



STATE OF NEW JERSEY

In the Matter of S.T.,
State Parole Board

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2013-3515

Discrimination Appeal

ISSUED: JUL 21 2014 (JET)

S.T., a Supervising Parole Officer¹ with the State Parole Board, appeals the attached determination of the Executive Director, which found sufficient evidence that the appellant had violated the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy). The appellant also appeals the attached determination of the Executive Director, which found that the appellant failed to support a finding that he had been subjected to a violation of the State Policy.

K.C., an Assistant District Parole Supervisor, filed a complaint with the Equal Employment Opportunity Unit (EEO) against the appellant, alleging that she was discriminated against on the basis of sex/gender (pregnancy). Specifically, K.C. alleged that during a polygraph examiner's meeting on February 26, 2013, she had the following conversation with the appellant:

The appellant: "[He] will likely lose [R.A.]² to another promotion."

K.C. stated in response, "Is there a reason why I would not be promoted?"

¹ The appellant's functional title is Captain.

² R.A. is an Assistant District Parole Supervisor.

The appellant stated in response: "You will be pregnant and have another kid."

In addition, K.C. expressed concern regarding the appellant's impression of her as an employee and how that would influence her future promotional opportunities. After an investigation was conducted, the EEO determined that there was a violation of the State Policy. Specifically, the EEO indicated that several witnesses corroborated that the appellant stated that K.C. would be pregnant or on maternity leave at the time of the next round of promotions. Further, the appellant admitted to making a statement about K.C.'s pregnancy status during the February 26, 2013 meeting, and he also stated that he supports K.C.'s desire to have children. Thus, the EEO determined that the appellant's comment violated the State Policy and it recommended that he be counseled and attend training for supervisors on compliance with the State Policy.

Additionally, the appellant filed a separate but related EEO complaint alleging that Assistant District Supervisor E.R.³ was made aware of the results of the EEO determination in violation of the confidentiality provisions of the State Policy. After an investigation was conducted, it was determined that there was no violation of the State Policy. Specifically, the EEO indicated that following the meeting on February 26, 2013, K.C. approached E.R. regarding the appellant's comments, and E.R. instructed K.C. to file an EEO complaint. Further, it was corroborated that E.R. had no further involvement with the matter until K.C. advised him that the investigation was over. Moreover, the EEO determined that the appellant advised E.R. that he was appealing the decision. Thus, EEO found that there was insufficient evidence to substantiate a breach of the confidentiality provisions of the State Policy.

On appeal, the appellant asserts that the EEO did not conduct a proper investigation and contends that the EEO failed to investigate if K.C. had several conversations with the witnesses regarding the incident. In this regard, the appellant maintains that it is possible that the witnesses corroborated the complaint as a result of K.C.'s discussions with them. In this regard, the appellant questions how several individuals, including a former Division Director, became aware of K.C.'s complaint. The appellant also questions how E.R. was aware of the results of the EEO determination before the appellant even received it in the mail. Further, the appellant avers that the EEO failed to notify him about what K.C. alleged and he was unable to properly defend himself. Moreover, the appellant contends that there is no excuse for the EEO's two month delay in scheduling his interview after the complaint was filed,⁴ and it is possible that he omitted relevant

³ E.R. is K.C.'s immediate supervisor.

⁴ The appellant states that although the complaint was filed on March 1, 2013 and various witnesses were interviewed in March 2013, he was not interviewed until May 2013. The appellant adds that

information in his EEO statement.⁵ The appellant also avers that EEO Officer Lise-Kirsten Higgins had an ethical obligation to recuse herself from the investigation but he provides no specifics.

Additionally, the appellant denies that he stated “[He] will likely lose [R.A.] to another position,” and “You will be pregnant and have another kid.” The appellant adds that he did not even use the word “promotion” at the time of the incident, and K.C. did not ask “Is there a reason why I would not be promoted.” In addition, the appellant contends that the actual intent of his statements was that K.C. would be promoted. In this regard, the appellant explains that at the time of the February 26, 2013 meeting, he was having a discussion about future promotional opportunities that would occur after he retired, and he stated “I will be retired by then so that is something that [R.A.] will have to decide.” The appellant adds that he realized that [K.C.] would be upset because he didn’t say “Lieutenant [K.C.]” Thus, he stated “And the only reason it won’t be [K.C.] making the decision is because she will be having a second baby.” He also suggests that K.C. may have had an improper motivation for filing the EEO complaint as she has stated to several individuals that she does not like the appellant. Moreover, he states that he has not prevented K.C. from pursuing any promotional opportunities.

