

B-90



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of S.G.-G.,
Department of Corrections

CSC Docket Nos. 2011-1517 and
2015-808

Sick Leave Injury Appeal
Discrimination Appeal

ISSUED: FEB 09 2015 (DASV)

S.G.-G., a Correction Sergeant with the Adult Diagnostic and Treatment Center,¹ Department of Corrections (DOC), represented by Luretha M. Stribling, Esq., appeals the denial of sick leave injury (SLI) benefits. Additionally, the appellant appeals the attached determination of the Director of the Office of Employee Relations, Office of the Governor, stating that the appellant failed to present sufficient evidence to support a finding that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).²

The appellant, an African-American female, filed an Employer's First Report of Accidental Injury or Occupational Disease on August 1, 2010, indicating that on July 1, 2010, she was suffering from post-traumatic stress disorder due to discrimination, harassment, and retaliation at work as a result of her protected membership under the Holland Consent Decree. The appellant requested SLI benefits from August 2, 2010 through January 1, 2011. In a letter dated September 2, 2010, the appointing authority denied the request, stating that the incident which was causing the appellant's illness could not be considered "traumatic" in nature for receipt of SLI benefits.

¹ At the time of her request, the appellant was a Senior Correction Officer and assigned to Northern State Prison.

² It is noted that the SLI appeal was held pending the determination of the appellant's discrimination complaint.

The appellant filed an appeal to the Civil Service Commission (Commission) and presented a report, dated July 6, 2010, from Dr. Sheryl Thailer, a personal physician. Dr. Thailer reported that the appellant was hired in 1996 under the Holland Consent Decree and although no one was supposed to know the circumstances of her appointment, the information became known to other employees. The appellant then became a "target of harassment, a hostile work environment and discrimination." For instance, Dr. Thailer stated that the appellant was subjected to sexual advances made towards her by fellow employees and superiors; had been ostracized on a website by fellow correction officers; subjected to obscene comments, foul language, and gender-based and derogatory comments and threats; and had changes made to her assignments which were done specifically to punish her. Moreover, the appellant asserted to Dr. Thailer that her superiors were seeking retribution for her filing a 2009 federal lawsuit. Additionally, the appellant had been "written up for things that other officers do not suffer consequences for" and "fellow officers have endangered her life by failing to back her up with dangerous inmates and tampering with her gun and keys." Based on her evaluation, Dr. Thailer diagnosed the appellant with post-traumatic stress disorder and major depression. Dr. Thailer recommended that the appellant undergo regular psychotherapy and cognitive-behavioral therapy. She also suggested that given the appellant's work environment, "a change in her job position would be most desirable." The appellant also submitted a letter from Dr. Thailer, dated September 22, 2010, indicating that she had been treating the appellant since July 2010 for psychological symptoms which occurred as a result of "sexual harassment, hostile work environment, and racial and gender discrimination by her employer." Dr. Thailer further stated that the appellant has been "consistent in her reports of being frightened to go back to work."

In response, the appointing authority asserted that the appellant had failed to establish that her condition was due to her work environment. It also maintained that the appellant's condition did not appear to reach the level of "traumatic" to warrant receipt of SLI benefits. Moreover, the appointing authority contended that the appellant did not provide witness statements or documentation to support her claims of discrimination, harassment, or retaliation. However, it noted that the appellant had filed a discrimination complaint which was pending at the time. Further, the appointing authority argued that day-to-day stress of a job is not a sufficient basis for receipt of SLI benefits.

The appellant replied that the appointing authority's response was dated November 10, 2010, but her attorney did not receive the submission until November 30, 2010. Thus, the appellant requested that the appointing authority's response "be disregarded for failure in serving the documents" on her attorney "at the same time that the documents" were submitted to the Commission.³ Moreover, the

³ It is noted that there is no jurisdictional statutory timeline within which a party is required to respond to an appeal. The Commission can expand this time period or limit it depending on the case.

appellant disputed that she has been subjected to "the normal stresses of the job." Rather, she maintained that her complaints filed with DOC's Equal Employment Division (EED) support the fact that she has been continuously subjected to discrimination, sexual harassment, and a hostile work environment over a long period of time. It is noted that, as set forth below, the appellant had filed six discrimination complaints between the end of 2006 and March 2008. She also filed another complaint on March 4, 2009, which is the subject of the present discrimination appeal. Therefore, the appellant contended that she is entitled to SLI benefits.

