

B-39



STATE OF NEW JERSEY

In the Matter of Salik Wilson,  
Correction Officer Recruit (S9988R),  
Department of Corrections

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-850

List Removal Appeal

ISSUED: FEB 09 2015 (SLK)

Salik Wilson appeals the attached determination of the Division of Classification and Personnel Management<sup>1</sup> (CPM) upholding the removal of his name from the eligible list for Correction Officer Recruit (S9988R), Department of Corrections, on the basis of an unsatisfactory background report.

By way of background, the appellant's name appeared on certification JU13D01 that was issued to the appointing authority on May 23, 2013. In disposing of the certification, the appointing authority requested the removal of the appellant's name, contending that he had an unsatisfactory background report. Specifically, it presented that that the appellant lacked the requirements for the position as he had an active Final Restraining Order (FRO) which prohibited him from possessing a firearm. The appellant appealed the matter of the removal of his name from the subject list to CPM, which found that the appointing authority sustained its request.

On appeal, Mr. Wilson states that he does know what is unsatisfactory about his background and that the appointing authority has not explained this to him. Further, he submits a Final Order of Expungement indicating that the FRO against him was vacated on March 21, 2014. Mr. Wilson also submits other documents showing that various legal matters against him have been dismissed.

<sup>1</sup> Now the Division of Agency Services.

In response, the appointing authority notes that its removal letter was dated February 28, 2014 and that his active FRO was not dismissed until March 21, 2014. Therefore, it argues that the dismissed restraining order should not be considered. Further, the appointing authority provides that in order for the appellant to be eligible for the subject title, he would need to obtain Police Training Commission Certification (PTC) which requires training in the use of firearms and the ability to carry a firearm. It highlights that Mr. Wilson could not meet this mandatory requirement for the position, as at the time he applied, he had an active FRO for domestic violence and his name appeared in the Domestic Violence Central Registry as a person prohibited against weapon possession. Additionally, the appellant's employment application indicates a lengthy history of adverse interactions with law enforcement. Further, the appellant only indicated on his employment application that he had received a Temporary Restraining Order (TRO) against him when in fact he had failed to disclose that a FRO had been issued against him. Moreover, Mr. Wilson was involved in several other domestic violence incidents which resulted in TROs against him, which were later dismissed by the victims. Finally, the appointing authority presents that the appellant's employment application lists 17 criminal charges filed against him with the most recent occurring March 10, 2013. As such, it argues that Mr. Wilson has a history of behavior in his personal life that is inconsistent with the standards expected of a law enforcement officer and that he has demonstrated behavior that indicates his disregard for the law.

## 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 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. Under *N.J.S.A. 2C:39-7*, a person who has been convicted of a disorderly persons offense involving domestic violence is prohibited from having a weapon. In this matter, a FRO had been issued against the appellant which was still active at the time his name was certified for appointment consideration that prohibited him from possessing a weapon. Therefore, it was appropriate to remove his name from the list since training with firearms and the ability to carry a firearm is a prerequisite for the position. *See In the Matter of Teresa Meyers* (MSB, decided June 8, 2005) (Proper to remove appellant from Sheriff's Officer list since final restraining order issued against her prohibited her from carrying or purchasing a firearm). Further, even as the FRO has now been dismissed, under State law, while such an expungement will remove the prohibition for such an individual to possess a firearm, it does not eradicate the

fact of the conviction and can be used as *prima facie* but rebuttable evidence that the individual lacks good character and precludes the individual from possessing a firearm unless he or she rebuts that evidence. *In re Application for Pistol Permit*, 130 N.J. Super. 21, 27-29 (Co. Ct. 1974). Thus, the appellant's removal from the eligible list may still be warranted under the criteria enumerated in N.J.S.A. 11A:4-11 and N.J.A.C. 4A:4-4.7(a)4. See *In the Matter of Ronnie Roy Wine* (MSB, decided September 10, 1998).

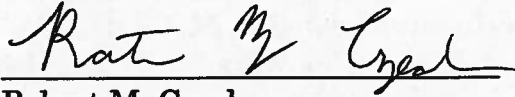
Additionally, the appellant's background report indicates that he has a lengthy history of adverse interactions with law enforcement as evidenced by several domestic violence incidents which resulted in TROs and 17 criminal charges filed against him, the most recent incident occurring on March 10, 2013, which is only several months prior to his submitting his employment application. While all of the charges against the appellant have either been dismissed or expunged, this does not preclude the appointing authority from seeking his removal from the eligible list. See *In the Matter of Robert L. Robinson* (MSB, decided January 16, 2008) (Due to the nature of the title, a candidate for Juvenile Detention Officer may be disqualified from the position notwithstanding the candidate's presentation of a pardon or expungement). See also, *In the Matter of Martin V. Carluccio* (MSB, decided May 21, 2008). Further, it is also noted that the appellant has not provided any evidence to rebut the appointing authority's claim that he lacks good character. In this regard, the public expects Correction Officers to present a personal background that exhibits respect for the law and rules. The Commission is mindful 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). Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his 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 4<sup>th</sup> DAY OF FEBRUARY, 2015**



**Robert M. Czech  
Chairperson  
Civil Service Commission**

**Inquiries  
and  
Correspondence**

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

**Attachments**

**c: Salik Wilson  
James Mullholland  
Kenneth Connolly**



Chris Christie  
*Governor*  
Kim Guadagno  
*Lt. Governor*

STATE OF NEW JERSEY  
**CIVIL SERVICE COMMISSION**  
DIVISION OF STATE AND LOCAL OPERATIONS  
P. O. Box 313  
Trenton, New Jersey 08625-0313

Robert M. Czech  
*Chair/Chief Executive Officer*

September 23, 2014

Salik Wilson

**Title Correction Officer Recruit**  
**Symbol: S9988R**  
**Jurisdiction: Department of Corrections**  
**Certification Number: JU13D01**  
**Certification Date: 05/23/2013**

**Initial Determination: Removal – Unsatisfactory Background Report**

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:4-4.7(a)4 which permits the removal of an eligible candidate's name from the eligible list for unsatisfactory background history.

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 and Regulatory Affairs (DARA) 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 DARA. You must put all parties of interest on notice of your appeal and provide them with copies of all documents submitted for consideration.

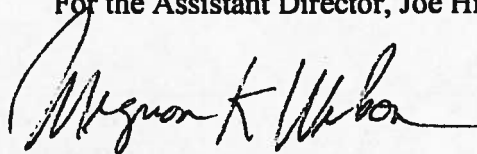
Please be advised that pursuant to P.L. 2010, c.26, effective July 1, 2010, there shall be a \$20 fee for appeals. Please include the required \$20 fee with your appeal. Payment must be made by check or money order only, payable to the NJ CSC. Persons receiving public assistance pursuant to P.L. 1947, 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:

Salik Wilson

Page 2

Henry Maurer, Director  
Appeals and Regulatory Affairs  
Written Record Appeals Unit  
PO Box 312  
Trenton, NJ 08625-0312

Sincerely,  
For the Assistant Director, Joe Hill Jr.

A handwritten signature in black ink, appearing to read "Mignon K. Wilson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mignon K. Wilson  
Human Resource Consultant