

B-73



STATE OF NEW JERSEY

In the Matter of Teira Edwards,
Correction Officer Recruit (S9987M),
Department of Corrections

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

DOP Docket No. 2014-524

List Removal Appeal

ISSUED: JUL 21 2014 (JET)

Teira Edwards appeals the attached decision of the Division of Classification and Personnel Management (CPM), which upheld the removal of her name from the Correction Officer Recruit (S9987M), Department of Corrections, eligible list on the basis of falsification of her employment application.

The appellant took the open competitive examination for Correction Officer Recruit (S9987M),¹ achieved a passing score, and was ranked on the subsequent eligible list. The appellant's name was certified to the appointing authority on June 10, 2011. In disposing of the certification, the appointing authority requested the removal of the appellant's name from the eligible list on the basis of falsification of her employment application. Specifically, the appointing authority asserted that the appellant failed to disclose that she was charged with Making Communications in an Annoying Manner (dismissed) on September 13, 1995 in violation of *N.J.S.A. 2C:33-4A*, with Simple Assault (dismissed) on September 18, 1995 in violation of *N.J.S.A. 2C:12-1A(1)*, with Theft by Unlawful Taking (dismissed) on February 17, 2001 in violation of *N.J.S.A. 2C:20-3A*, and with Making Communications in an Annoying Manner (dismissed) on February 17, 2001 in violation of *N.J.S.A. 2C:33-4A*. The appellant appealed the matter of the removal of her name to CPM, which determined that the appointing authority had presented a sufficient basis to remove her name from the subject eligible list.

¹ It is noted that the eligible list for Correction Officer Recruit (S9987M), Department of Corrections, expired on June 9, 2013.

On appeal, the appellant asserts that she was not charged with Simple Assault, Making Communications in an Annoying Manner, or Theft by Unlawful Taking. Further, the appellant states that she would like to serve as a Correction Officer Recruit. Moreover, the appellant provides documentation from the Ewing Municipal Court to show the disposition of the charges.

In response, the appointing authority asserts that the appellant provided her employment application during pre-employment processing on November 28, 2012 and she failed to list any of the charges against her. Further, the appointing authority contends that the employment application requires that any charges, arrests, or offenses be disclosed regardless if they were dismissed. The appointing authority adds that in response to question 43 on her employment application, "Have you ever been charged with or convicted of a disorderly person offense," the appellant answered "No." The appointing authority also indicates that in response to question 51 on the employment application, "Have you ever been arrested or charged with a violation of the disorderly persons act, city or local ordinance," the appellant answered "No." Further, the appointing authority states that it requires a properly completed employment application in order to review the qualifications and background of potential candidates. The appellant also checked "not applicable" on page 5 of the employment application next to the description for "all court dispositions relative to any charges received," and she failed to provide documentation of the disposition of the charges with her employment application. The appointing authority adds that the appellant's omissions are sufficient justification to remove her name from the eligible list. Moreover, the appointing authority avers that in order to effectively manage the day-to-day operations of a prison system, it is imperative to select candidates who exhibit respect for the law.

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*, 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.

In the instant matter, the record demonstrates that the appellant was charged with Simple Assault, Making Communications in an Annoying Manner, and Theft by Unlawful Taking. The documentation from Ewing Township Municipal Court confirms that the appellant was charged with Simple Assault in 1995, with Theft by Unlawful Taking in 2001, and with Making Communications in an Annoying Manner on two occasions in 1995 through 2001. Thus, the appellant has not provided any documentation from Ewing Township court to show that she

was not charged with those matters. Therefore, since she did not include these on her application, the appointing authority properly removed the appellant's name from the eligible list for falsification of her employment record.

Moreover, in response to question 43 on the employment application, "Have you ever been arrested, indicted, charged with or convicted of a criminal or disorderly persons offense in this State or any other jurisdiction," the appellant answered "no." Thus, the appellant did not accurately complete the employment application. In this regard, the instructions on the application clearly indicated that applicants were required to disclose all arrests, charges, and detentions, including any and all juvenile violations. It must be emphasized that it is incumbent upon an applicant, particularly an applicant for a sensitive position such as a Correction Officer Recruit, to ensure that her employment application is a complete and accurate depiction of her history. In this regard, 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 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. An applicant must be held accountable for the accuracy of the information submitted on an application for employment and risks omitting or forgetting any information at his or her peril. See *In the Matter of Curtis D. Brown* (MSB, decided September 5, 1991) (An honest mistake is not an allowable excuse for omitting relevant information from an application).

In this matter, it was the appellant's responsibility to submit an accurate and complete employment application, since any omissions can result in removal of her name from the eligible list. In addition, the appellant did not provide a sufficient basis to refute the appointing authority's position. Accordingly, since the appellant failed to complete pre-employment processing by submitting an incomplete employment application, there is a sufficient basis to remove her name from the eligible list for Correction Officer Recruit (S9987M), Department of Corrections.

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 16th DAY OF JULY, 2014



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
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c: Teira Edwards
James J. Mulholland
Kenneth Connolly



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Governor
Kim Guadagno
Lt. Governor

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
DIVISION OF CLASSIFICATION & PERSONNEL MANAGEMENT
P. O. Box 313
Trenton, New Jersey 08625-0313

Robert M. Czech
Chair/Chief Executive Officer

July 26, 2013

Teira Edwards

Title: Correction Officer Recruit
Symbol: S9987M
Jurisdiction: Department of Corrections
Certification Number: JU11M1
Certification Date: 06/10/11

Initial Determination: Removal – Falsification of Application

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. 4A:4-6.1(a) 6, where an individual has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process permits the removal of an eligible candidate's name from the eligible list.

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

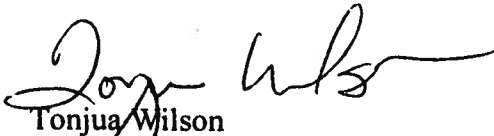
Please be advised that in accordance with Civil Service Rules, you may appeal this decision to the Division of Appeals & Regulatory Affairs (ARA) within 20 days of the receipt of this letter. You must submit all proofs, arguments and issues which you plan to use to substantiate the issues raised in your appeal. Please submit a copy of this determination with your appeal to ARA. 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
Appeals & Regulatory Affairs
Written Record Appeals Unit
PO Box 312
Trenton, NJ 08625-0312

Sincerely,



Tonjua Wilson
Human Resource Consultant
State Certification Unit

For Joe M. Hill Jr. Assistant Director
Division of Classification & Personnel Management

C James J. Muhlolland, Director
File