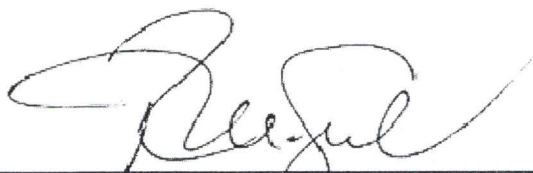
14. The fourteenth part of the document discusses the various data analysis techniques used to process and interpret the collected data. It covers both descriptive and inferential statistics, as well as more advanced methods like regression analysis and machine learning.

15. The fifteenth part of the document explores the application of data analysis results to various organizational functions. It illustrates how data insights can be used to improve marketing strategies, enhance operational efficiency, and inform human resource management.

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17. The seventeenth part of the document provides a comprehensive summary of the entire data management and analysis process, from data collection to the final reporting and decision-making stages.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 16th DAY OF AUGUST, 2017



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