



STATE OF NEW JERSEY

In the Matter of Tiffany Jackson,
Correctional Police Officer (S9999U),
Department of Corrections

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2020-338

List Removal Appeal

ISSUED: OCTOBER 25, 2019 (SLK)

Tiffany Jackson appeals her removal from the eligible list for Correctional Police Officer (S9999U), Department of Corrections on the basis that she possessed an unsatisfactory driving record.

The appellant took the open competitive examination for Police Officer (S9999U), which had an August 31, 2016 closing date, achieved a passing score, and was ranked on the subsequent eligible list. In seeking her removal, the appointing authority indicated that the appellant had an unsatisfactory driving record.

On appeal, the appellant states that she is aware of her driving record at this time, but asks that she be given a chance to redeem herself. She presents that she has not received a ticket within the past two years. The appellant indicates that the tickets that she received while her driver's license was suspended were because she did not know that her license was suspended due to an address change. She explains that once she became aware of the issue she immediately paid the fine and had her license and insurance reinstated. The appellant represents that she is trying to create a career with the appointing authority and asks that her past mistakes not prevent her from creating a better life. She asserts that with the proper training, she will be an asset for the appointing authority. The appellant highlights that she is a college graduate.

In response, the appointing authority submits its background report. It presents that the appellant's certified driver's abstract revealed six no license, registration or insurance in possession violations between July 2015 and November 2017, two unsafe operation of a motor vehicle violations between February 2014 and August 2016, a September 2015 speeding violation, a June 2015 failure to appear violation, and a January 2014 obstructing passage of other vehicles violation. Further, the appellant's driver's abstract indicates that her driver's license was suspended six times between August 2015 and November 2017. The appointing authority states that having eight or more moving violations within seven years meets its criteria for removal from an eligible list.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C. 4A:4-6.1(a)9*, allows the Civil Service Commission (Commission) to remove an eligible's name from an eligible list for other sufficient reasons. Removal for other sufficient reasons includes, but is not limited to, a consideration that based on a candidate's background and recognizing the nature of the position at issue, a person should not be eligible for appointment. The Commission has the authority to remove candidates from lists for law enforcement titles based on their driving records since certain motor vehicle violations reflect a disregard for the law and are incompatible with the duties of a law enforcement officer. See *In the Matter of Pedro Rosado v. City of Newark*, Docket No. A-4129-01T1 (App. Div. June 6, 2003); *In the Matter of Yolanda Colson*, Docket No. A-5590-00T3 (App. Div. June 6, 2002); *Brendan W. Joy v. City of Bayonne Police Department*, Docket No. A-6940-96TE (App. Div. June 19, 1998).

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.

Initially, although the appointing authority argues that the appellant violated its criteria for removal, the Commission notes that it was not bound by criteria utilized by the appointing authority and must decide each list removal on the basis of the record presented. See *In the Matter of Debra Dygon* (MSB, decided May 23, 2000).

In this matter, the appointing authority had a valid reason for removing the appellant's name from the list. Specifically, the appellant's certified driver's abstract indicates that the appellant received 11 motor vehicle related violations between January 2014 and November 2017. Additionally, her driver's license was suspended six times between August 2015 and November 2017. It is noted that four of the motor vehicle violations and four of the driver license's suspensions occurred on or after the August 31, 2016 closing date. In this regard, the appellant's ability to drive a vehicle in a safe manner is not the main issue in determining whether or not she should

remain eligible to be a Correctional Police Officer. These violations evidence disregard for the motor vehicle laws and the exercise of poor judgment. The appellant has offered no substantive explanation for these infractions. While the Commission is mindful of the appellant's recent attempts to remedy her driving record, it is clear that the appellant's driving record shows a pattern of disregard for the law and questionable judgment on the appellant's part. Such qualities are unacceptable for an individual seeking a position as a Correctional Police Officer, a law enforcement employee. See *Moorestown v. Armstrong*, 89 N.J. Super. 560, 566 (App. Div. 1965), cert. denied, 47 N.J. 80 (1966). See also *In re Phillips*, 117 N.J. 567 (1990). The public expects Correctional Police Officers to present a personal background that exhibits respect for the law and rules. Further, as there have been motor vehicle violations and driver's license suspensions that took place after the closing date, there has been insufficient time for the appellant to demonstrate rehabilitation.

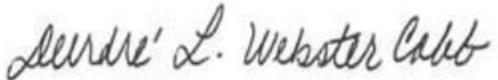
Accordingly, the appellant has not met her burden of proof in this matter and the appointing authority has shown sufficient cause for removing her name from the Police Officer (S9999U), Department of Corrections eligible list.

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 OCTOBER, 2019



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