

posted photographs of disturbing paintings on Facebook, such as two images with bodies hanging from trees while children are swinging from the same tree and two images containing the label RIP (rest in peace); and that he stated that he had tried marijuana while in college in 2010. Hudson County also noted that he was removed from the Police Officer (S9999U), Town of Kearny (Kearny) eligible list after he failed a psychological examination; resigned in good standing from his position as a County Correction Officer with Hudson County, effective March 14, 2018, after he failed a Police Training Commission physical assessment; failed a medical color blind test for the United States Customs and Border Protection; and failed a physical qualification test for the New Jersey State Police (State Police).

The appellant was also certified from the Correctional Police Officer (S9999U), DOC eligible list. DOC requested his removal on the basis of a falsified application. Specifically, the DOC asserted that the appellant failed to disclose in his pre-employment application that he applied to the State Police.

On appeal to the Civil Service Commission (Commission), the appellant argues that he possesses a satisfactory background, as he does not have a criminal record, has good moral judgment and possesses a Bachelor's degree in Criminal Justice. The appellant asserts that he completed his DOC and Hudson County pre-employment applications accurately and honestly. He states that he did disclose that he applied to the State Police in his DOC pre-employment application.

In response, Hudson County, represented by Nidara Rourk, Assistant County Counsel, submits a copy of the background report and the supporting documentation it relied upon when requesting the removal of the appellant's name from the subject eligible list.

The DOC maintains that the appellant was properly removed from the Correctional Police Officer (S9999U) for falsification because he failed to disclose in his pre-employment application that he applied to the State Police, as required. It submits a copy of his full pre-employment application, dated June 15, 2018, and a copy of the Law Enforcement Applicant Investigation Report (Background Report) prepared by its background investigator after a July 5, 2018 interview with the appellant. It is noted that in response to Question 41, which asked if he had "ever submitted an application(s) with any other law enforcement agency," the appellant listed the Port Authority of New York and New Jersey, Kearny Police Department and the Hudson County Department of Corrections. Further, in response to Question 44, which asked if he had "ever been rejected from the selection process of any police department or law enforcement agency," the appellant only stated that the Kearny Police Department rejected him in April 2018. The Background Report indicates that the appellant told the DOC's background investigator that he applied to the State Police, but was rejected after he failed a physical fitness test.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)6, allows the Commission to remove an eligible's name from an employment list when he or she has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process. *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 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.

In the instant matter, the totality of the circumstances provides a sufficient basis for the removal of the appellant's name from the Sheriff's Officer (S9999U), Hudson County eligible list. The record raises significant questions about the appellant's fitness for such a position. In this regard, the appellant has failed multiple physical assessments for law enforcement positions, including a County Correction Officer position with Hudson County, and a psychological assessment for a Police Officer position. Moreover, the appellant noted that he had been disciplined multiple times for being late to work. Accordingly, given the totality of the circumstances, Hudson County has presented sufficient cause to remove the appellant's name from the Sheriff's Officer (S9999U), Hudson County eligible list.

Furthermore, pursuant to *N.J.A.C.* 4A:4-4.7(g), the appellant's removal from the Sheriff's Officer (S9999U), Hudson County eligible list for cause necessitates the removal of his name from all other titles under the S9999U symbol, including Correctional Police Officer. Therefore, it is unnecessary to address whether the record also supports the removal of the appellant's name from the Correctional Police Officer (S9999U), DOC eligible list on the basis of a falsified application.

ORDER

Therefore, it is ordered that these appeals 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 18TH DAY OF DECEMBER, 2019

Deirdre' L. Webster Cobb

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