Further, the appellant asserts that the witnesses are not credible and some of them actually support his version of events. In addition, the witnesses were not specific about the actual time that K.C. started to look bothered when the incident occurred. The appellant adds that several of the witnesses did not hear K.C.’s response at the time the incident since they were not seated near her.⁶ Moreover, the appellant asserts that the EEO’s response should not be considered since it was not provided within the 20-day timeframe to respond to this agency.

In response, the EEO maintains that the investigation was properly conducted. In this regard, the initial complaint was filed on March 1, 2013 and the appellant was timely interviewed in May 2013, which was well within the 120-day timeframe to complete the investigation.⁷ The EEO explains that the appellant was initially scheduled to be interviewed on April 26, 2013 and his union representative was unavailable on that date. Further, the appellant was properly notified about the basis of the complaint and he had the opportunity to provide a statement. The

his schedule permitted him to be interviewed on an earlier date. In this regard, he was available for an interview at 4:01 p.m. every day from March 1, 2013 through May 2, 2013.

⁵ The appellant notes that he participated in a two and a half hour EEO interview. He also acknowledges that he was provided with the opportunity to review his statement.

⁶ The appellant includes a seating chart to show where the witnesses and K.C. were seated at the time of the February 26, 2013 meeting. The appellant adds that the EEO failed to consider the seating arrangement or the chatter that was going on between the witnesses during the meeting.

⁷ The EEO notes that interviews are scheduled according to the needs of each particular investigation and with deference to the schedules of the EEO Investigator and the employees.

EEO also presents that the appellant was provided with adequate time to review his typed statement during his interview and he could have made any changes that he believed were necessary.⁸ Thus, the appellant's claim that he may have omitted certain information from his statement should not now be considered. The EEO adds that the appellant was not entitled to review any witness statements during his interview due to the confidentiality provisions of the State Policy. In addition, the appellant's EEO complaint alleging violations of the confidentiality provisions of the State Policy was investigated and there was no evidence to show that K.C. discussed the allegations with the witnesses after the initial complaint was filed. The EEO adds that the witnesses were found to be credible and their testimony was not adversely affected by any conversations that may have occurred prior to when the initial EEO complaint was filed. The EEO explains that any conversations that occurred prior to the filing of the initial complaint cannot be considered as a violation of the confidentiality provisions of the State Policy. The EEO asserts that the appellant did not previously allege that E.R. was aware of the results of the initial EEO determination. In this regard, it is the first time the EEO has become aware of the allegation that E.R. may have discussed the initial determination. Moreover, the appellant fails to provide a specific reason regarding why the EEO Officer should have been precluded from participating in this investigation.

Additionally, the EEO asserts that there was sufficient evidence to substantiate a violation of the State Policy on the basis of sex/gender. Specifically, three witnesses corroborated that K.C. asked the appellant during a meeting if she would be promoted to Lieutenant, and the appellant responded that she would be pregnant at the time of the next round of promotions. The EEO adds that the appellant freely admits on appeal that he made a comment regarding K.C.'s pregnancy at the time of the incident. In this regard, he admits that he stated "[T]he only reason it won't be [K.C.] making the decision is because she will be having a second baby." Thus, the appellant's statement clearly references K.C.'s pregnancy status which is a violation of the State Policy and his intent is irrelevant. In this case, the impact of the appellant's statements on K.C. and the witnesses is sufficient to substantiate the violation. In this regard, K.C. perceived the appellant's statements to mean that being pregnant and having children would hamper her career. In addition, the appellant's comments in front of a group of subordinate officers resulted in their impression that pregnancy and/or maternity leave could hamper K.C.'s career.

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,

⁸ The EEO indicates that the appellant initialed and signed his statement.

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. Further, *N.J.A.C. 4A:7-3.1(c)* provides that it is a violation of the State Policy to engage in sexual (or gender-based) harassment of any kind, including hostile work environment harassment, quid pro quo harassment, or same-sex harassment. Additionally, the appellant shall have the burden of proof in all discrimination appeals. See *N.J.A.C. 4A:7-3.2(m)(3)*.

