

B-16



STATE OF NEW JERSEY

In the Matter of Natashi Williams,  
Correction Officer Recruit (S9988R),  
Department of Corrections

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-2881

List Removal Appeal

ISSUED: DEC 08 2014 (SLK)

Natashi Williams appeals the attached determination of the Division of Classification and Personnel Management (CPM) upholding the removal of her name from the eligible list for Correction Officer Recruit (S9988R), Department of Corrections, on the basis of an unsatisfactory background report and falsification of her application.

By way of background, the appellant appeared on certification JU11M1 that was issued on June 10, 2011. In disposing of the certification, the appointing authority requested the removal of the appellant's name, contending that she had an unsatisfactory background report and falsified her employment application. The appointing authority indicated that the home of the appellant and her live-in boyfriend were targeted and raided by the Ocean County Prosecutor's Office Special Operations Group, on March 22, 2011, within ten days of the issuance of a valid search warrant for cocaine, CDS, weapons, financial records, money in bill and coin form, manufacturing of CDS, cell phones and miscellaneous paraphernalia pertaining to the unlawful possession, distribution and consumption of CDS. Further, the appointing authority asserted that the appellant failed to disclose that her home had been raided, under a search warrant, for criminal activity. The appellant appealed the removal of her name to CPM arguing that she does not have an unsatisfactory background and that she did not falsify her application. CPM sustained the appellant's removal from the list.

On appeal, the appellant argues she has neither demonstrated a history of behavior in her personal life that is inconsistent with the standards expected of a law enforcement officer nor has she falsified her application. She maintains that she does not now reside with her boyfriend and has not allowed him to reside with her since March 22, 2011 when she first became aware of his criminal behaviors that led up to law enforcement targeting and raiding her home pursuant to a search warrant. With respect to the falsification claim, the appellant argues that the application did not ask her to disclose if her home had ever been raided under a search warrant for criminal activity.

In response, the appointing authority states that question 49 on page 19 of the employment application specifically asks applicants if they ever had **any police contact**. The appellant failed to report in response this question that a raid occurred on March 22, 2011 at her residence. On that date, the appointing authority states that the appellant was present at the house and was served search and wiretap warrants of her home and phone number. The appointing authority asserts that a raid of one's residence is the epitome of adverse police contact, regardless of whether or not she was arrested or the result of the raid. Further, it states that the appellant even produced the warrants that were served upon her during the home interview but did not disclose this fact on her employment application. The appellant also failed to provide police reports for the 2011 incident with her application. Additionally, it maintains that she failed to provide documentation regarding a drug offense charge from a 2005 incident in Seaside Park or to explain the charges as instructed on the employment application. Moreover, she failed to disclose the 2011 search of her home on the Chronological Data Sheet detailing major life events. With respect to her unsatisfactory background, the appointing authority provides that she was arrested and charged, along with her boyfriend, with Prowling Public Places - CDS Related by the Seaside Park Police Department. Specifically, she was charged with, while in a public place, engaging in conduct that exhibits the purpose of obtaining or distributing a controlled dangerous substance. While the charge was disclosed on her application, the appellant failed to provide the police report and the disposition paperwork as requested on the application. Additionally, her home was the subject of a search warrant that resulted in the police raid on her home in 2011. In this regard, the appointing authority states that if a person can operate a drug distribution center in her apartment without the appellant's knowledge, it has a concern that she will not be able to handle the supervision of inmates incarcerated for many offenses, including violations of drug laws. Further, the appellant visited two other incarcerated individuals several times.

In reply, the appellant initially states that the appointing authority is interjecting supplemental and "new" evidence which was not part of the appointing authority's initial decision to request to remove her name from the list. Nevertheless, the appellant maintains that she had no knowledge or involvement of

her former boyfriend's alleged criminal activity, and once arrested, she has limited her contact with him relating to matters concerning their child. She also contends that a negative aspersion should not be cast upon an individual who supports and encourages an incarcerated individual to return to the community as a law abiding citizen. Additionally, she represents that although a search warrant was executed at her home, she did not recall it at the time she filled out her application as she did not consider it "police contact."

In further response, the appointing authority contends that the appellant's response has not brought forth any new evidence and simply restates her unsupported ideas and premises upon which she bases her appeal. Additionally, the appointing authority reiterates that it stands with its position that the underlying record in this matter indicates that her removal was warranted.

### 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 removal of 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. Moreover, *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. Further, *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.

