



**STATE OF NEW JERSEY**

In the Matter of J.B., Department of  
Banking and Insurance

CSC Docket No. 2019-419

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

Discrimination Appeal

**ISSUED: APRIL 30, 2019 (CSM)**

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J.B., an Investigator 1 with the Department of Banking and Insurance (DOBI), appeals the determination of the Chief of Staff, DOBI, which found that the appellant violated the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

On January 5, 2018, the appellant, a male, was heard to make the comment, "Clearly this is one high maintenance broad" while laughing during a meeting with J.D., a former Deputy Chief of Investigations and M.T., a Supervisor of Investigations. The DOBI's Equal Employment Opportunity/Affirmative Action Office (EEO/AA) investigated this matter, including interviewing witnesses and reviewing relevant information, and determined that there was sufficient evidence to substantiate a violation of the State Policy.

On appeal, the appellant states that he believes the complaint against him was initiated solely based on retaliation because J.D. was harassing him to provide a negative e-PAR review for another Investigator. He also claims that J.D. was terminated by DOBI.

In response, the EEO states that it stands by its determination in this matter as the appellant was found to have made a gender-based derogatory reference in the professional workplace in violation of the State Policy.

## CONCLUSION

*N.J.A.C.* 4A:7-3.1(a) provides that under the State Policy, discrimination or harassment based upon the following protected categories are prohibited and will not be tolerated: race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability. Additionally, the appellant shall have the burden of proof in all discrimination appeals. *See N.J.A.C.* 4A:7-3.2(m)(3).

The Civil Service Commission has conducted a review of the record and finds that the appellant has not met his burden of proof. The investigation included interviewing witnesses and the review relevant documents, and corroborated the allegation that the appellant referred to a female subject of an investigation as a “high maintenance broad.” While he argues that the EEO complaint was brought against him in retaliation for an asserted e-PAR issue concerning another employee, one witness heard him say “[c]learly this is one high maintenance broad” and the other witness heard him say “this one is a high maintenance broad.” The word “broad” when referred to a female is an offensive slang term for a woman. The appellant has not provided any evidence to suggest that the complaint against him was done in retaliation. The State Policy is a zero-tolerance policy and prohibited conduct includes, but is not limited to using derogatory references with regard to any of the protected categories in any communication. Accordingly, as two witnesses corroborated that he made a derogatory gender-based term when referencing a female as a “high maintenance broad,” the appellant has not demonstrated that the EEO/AAs investigation on this matter was not thorough and impartial or that his actions were not in violation of the State Policy.

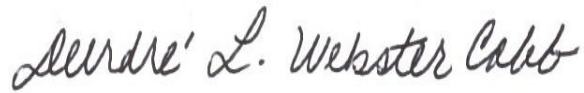
Accordingly, the Commission finds that the EEO/AA investigation was thorough and impartial, and the record supports a finding that there was a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

## 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  
24<sup>TH</sup> DAY OF APRIL, 2019



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