N.J.A.C. 4A:7-3.1(e) provides that supervisors shall make every effort to maintain a work environment that is free from any form of prohibited discrimination/harassment. Supervisors shall immediately refer allegations of prohibited discrimination/harassment to the State agency's Equal Employment Opportunity/Affirmative Action Officer, or any other individual designated by the State Agency to receive complaints of workplace discrimination/harassment. A supervisor's failure to comply with these requirements may result in administrative and/or disciplinary action up to and including termination of employment. For purposes of this section and *N.J.A.C. 4A:7-3.2*, a supervisor is broadly defined to include any manager or other individual who has authority to control the work environment of any other staff member (for example, a project leader). *N.J.A.C. 4A:7-3.2(d)* provides that supervisory employees shall immediately report all alleged violations of the State Policy to the EEO/AA Officer. Such a report shall include both alleged violations reported to a supervisor, and those alleged violations directly observed by the supervisor.

N.J.A.C. 4A:7-3.1(j) establishes that all discrimination complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. To the extent practical and appropriate under the circumstances, confidentiality shall be maintained throughout the investigatory process. In the course of the investigation, it may be necessary to discuss the claims with the person(s) against whom the complaint was filed and other persons who may have relevant knowledge or who have a legitimate need to know about the matter. All persons interviewed, including witnesses, shall be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. Failure to comply with this confidentiality directive may result in administrative and/or disciplinary action, up to and including termination of employment.

A review of the record reflects that the EEO conducted an adequate investigation of K.C.'s initial complaint. It interviewed the relevant individuals and reviewed the available documentation. In addition, the EEO timely conducted the investigation, properly notified the appellant about the basis of the complaint, and provided him the opportunity to provide a statement at the time he was

interviewed. In fact, the appellant admits that he was provided with a two and a half hour interview and that he submitted a statement to the EEO. Although the appellant argues that he may have omitted certain information from his statement, the record reflects that he was provided with sufficient time to review his statement before it was submitted to the EEO. In this regard, it cannot be ignored that the appellant initialed and dated each page of the statement he provided to the EEO. Additionally, it does not appear that the appellant attempted to amend his statement prior to when the determination was issued. Thus, the appellant cannot now argue that his statement did not contain sufficient information. Moreover, the record does not reflect that the EEO improperly delayed interviewing the appellant. In this regard, the initial complaint was filed in March 2013 and the appellant was interviewed in May 2013, which was within the 120-day timeframe to conduct an investigation. The EEO also explains that it attempted to interview the appellant in April 2013, and his union representative was unavailable at that time. Thus, it is evident that the EEO had taken steps to ensure that its investigation was thorough and impartial. The fact that the witnesses and K.C. may have been interviewed before the appellant does not, in and of itself, establish that the investigation was improperly conducted. The appellant's argument that K.C. disliked him and may have had improper motives for filing the complaint is of no moment as the witnesses corroborated what was said during the February 26, 2013 meeting. Moreover, the appellant did not provide any substantive reasons to show that Higgins should have recused herself from conducting the EEO Investigations. Accordingly, it is clear that the EEO conducted an adequate investigation of the initial complaint.

In regard to the appellant's complaint alleging a violation of the confidentiality provisions of the State Policy, the record reflects that the EEO conducted an adequate investigation of the complaint. In this regard, it reviewed the appropriate documentation and interviewed the witnesses, and it determined that there was no violation of the confidentiality provisions of the State Policy. Specifically, although K.C. approached E.R. after the February 26, 2013 meeting and informed him about the appellant's comments, this action occurred *before* she filed the initial EEO complaint. Thus, the confidentiality provisions of the State Policy were not applicable when K.C. approached E.R. about her concerns. Further, E.R., in his capacity as a supervisor, properly instructed K.C. to file an EEO complaint. See *N.J.A.C. 4A:7-3.2(d)*. In addition, E.R. indicated that he did not have any other involvement with K.C.'s complaint until he was later advised by K.C. that the matter had been concluded. In this regard, it would be an incongruous result to find a violation of the State Policy when, as in the instant matter, K.C. approached E.R. with the information with legitimate EEO concerns. Thus, the fact that K.C. advised E.R. about the incident, and the conclusion of the investigation, does not violate the confidentiality provisions of the State Policy. Additionally, it was the appellant who informed E.R. that he planned to appeal the

initial EEO determination. Accordingly, there is no substantive evidence to support that K.C. breached the confidentiality provisions of the State Policy.