In the instant matter, the appointing authority has presented a valid basis to remove the appellant's name from the subject list. Question 49 on page 19 of their employment application asks, in pertinent part, "Have you ever had any police contact...?" The appellant did not disclose the 2011 raid in response to this question. Although the appellant argues that the application did not ask her to disclose if her home was raided under the authority of a search warrant, such contact with law enforcement is clearly material to the position of Correction Officer and the appellant should have included it on her application. In this regard, the Commission notes that the issue is not whether she intended to falsify her application, but whether the omission was material to the position sought. The Appellate Division of the New Jersey Superior Court, in *In the Matter of Nicholas D'Alessio*, Docket No. A-3901-01T3 (App. Div. September 2, 2003), affirmed the removal of a candidate's name based on his falsification of his employment application and noted that the primary inquiry in such a case is whether the candidate withheld information that was material to the position sought, not whether there was any intent to deceive on the part of the applicant. The Commission finds that the appellant's argument is unpersuasive as having the

police raid your home in connection with a drug operation that is being run out of your home after being served search and wiretap warrants is clearly "any police contact." Moreover, on the Candidate Chronological Data Sheet, in 2013, she was asked to list significant dates in her personal timeline in her life history, including interactions with the police, and the appellant failed to list the fact that her home was raided. Additionally, the appellant failed to provide the paperwork as requested regarding the 2005 incident in Seaside Park. In addition to failing to provide the paperwork with her application, the appellant did not fully disclose the nature of the 2005 Seaside Park incident on her application. In other words, she did not disclose that the nature of the charge involved a suspected drug offense.

Additionally, the Commission finds that the appellant has an unsatisfactory background for a Correction Officer. 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. In 2005, she was charged with a drug related offense in Seaside Park and then, during the employment process for the subject title, after a lengthy investigation, law enforcement executed a search warrant on her home and a wiretap warrant on her phone regarding a drug operation allegedly being run out of her home.

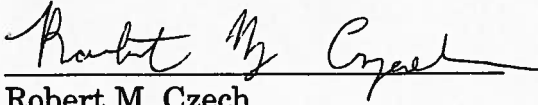
Accordingly, the appellant has not met her burden of proof in this matter and the appointing authority has shown sufficient cause for removing her name from the Correction Officer Recruit (S9988R) eligible list.

#### 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 3<sup>rd</sup> DAY OF DECEMBER, 2014



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
Director  
Division of Appeals  
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Civil Service Commission  
Written Record Appeals Unit  
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Attachments

c:   Natashi Williams  
      James Mullholland  
      Kenneth Connolly



STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
DIVISION OF STATE AND LOCAL OPERATIONS  
P. O. Box 313  
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Robert M. Czech  
Chair/Chief Executive Officer

Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

May 1, 2014

Natashi Williams

**Title:** Correction Officer Recruit  
**Symbol:** S9987M  
**Jurisdiction:** NJ Dept. of Corrections  
**Certification Number:** JU11M1  
**Certification Date:** 6/10/2011

**Initial Determination:** R3 - Remove - Unsatisfactory Background

This is in response to your correspondence contesting the removal of your name from the above-referenced eligible list. The Appointing Authority requested removal of your name in accordance with *N.J.A.C. N.J.A.C. 4A:4-4.7(a)1*, which permits the removal of an eligible candidate's name from the eligible list for valid or other sufficient reasons.

After a thorough review of our records and all the relevant material submitted, we find that there is not a sufficient basis to restore your name to the eligible list. Therefore, the Appointing Authority's request to remove your name has been sustained and your appeal is denied.

Please be advised that in accordance with Civil Service Rules, you may appeal this decision to the Division of Merit System Practices and Labor Relations (MSPLR) within 20 days of the receipt of this letter. You must submit all proofs, arguments and issues which you plan to use to substantiate the issues raised in your appeal. Please submit a copy of this determination with your appeal to MSPLR. You must put all parties of interest on notice of your appeal and provide them with copies of all documents submitted for consideration.

Please be advised that pursuant to P.L. 2010, c.26, effective July 1, 2010, there shall be a \$20 fee for appeals. Please include the required \$20 fee with your appeal. Payment must be made by check or money order only, payable to the NJ CSC. Persons receiving public assistance pursuant to P.L. 1947, c. 156 (C.44:8-107 et seq.), P.L. 1973, c.256 (C.44:7-85 et seq.), or P.L. 1997, c.38 (C.44:10-55 et seq.) and individuals with established veterans preference as defined by N.J.S.A. 11A:5-1 et seq. are exempt from these fees. Address all appeals to: Henry Maurer, Director, Merit System Practices and Labor Relations, Written Record Appeals Unit, PO Box 312, Trenton, NJ 08625-0312.

Sincerely,

Valerie Stutesman  
Leader/Manager, State Certification Unit

c: Jennifer Rodriguez, Appointing Authority for NJ-DOC