Prior to the appellant's request for SLI benefits, the appellant had filed a federal complaint on March 4, 2009, naming the DOC as a defendant and alleging discrimination, sexual harassment and retaliation. She identified L.S., an African-American male and then a Deputy Commissioner with the Department of Corrections,⁴ as having "sexually harassed/groped" her. Specifically, the appellant alleged that in March 2007, "while [she] was forced out of work, [she] was sexually harassed and groped by [L.S.] during a meeting, who stated to [her] that the reason [she] was out of work is because [she wanted] to write complaints, grievances, and press criminal charges and [t]his is what happen[s] when you go against the system." The appellant also complained that she had filed numerous complaints with DOC's EED and "nothing" had been done. Her complaints were "turned around to [her] being accused." Due to a conflict of interest, this agency's Division of Equal Employment Opportunity/Affirmative Action (EEO/AA) conducted an investigation of the appellant's claims which had implicated the State Policy.⁵ However, the investigation did not substantiate the appellant's allegations. In the attached determination, dated September 4, 2014, it was noted that the Division of EEO/AA had requested an audio tape that supposedly recorded the meeting where L.S. "hugged" the appellant. Although the recording was played during the appellant's interview by the investigator of her complaint, it was not supplied to the Division of EEO/AA. The investigator could not determine if the recording supported the appellant's allegations. Thus, the Division of EEO/AA could not find evidence to corroborate that L.S. had groped or sexually harassed the appellant or made any of the alleged comments to her. Moreover, the determination listed the appellant's various discrimination complaints and indicated that they were investigated and appropriate action had been taken on each complaint.

In this case, the appellant's attorney received the appointing authority's response 20 days after the reply was dated and had an opportunity to respond. The Commission does not find this service to be untimely or that it disadvantaged the appellant in any way. Therefore, there is no basis to disregard the appointing authority's submission.

⁴ L.S. was subsequently appointed to an Assistant Commissioner position and was then returned to his permanent title of Classification Officer 3. He was eventually removed from employment effective October 14, 2010.

⁵ Claims in the appellant's complaint that had already been investigated and determined or which failed to identify a specific person were not investigated.

On appeal to the Commission regarding her discrimination complaint, the appellant maintains that she was sexually harassed by L.S. and the EED failed to investigate her complaints between 2006 and March 2008. The appellant requests further investigation of her claims "and an opportunity to be heard on all matters."

In response, the Division of EEO/AA maintains that its investigation was thorough and consisted of interviewing several witnesses and reviewing relevant documentation. It contends that the investigator could not determine from the initial review of the audio tape as to whether the appellant's allegations had been supported. Therefore, the Division of EEO/AA requested a copy of the audio tape, which was not provided. Accordingly, it could not find evidence of a violation of the State Policy. In addition, the Division of EEO/AA indicates that between the end of 2006 and March 2008, the appellant had filed six complaints with DOC's EED, which included allegations of race, age, and gender-based discrimination, retaliation, and sexual harassment. The determination of the first three complaints was issued by letter dated February 1, 2007. The determination of the fourth complaint was rendered on May 17, 2007. The last two complaints were addressed by the DOC in a determination letter dated April 28, 2008. Investigations of the complaints had been conducted by DOC's EED, but no violations of the State Policy could be found. However, corrective action had been recommended and approved by DOC's Commissioner regarding the appellant's general working environment and workload issues. In this regard, the Division of EEO/AA states that a memo to L.S. was issued on May 16, 2007 by the Commissioner and the EED, indicating that although no State Policy violation was found, an "unprofessional and negative environment" existed and that it should be reviewed and addressed. Moreover, on April 28, 2008, a memo was issued to the Administrator of Northern State Prison, advising him that the appellant's allegations of discrimination were not substantiated but requesting that he review the issue of providing additional assistance for certain positions, including the appellant's position as a "Center Locator."

Additionally, the Division of EEO/AA indicates that the appellant filed an appeal to the Commission with regard to the April 28, 2008 determination, but it was denied. See *In the Matter of S.G.* (CSC, decided May 13, 2009).⁶ It is noted that in her complaints for that appeal, the appellant had alleged gender discrimination and retaliation, which included a claim of retaliation based on her protected membership under the Holland Consent Decree. Regarding the appellant's appeal,

⁶ The appellant also filed a discrimination complaint in December 1997 when she was assigned to Albert C. Wagner Youth Correctional Facility, wherein she alleged that "since she was awarded back seniority, she was reassigned to different shifts, subjected to sexual comments and retaliated against for 'writing up' a co-worker." The complaint was not substantiated and her appeal of that complaint was denied. See *In the Matter of S.G.* (MSB, decided January 17, 2001).

the Division of EEO/AA asserts that the appellant has the burden of proof, but she has not presented any evidence to corroborate her allegations.