In regard to the appellant's concerns that several individuals continued to discuss the matter after the initial complaint was filed, he did not provide the names of any witnesses to corroborate that such conversations occurred after the complaint was filed. In addition, the EEO reminded the witnesses about the confidentiality provisions of the State Policy, and it determined that the witness statements were not adversely affected by any conversations. Moreover, since the appellant made the inappropriate comments in front of several subordinate officers during the February 26, 2013 meeting, it is reasonable to presume that these officers could have discussed the incident before the initial complaint was filed. However, as noted above, the EEO could not address those conversations since they occurred prior to when the initial complaint was filed. Accordingly, there is no substantive evidence to support a violation of the confidentiality provisions of the State Policy.

The Commission has conducted a review of the record in this matter and finds that the appellant has not established his contentions. Specifically, the appellant clearly admitted that he stated during the February 26, 2013 meeting that "I will be retired by then so that is something that [R.A.] will have to decide" and "[t]he only reason it won't be [K.C.] making the decision is because she will be having a second baby." Although the appellant maintains that he made the statements with the intent that K.C. would be promoted at some point, his arguments are not persuasive. Based on the nature of the complaint and the fact that the appellant admitted that he commented about K.C.'s pregnancy status, it is clear that the appellant made an inappropriate statement. Even if, *arguendo*, the appellant may have intended that K.C. would be promoted, it is clear that his statement referenced her pregnancy status. In this regard, a violation of the State Policy can occur even if there was no intent on the part of an individual to harass or demean another. See *N.J.A.C. 4A:7-3.1(b)*. Further, it is clear that K.C. and the witnesses were offended by the appellant's remarks pertaining to K.C.'s pregnancy status. In this regard, the State Policy is a zero tolerance policy, which means that any inappropriate language pertaining to the protected categories as noted above constitutes a violation. Thus, the appellant's statement pertaining to K.C.'s pregnancy status is a clear violation of the State Policy.

In regard to the appellant's arguments that his statements are different from what was alleged by K.C., that argument does not change the outcome of this matter. Although K.C.'s allegations may have been slightly different from what was stated by the appellant, she clearly alleged that the appellant referenced her pregnancy status. Therefore, K.C.'s version of events is consistent with the appellant's admission and the witnesses corroborated that the appellant referred to K.C.'s pregnancy status. The appellant does not present a scintilla of evidence to

show otherwise. With respect to his argument that the witnesses might not have heard his comments, the appellant did not provide any substantive evidence in support of his claims. In this regard, the seating chart does not conclusively establish that the witnesses did not hear his remarks. Regardless, the information provided by the witnesses does not provide a basis to reverse the findings of the investigation since the appellant clearly admitted that he made the inappropriate comment regarding K.C.'s pregnancy status. Moreover, the appellant has failed to provide any additional information or witnesses on appeal what would somehow change the outcome of the case.

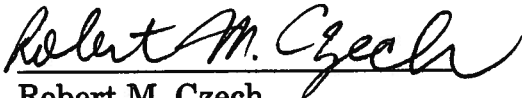
Accordingly, the EEO's investigation was thorough and impartial, and therefore, the appellant has failed to meet his burden of proof and the record supports that the appellant violated the State Policy.

ORDER

Therefore, it is ordered that these appeals 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	Henry Maurer
and	Director
Correspondence	Division of Appeals & Regulatory Affairs Civil Service Commission Written Record Appeals Unit P.O. Box 312 Trenton, New Jersey 08625-0312

Attachment

c: S.T.
Lise-Kirsten Higgins
Mamta Patel
Joseph Gambino



State of New Jersey
NEW JERSEY STATE PAROLE BOARD

P.O. BOX 862
TRENTON, NEW JERSEY 08625
TELEPHONE NUMBER: (609) 292-4257

CHRIS CHRISTIE
GOVERNOR

KIM GUADAGNO
LT. GOVERNOR

JAMES T. PLOUSIS
CHAIRMAN

SAMUEL J. PLUMERI, JR.
VICE-CHAIRMAN

May 29, 2013

S [REDACTED] T [REDACTED]
[REDACTED]
[REDACTED]

Re: Final Determination of Investigation Case #2013-03

Dear Mr. T [REDACTED]:

Pursuant to the allegations alleging discrimination based on an individual's sex, gender, or pregnancy for female employees, the EEO Unit conducted an internal investigation to determine whether there was a violation of the NJ State *Policy Prohibiting Discrimination in the Workplace*. Specifically, it is alleged that during a polygraph examiner's meeting a discussion ensued regarding staffing whereby you stated that you "will likely lose R [REDACTED] to another promotion.." to which Assistant District Parole Supervisor (ADPS) K [REDACTED] C [REDACTED] inquired "Is there a reason why I would not be promoted?" You responded "You will be pregnant and have another kid". ADPS C [REDACTED] also expressed concern for your impression of her as an employee and your participation and possible influence over future promotional interviews as a Panel member.

