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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Antonio Monroe,  
Correction Officer Recruit (S9988T),  
Department of Corrections

CSC Docket No. 2017-748

List Removal Appeal

ISSUED: FEB 16 2017 (CSM)

Antonio Monroe appeals the appointing authority's request to remove his name from the eligible list for Correction Officer Recruit (S9988T), Department of Corrections, on the basis of an unsatisfactory driving record.

In disposing of the certification from the subject list, the appointing authority requested the removal of the appellant's name, contending that the appellant had an unsatisfactory driving record. Specifically, the appointing authority indicated that the appellant failed to appear in court on two or more occasions within the last eight years for various driving violations.

On appeal to the Civil Service Commission (Commission), the appellant states that the matters pertaining to his failure to appear in court have all been resolved. In support, he provides a copy of his Driver History Abstract that indicates that his basic driving privileges were suspended from April 13, 2012 to May 4, 2012 and from September 21, 2012 to March 14, 2013, a violation for careless driving in October 2011, four failures to appear in court in 2012, a violation for failure to wear a seat belt on May 30, 2012, non-payment of insurance surcharge on February 17, 2013, an equipment violation on March 14, 2014, and a careless driving violation on October 14, 2014. The appellant also requests a hearing.

In response, the appointing authority reiterates that the appellant failed to appear in court on two or more occasions within eight years of the closing date for the current eligible list. It also argues that he had his basic driving privileges suspended on two occasions, the last being in March 2013. The appointing

authority maintains that this indicates that the appellant has violated driving laws on numerous occasions. The appointing authority emphasizes that the appellant has a documented unsatisfactory driving record and that the goals and objectives of the Department of Corrections are to select candidates who exhibit respect for the law. Therefore, the appointing authority maintains that the appellant should be removed from the list as he is not a suitable candidate for the position.

### 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 removal 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. Additionally, the Commission, in its discretion, has the authority to remove candidates from lists for law enforcement titles based on their driving records since certain motor vehicle infractions 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).

Initially, the appellant requests a hearing in this matter. List removal appeals are treated as reviews of the written record. See *N.J.S.A.* 11A:2-6b. Hearings are granted in those limited instances where the Commission determines that a material and controlling dispute of fact exists which can only be resolved through a hearing. See *N.J.A.C.* 4A:2-1.1(d). No material issue of disputed fact has been presented which would require a hearing. See *Belleville v. Department of Civil Service*, 155 *N.J. Super.* 517 (App. Div. 1978).

In the matter at hand, the record establishes that the appellant's driving record reflected that his basic driving privileges were suspended from April 13, 2012 to May 4, 2012 and from September 21, 2012 to March 14, 2013, a violation for careless driving in October 2011, four failures to appear in court in 2012, a violation for failure to wear a seat belt on May 30, 2012, non-payment of insurance surcharge on February 17, 2013, an equipment violation on March 14, 2014, and a careless driving violation on October 14, 2014. While the appellant provides documentation that he has resolved the matters concerning his failures to appear, such conduct reveals a disregard for motor vehicle laws and is indicative of the appellant's exercise of poor judgment, which is not conducive to the performance of duties of a Correction Officer Recruit. In this regard, it is recognized that a Correction Officer Recruit is a law enforcement employee who must help keep order in the prisons and promote adherence to the law. Correction Officers, like municipal Police Officers, hold highly visible and sensitive positions within the community and the standard

for an applicant includes good character and an image of utmost confidence and trust. See *Moorestown v. Armstrong*, 89 N.J. Super. 560 (App. Div. 1965), cert. denied, 47 N.J. 80 (1966). See also *In re Phillips*, 117 N.J. 567 (1990). The public expects Correction Officers to present a personal background that exhibits respect for the law and rules. These multiple violations, especially those occurring in recent proximity to the time when the list was issued in July 2015, do not demonstrate possession of these qualities.


Accordingly, given the totality of the circumstances, the appointing authority has presented sufficient cause to remove the appellant's name from the Correction Officer Recruit (S9988T) 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 8<sup>TH</sup> DAY OF FEBRUARY, 2017




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