In reply, the appellant submits a transcript of the audio tape recording of the meeting with L.S. on March 8, 2007. She contends that the transcript was provided to "counsel" in the federal lawsuit and was available to the Division of EEO/AA. The appellant maintains that the "very things [she] complained of are noted in the transcribed communication with [L.S.]." It is noted that the appellant does not specifically identify what these "very things" are in the transcript.

Moreover, the appellant reiterates that there was a failure to investigate her concerns. She asserts that she was not aware of the corrective actions or provided copies of these recommendations regarding her prior complaints and requests that this information be forwarded to her. It is noted that attached to the Commission's decision, *In the Matter of S.G., supra*, was the April 28, 2008 determination of the DOC, which indicated that the determination was mailed to the appellant's home address and specifically advised the appellant that "your claim that the second shift Center Locator position is in need of assistance is being returned to the administration at Northern State Prison for review to determine whether the safety and/or security of the institution is being jeopardized." The appellant also disputes that a thorough investigation was conducted in the instant matter and requests a hearing at the Office of Administrative Law.

CONCLUSION

Initially, the appellant requests a hearing with regard to her appeals. However, SLI and discrimination appeals are generally treated as reviews of the written record. See *N.J.S.A. 11A:2-6(b)* and *N.J.A.C. 4A:7-3.2(m)3*. Hearings are granted in those limited instances where the Commission determines that a material and controlling dispute of fact exists which can only be resolved through a hearing. See *N.J.A.C. 4A:2-1.1(d)*. No material issue of disputed fact has been presented which would require a hearing. See *Belleville v. Department of Civil Service*, 155 *N.J. Super.* 517 (App. Div. 1978).

Discrimination Appeal

With regard to the merits of the appellant's case, *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, 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. Additionally, retaliation against

any employee who alleges that she or he was the victim of discrimination/harassment, provides information in the course of an investigation into claims of discrimination/harassment in the workplace, or opposes a discriminatory practice, is prohibited by this policy. No employee bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall be subjected to adverse employment consequences based upon such involvement or be the subject of other retaliation. See *N.J.A.C. 4A:7-3.1(h)*. Moreover, the appellant shall have the burden of proof in all discrimination appeals. See *N.J.A.C. 4A:7-3.2(m)4*.

The Commission has conducted a review of the record and finds that a thorough investigation of the appellant's discrimination complaint was conducted. The investigation included interviewing witnesses and reviewing pertinent documents. No testimony or evidence was found to corroborate the appellant's claims that she had been discriminated, sexual harassed, or retaliated against in violation of the State Policy. Moreover, the transcript that she provides on appeal does not support her allegations. The transcript does not have any reference or suggestion that L.S. "sexually harassed/groped" the appellant, "hugged" her, or otherwise acted or uttered statements in violation of the State Policy. Rather, it appears that a meeting was held to discuss the appellant being "pulled" from her post and her claim of being "banned." She also complained that she was being harassed by area supervisors. The transcript does not verify that L.S. stated to the appellant that the reason she was out of work was because "[she wanted] to write complaints, grievances, and press criminal charges and [t]his is what happen[s] when you go against the system." The closest statement by L.S. in the transcript is as follows: "I can't help you because you file EED, you file criminal charge, you go to the chief of staff." Nonetheless, L.S. repeatedly told the appellant that he is trying to help her and not hurt her. However, L.S. did note that the appellant appeared to have been the "aggressor" in an incident that was under investigation. In addition, the investigation found that all of the appellant's prior complaints were investigated and addressed. The appellant also pursued an appeal with the Commission regarding the 2008 determination of two of her complaints. However, the appeal was denied. Therefore, the appellant's allegation that DOC's EED failed to take action with respect to her complaints between the end of 2006 and March 2008 is unfounded. Further, as indicated by the Commission in the *In the Matter of S.G., supra*, there was no record of the appellant filing any other appeal for the 2006 through March 2008 complaints. As such, the previous complaints are not properly before the Commission on appeal. Under these circumstances, the appellant has failed to meet her burden of proof, and no basis exists to find a violation of the State Policy. See *N.J.A.C. 4A:7-3.2(m)4*.