Please be advised that this office is in receipt of the final confidential investigative report, which was reviewed in rendering a determination for disposition of the complaint. After a careful review of the report, it is clear that the facts and supporting documents presented support a claim of discrimination.

The NJ State's *Policy* prohibits discrimination in the workplace based on an individual's sex, gender, or pregnancy for female employees. Evidence of pregnancy discrimination is corroborated by showing employment decisions concerning the complainant were based on the complainant's pregnancy. Moreover, a hostile work environment can be shown to have been present based on pregnancy if the behavior of the respondent was based on the complainant's female gender. The claim of discrimination based on pregnancy is centered around your alleged comment at a polygraph examiner's meeting conducted on February 26, 2013. Specifically, in response to ADPS C [REDACTED]'s inquiry as to why she wouldn't be promoted in the next round of promotions, you stated that she would be pregnant.

The results of the investigation revealed that several witnesses who attended the polygraph examiner's meeting on February 26, 2013 corroborated the allegation. All agreed that you made a statement at the meeting to indicate that ADPS C [REDACTED] would be pregnant, or on maternity leave, at the time of the next round of promotions. Your own statement confesses to making a statement at the February 26th meeting regarding her pregnancy. However, you also stated that you support her desire to have children.

While you opined that you were supporting ADPS C [REDACTED]'s desire to have children with your comment, her impression of the comment was quite the opposite; that having children would hamper her career. As a high ranking supervisor within the Division of Parole Command staff, you are held to a higher standard of professional performance than a front-line employee. Your stray comment, in front of a group of subordinate parole officers was inappropriate and unprofessional. Pregnancy should not be a factor in whether a female employee is awarded a promotion. Your specific reference to ADPS C [REDACTED]'s pregnancy in regard to a potential promotional opportunity is a technical violation of the State Policy, regardless of your intent.

Accordingly, there is sufficient information to support a finding of a violation of the NJ State *Policy Prohibiting Discrimination in the Workplace*. Be advised that this matter will be referred to the Director, Division of Parole for appropriate administrative action to address your inappropriate behavior.

This office concurs with the findings made in the EEO investigative report and therefore has adopted their recommendation that there was a violation of the provisions of the NJ State *Policy Prohibiting Discrimination in the Workplace*. Please bear in mind that the State's *Policy* against discrimination in the workplace requires that EEO matters remain confidential and the results of the investigation should not be discussed with others. The State's *Policy* prohibits retaliation against any employee for filing a complaint or participating in an investigation in any capacity. Thus, it shall be a violation of the State's *Policy* for any supervisor or employee to make reprisals against any person because he/she has filed a complaint, testified or assisted in any proceeding under this *Policy*. Threats, other forms of intimidation, and/or retaliation against the complainant or any other party based on involvement in the complaint process shall be cause for appropriate disciplinary action, which may include termination.

You have the right to appeal this determination to the New Jersey Civil Service Commission, Division of Merit System Practices and Labor Relations, Written Record Appeals Unit, P.O. Box 312, Trenton, NJ 08625-0312, postmarked or delivered within 20 days of your receipt of this determination. Your appeal must include a copy of this determination, the reason for the appeal and the specific relief requested. Be advised that effective July 1, 2010, there is a \$20 fee for appeals. Please include a check or money order along with your appeal, payable to NJCSC. Persons receiving public assistance and those qualifying for NJCSC Veterans Preference are exempt from this fee. However, if it is determined that disciplinary action will be taken, the procedures for the appeal of disciplinary action must be followed.

