

B-357



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Dwight Williams,
Sheriff's Officer (S9999M), Essex
County

List Removal

CSC Docket No. 2015-339

ISSUED: FEB 05 2015 (HS)

Dwight Williams appeals the attached decision of the Division of Classification and Personnel Management (CPM), which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the Sheriff's Officer (S9999M), Essex County eligible list on the basis of an unsatisfactory background report.

The appellant took the open competitive examination for Sheriff's Officer (S9999M), which had a closing date of August 31, 2010, achieved a passing score and was ranked as a non-veteran on the subsequent eligible list, which promulgated June 10, 2011 and expired May 1, 2014. The appellant's name was certified to the appointing authority on August 15, 2013. In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis of an unsatisfactory driving record. Specifically, the appellant's driving record revealed that the appellant's driver's license was suspended between December 19, 2000 and January 18, 2001. In addition, the appellant's driving record reflected the following: four violations for speeding dated July 1, 1993, September 1, 1995, June 5, 2000 and March 23, 2002 respectively; two violations for failure to wear a seatbelt dated September 28, 2009 and September 12, 2010 respectively; and one violation each for obstructing passage, disregarding a stop sign, improper turn, unsafe operation of a motor vehicle, and safety glass requirement dated September 24, 1993, July 27, 1996, April 25, 1999, September 18, 2004 and September 14, 2005 respectively. The appellant appealed to CPM. CPM found that the appointing authority had sufficiently documented and supported its request to remove the appellant's name from the subject eligible list.

On appeal to the Civil Service Commission (Commission), the appellant argues that most of his offenses occurred when he was a younger, inexperienced driver. He also argues that he has made efforts to become a better driver. In support, the appellant submits a certificate of completion for a defensive driving course.

Despite an opportunity, the appointing authority did not submit any arguments.

CONCLUSION

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 Commission to remove an eligible's name from an eligible list for other sufficient reasons. Removal for other 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 appointment. Additionally, the Commission, in its discretion, has the authority to remove candidates from lists for law enforcement titles based on their driving records since certain motor vehicle infractions reflect a disregard for the law and are incompatible with the duties of a law enforcement officer. See *In the Matter of Pedro Rosado v. City of Newark*, Docket No. A-4129-01T1 (App. Div. June 6, 2003); *In the Matter of Yolanda Colson*, Docket No. A-5590-00T3 (App. Div. June 6, 2002); *Brendan W. Joy v. City of Bayonne Police Department*, Docket No. A-6940-96TE (App. Div. June 19, 1998).

The controlling issue in this case is that the appellant's driving record revealed one driver's license suspension between December 19, 2000 and January 18, 2001 and numerous violations over the time period from 1993 to 2010. While the Commission is mindful of the appellant's efforts to improve his driving record, his record at the time of the instant certification revealed a persistent disregard for the motor vehicle laws, behavior that is incompatible with the duties of a law enforcement officer. See *Brendan W. Joy v. City of Bayonne Police Department*, Docket No. A-6940-96TE (App. Div. June 19, 1998). Such conduct is indicative of the appellant's exercise of poor judgment, which is not conducive to the performance of the duties of a Sheriff's Officer. In this regard, it is recognized that a Sheriff's Officer is a law enforcement employee who must help keep order and promote adherence to the law. Sheriff's Officers, like municipal Police Officers, hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and the 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 Sheriff's Officers to present a personal background that exhibits respect for the law and rules.

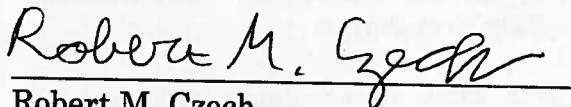
It is noted that although the appellant's name was certified by the appointing authority approximately three years after his most recent violation in 2010, the appellant's driving record as a whole nonetheless demonstrates a pattern of disregard for the law and questionable judgment on his part. These qualities are unacceptable for an individual seeking a position as a Sheriff's Officer. Moreover, the suspension and pattern of violations did not occur at a time so remote from the certification such that the appointing authority was unjustified in basing its request to remove the appellant from the eligible list on his driving record. Accordingly, the appellant's unsatisfactory driving record constitutes sufficient cause to remove his name from the eligible list for Sheriff's Officer (S9999M).

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 4TH DAY OF FEBRUARY, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Written Record Appeals Unit
Civil Service Commission
P.O. Box 312
Trenton, NJ 08625-0312

Attachment

- c. Dwight Williams
Armando Fontoura
Kenneth Connolly



Chris Christie
Governor
Kim Guadagno
Lt. Governor

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

Robert M. Czech
Chair/Chief Executive Officer

July 21, 2014

Dwight A. Williams

Title: Sheriffs Officer
Symbol: S9999M
Jurisdiction: Essex County
Certification Number: OL131099
Certification Date: 08/15/13

Initial Determination: Removed – Unsatisfactory Background Report

This is in response to your correspondence regarding the removal of your name from the Sheriffs Officer eligibility list in association with the certification cited above.

The Appointing Authority requested removal of your name in accordance with N.J.A.C. 4A:4-4.7(a)11, which permits the removal of an eligible candidate's name from the eligible list for "valid reasons as determined by the Chairperson of the Civil Service Commission or designee".

In support of its decision, the Appointing Authority provided a Background Investigation Report dated January 25, 2014 and a copy of your driving abstract record. Based on this information, the Appointing Authority states that you have had multiple motor vehicle infractions which exhibit a pattern of disregard for motor vehicle laws.

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 decision to remove your name has been sustained and the appeal is denied.

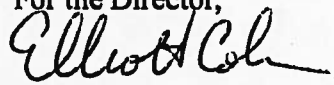
In accordance with Merit System Rules, you may appeal this decision to the Division of Appeals and Regulatory Affairs (DARA) within 20 days of receipt of this letter. You must submit all proofs, arguments and issues which you plan to use to substantiate the issues raised in your appeal. Please submit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

Sincerely,
For the Director,

Elliott Cohen
Human Resource Consultant
Certifications Unit

Armando Fontoura, Sheriff
Sheriff's Office

