



STATE OF NEW JERSEY

In the Matter of Stephen M. Crenny,
County Correction Officer (C9981M),
Cape May County

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-2466

CORRECTED DECISION

List Removal Appeal

ISSUED: DEC 09 2014 (JET)

Cape May County appeals the decision of the Division of Classification and Personnel Management (CPM), which found there was insufficient reason to remove Stephen M. Crenny's name from the County Correction Officer (C9981M), Cape May County, eligible list on the basis of an unsatisfactory background report.

Crenny took the open competitive examination for County Correction Officer (C9981M),¹ achieved a passing score, and was ranked on the subsequent eligible list. Crenny's name was certified to the appointing authority on November 27, 2012. In disposing of the certification, the appointing authority requested the removal of Crenny's name from the eligible list on the basis of an unsatisfactory background report. It also appears that the appointing authority is arguing that Crenny's name should be removed for falsification of the employment application. Specifically, the appointing authority indicated that Crenny was a "no call, no show" from work on some occasions; failed to list several temporary and/or part-time jobs on the employment application; was absent from high school on several occasions; and an employer denied that he worked for their company. On appeal to CPM, Crenny argued, among other things, that his name should be restored to the eligible list. CPM determined that the appointing authority did not present a sufficient basis for removal of Crenny's name from the subject eligible list.

¹ It is noted that the eligible list for County Correction Officer (C9981M), Cape May County, expired on May 1, 2014.

On appeal, the appointing authority maintains that Crenny's name should be removed from the eligible list. Specifically, the appointing authority asserts that Crenny's explanation regarding how he was terminated from his seasonal position in Ocean City is not consistent with the information in his personnel file from that jurisdiction. In this regard, Crenny explained that he was terminated from Ocean City as a result of a "no call, no show" and his personnel file indicates that he was terminated due to "three no-call, no shows." The appointing authority adds that the appellant also failed to correctly list this information on the employment application. Further, Crenny indicated that he worked for A1 plumbing and the appointing authority was unable to confirm that he worked there. In this regard, A1 Plumbing indicated that there was no record that the appellant previously worked there. In addition, Crenny did not disclose his prior contacts with the police. In this regard, the appointing authority avers that Crenny was questioned by the police in November 2005² and he was subject to a motor vehicle stop in April 2009 where he admitted to the occasional use of marijuana. When asked about involvement with the police, Crenny stated that he forgot about those incidents and he failed to list that information on the employment application. Moreover, the appointing authority asserts that the police documentation from the motor vehicle stop indicates that Crenny admitted to his occasional use of marijuana, and he maintained during the background investigation that he did not previously use marijuana.

In response, Crenny asserts that he obtained various seasonal jobs when he was between the ages of 17 and 22 years old. In this regard, he obtained a seasonal job in Ocean City and his attendance issues were due to his young age and a breakup with his girlfriend. Crenny adds that Ocean City rehired him as a seasonal employee in the following season despite his prior attendance problems. Further, Crenny maintains that he worked for A1 Plumbing and he does not understand why that company will not verify his employment. Crenny adds that he was not attempting to be deceptive and he merely forgot about the absences at his previous jobs. In addition, Crenny asserts that he correctly indicated on the employment application that he was not previously arrested. Crenny adds that he did not use marijuana at the time of the motor vehicle stop in April 2009 and he has never used illegal substances in his life. Moreover, Crenny contends that the information he provided regarding his background is accurate and his name should be restored to the eligible list.

CONCLUSION

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. *N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)6,

² Crenny was in high school at the time of this questioning. Crenny was not charged with arson.

allows the Commission to remove an individual from an eligible 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 for the removal of an eligible's name from an eligible list for other sufficient reasons. Removal for 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 an appointment.

In the instant matter, the appointing authority argues that Crenny's name should be removed from the eligible list due to his insufficient background report. The Civil Service Commission has conducted a review of this matter and does not find that the discrepancies in Crenny's background warrant the removal his name from the eligible list. Initially, although Ocean City indicated that Crenny was terminated from his seasonal position due to "three no-call, no shows," Crenny indicated that he was terminated as a result of a "no-call, no show." Thus, there appears to be a dispute between Crenny and Ocean City regarding the reasons surrounding his termination. Nonetheless, since Crenny disclosed that he was terminated from his position in Ocean City as a result of a "no call, no show," the Commission finds that this information was sufficient for the appointing authority to conduct the background investigation. Even if Crenny was terminated in Ocean City as a result of "three no call, no shows," the error is *de minimis* as he clearly disclosed that he was terminated from that position as a result of a "no call, no show." Additionally, the appointing authority's inability to confirm Crenny's employment at A1 Plumbing does not establish that Crenny provided incorrect information during the background investigation. In this regard, there appears to be a dispute between A1 Plumbing and Crenny regarding his employment history at that company. However, such factual disputes do not establish that Crenny was intentionally deceptive or that he attempted to provide misleading information regarding his employment history. The appointing authority did not provide any substantive information to show that it was unable to adequately investigate Crenny's background based on the information that he provided. Moreover, other than his termination from his seasonal employment in Ocean City, there was no other information in Crenny's employment history to warrant removal of his name from the eligible list. Accordingly, the Commission does not find that the discrepancies regarding the appellant's employment history are sufficient to remove his name from the eligible list.

Regarding the appellant's prior contacts with the police, the appointing authority did not show that Crenny was previously arrested, detained, or incarcerated as a result of those contacts. In this regard, the appointing authority did not provide any substantive evidence to show that the appellant has an unsatisfactory criminal background. Since Crenny was not arrested, detained, or incarcerated as a result of those prior contacts with the police, the Commission

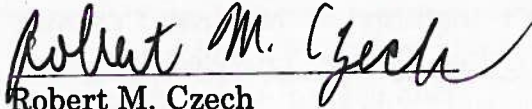
finds that there is not sufficient justification for removing his name from the eligible list. The fact that he forgot about his prior contacts with the police does not show that he attempted to deceive the appointing authority during the background investigation. Moreover, the appointing authority failed to provide any substantive information to show that Crenny falsified the employment application. Accordingly, Crenny has satisfied his burden of proof and the appointing authority has not provided a sufficient basis to remove his name from the County Correction Officer (C9981M), Cape May County eligible list.

ORDER

Therefore, it is ordered that this appeal be granted and that the list for County Correction Officer (C9981M) be revived and the appellant's name certified at the time of the next certification for County Correction Officer for prospective appointment opportunities only.

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 6th DAY OF NOVEMBER, 2014



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