Sincerely,



David W. Thomas
Executive Director

DT/ds

c: Lise-Kirsten Higgins, EEO Officer
Mamta Patel, Director, Division of EEO-AA
File



State of New Jersey
NEW JERSEY STATE PAROLE BOARD

P.O. BOX 862
TRENTON, NEW JERSEY 08625
TELEPHONE NUMBER: (609) 292-4257

CHRIS CHRISTIE
GOVERNOR

KIM GUADAGNO
LT. GOVERNOR

JAMES T. PLOUISIS
CHAIRMAN

SAMUEL J. PLUMERI, JR.
VICE-CHAIRMAN

September 17, 2013

S [REDACTED] T [REDACTED]
[REDACTED]
[REDACTED]

Re: Complaint 2013-22

Dear Mr. T [REDACTED]:

Pursuant to your appeal to the New Jersey Civil Service Commission, Division of Appeals and Regulatory Affairs, alleging discrimination based on a breach of confidentiality, the EEO Unit, conducted an internal investigation to determine whether there was a violation of the NJ State *Policy Prohibiting Discrimination in the Workplace*. Specifically, you allege that District Parole Supervisor (DPS) E [REDACTED] R [REDACTED], Assistant District Parole Supervisor (ADPS) C [REDACTED]'s immediate supervisor, was made aware of the results of the final determination letter before you received your letter in the mail.

Please be advised that this office is in receipt of the final confidential investigative report, which was reviewed in rendering a determination for disposition of the complaint. After a careful review of the report it is clear that the facts and supporting documents presented does not support a claim of discrimination.

A breach of confidentiality of the State *Policy* is substantiated where there is an EEO investigation (active or completed) and a party to the investigation has ignored the directive to maintain the confidentiality provision of the State *Policy*.

The investigation revealed that following the February 2013 Polygraph meeting, ADPS C [REDACTED] approached DPS R [REDACTED] regarding a comment made during the meeting by you. DPS R [REDACTED] referred ADPS C [REDACTED] to the EEO Officer and an investigation into the matter was initiated. DPS R [REDACTED] claims to have no further contact or information regarding the investigation until ADPS C [REDACTED] advised him that the investigation was over and you were found to be at fault. No further details of the investigation were discussed. Subsequently, during a conversation with DPS R [REDACTED], you advised him that you were appealing the EEO decision to the State EEO Division. DPS R [REDACTED] indicated he did not solicit the information, nor were any further details discussed between yourself and DPS R [REDACTED].

DPS R [REDACTED]'s referral to the EEO Unit is proper protocol for a supervisor based on the provisions of the State *Policy*. Such a referral cannot be considered a breach of the confidentiality of the State *Policy*. Furthermore, an unsolicited mention of the intent to file an appeal by you, the original accused of the EEO investigation, cannot be considered a breach of confidentiality by DPS R [REDACTED]. Accordingly, there is insufficient information to support a finding of a violation of the NJ State *Policy Prohibiting Discrimination in the Workplace*.

September 17, 2013

File # 2013-22

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This office concurs with the findings made in the EEO investigative report and therefore has adopted their recommendation that there was not a violation of the provisions of the NJ State *Policy Prohibiting Discrimination in the Workplace*. Please bear in mind that the State's *Policy* against discrimination in the workplace requires that EEO matters remain confidential and the results of the investigation should not be discussed with others even after the original investigation is concluded. The State's *Policy* prohibits retaliation against any employee for filing a complaint or participating in an investigation in any capacity. Thus, it shall be a violation of the State's *Policy* for any supervisor or employee to make reprisals against any person because he/she has filed a complaint, testified or assisted in any proceeding under this *Policy*. Threats, other forms of intimidation, and/or retaliation against the complainant or any other party based on involvement in the complaint process shall be cause for appropriate disciplinary action, which may include termination.

You have the right to appeal this determination to the New Jersey Civil Service Commission, Division of Appeals and Regulatory Affairs, P.O. Box 312, Trenton, NJ 08625-0312, postmarked or delivered within 20 days of your receipt of this determination. Your appeal must include a copy of this determination, the reason for the appeal and the specific relief requested. Be advised that effective July 1, 2010, there is a \$20 fee for appeals. Please include a check or money order along with your appeal, payable to NJCSC. Persons receiving public assistance and those qualifying for NJCSC Veterans Preference are exempt from this fee. However, if it is determined that disciplinary action will be taken, the procedures for the appeal of disciplinary action must be followed.

Sincerely,



David W. Thomas
Executive Director

DT/ds

c: Lise-Kirsten Higgins, EEO Officer
Mamta Patel, Director, Division of EEO-AA
File