SLI Appeal

Regarding the appellant's SLI appeal, according to uniform SLI regulations, in order to be compensable, an injury or illness resulting in disability must be work related and the burden of proof to establish entitlement to SLI benefits by a preponderance of the evidence rests with the appellant. See *N.J.A.C. 4A:6-1.6(c)* and *N.J.A.C. 4A:6-1.7(j)*.⁷ Moreover, *N.J.A.C. 4A:6-1.6(d)*⁸ provides that a psychological or psychiatric illness is not compensable, except when such illness can be traced to a specific work-related accident or occurrence which traumatized the employee thereby causing the illness, and the claim is supported by medical documentation. In *In the Matter of Marie Bennett*, 335 *N.J. Super.* 518 (App. Div. 2000), the Court held that the former Merit System Board's (Board's)⁹ construction of the rule was inconsistent with the "regulatory intent" and not entitled to deference. The Court determined that the use of the language "specific occurrence" rather than "single incident" indicated that the "regulation was intended to encompass a broader array of causal events." Since an occurrence need not be a "sudden event, but may be a process," the Court stated that it did not accept the Board's interpretation of its rule in this case. It is noted that in *Bennett*, the appellant filed a sexual harassment complaint against her supervisor with the Office of Equal Employment Opportunity and Affirmative Action of the Department of Human Services (DHS). The DHS conducted an investigation, which revealed that the supervisor violated departmental policy prohibiting sexual harassment. The supervisor was subsequently disciplined.

In the instant matter, the appellant requested SLI benefits due to discrimination, harassment, and retaliation at work as a result of her membership under the Holland Consent Decree. Dr. Thailer had diagnosed the appellant with post-traumatic stress disorder and major depression. Specifically, Dr. Thailer reported that the appellant was hired in 1996 under the Holland Consent Decree and she then became a "target of harassment, a hostile work environment and discrimination" upon the circumstances of her appointment being disclosed. However, based on the standard articulated in *Bennett, supra*, the appellant has failed to establish an entitlement to SLI benefits. The investigation of the appellant's discrimination complaint and her appeal of that complaint, as set forth thoroughly above, could not substantiate a State Policy violation. The investigation of her other discrimination complaints and prior appeal also did not find evidence to support her claims. It is noted that, but for allegations of sexual harassment, the incidents that the appellant describes about her work, even assuming that they

⁷ The SLI program has expired for entry level State Correctional personnel for injuries occurring on or after July 1, 2011. See *N.J.A.C. 4A:6-1.6(a)3*.

⁸ This rule was formerly codified as *N.J.A.C. 4A:6-1.6(c)5*.

⁹ On June 30, 2008, Public Law 2008, Chapter 29 was signed into law and took effect, changing the Board to the Commission, abolishing the Department of Personnel and transferring its functions, powers and duties primarily to the Commission.

occurred, cannot be considered to be sufficiently traumatizing, pursuant to the interpretation of *N.J.A.C. 4A:6-1.6(d)5*, to entitle the appellant to SLI benefits. See e.g., *In the Matter of Troy Muse* (MSB, decided October 5, 2005) (Altercation between two co-workers and the appellant's reaction to his co-worker's vile language and crude behavior was a personal reaction to a work situation and not an objectively traumatizing event that warranted SLI benefits) and *In the Matter of Dominick DiPoto* (MSB, decided July 25, 2000) (Alleged physical confrontation with supervisor not objectively traumatizing). Compare, *Bennett, supra*; *In the Matter of Nancy Goebel* (MSB, decided July 7, 1998) (SLI granted to Human Services employee who was traumatized when learning that she was in house with murderer and murdered client's body); *In the Matter of Clifford Moon* (MSB, decided October 20, 1992) (SLI granted to employee who was traumatized after witnessing supervisor fall to his death from scaffolding). Moreover, it must be emphasized that an illness caused by the day-to-day stress of the job is generally not a sufficient ground for making a valid claim for SLI benefits. See e.g., *In the Matter of Trent Davis*, Docket No. A-5523-97T1 (App. Div. November 29, 1999); *In the Matter of Barbara Kahler* (MSB, decided January 14, 1997), and *In the Matter of De'Lise Temple* (MSB, decided November 21, 1995). Accordingly, a thorough review of the record indicates that the denial of SLI benefits by the appointing authority was proper and the appellant has failed to meet her burden of proof.

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 4TH DAY OF FEBRUARY, 2015

Richard E. Williams

Richard E. Williams
Member
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals
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Attachment

c: **S.G.-G.**
Luretha M. Stribling, Esq.
Mamta Patel
Victoria Kuhn
Elizabeth Whitlock
Lisa Weitz
John Teubner
Joseph Gambino



State of New Jersey
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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

MICHAEL J. DEB
Director

September 2, 2014

VIA REGULAR AND CERTIFIED MAIL

S. G. - G.

Re: Discrimination Complaint
Division of EEO/AA File No.: 2009-208

Dear Ms. G. G.:

The Division of Equal Employment Opportunity and Affirmative Action ("Division of EEO/AA") reviewed your Federal Court Complaint, S. G. - G. v. N.J. Department of Corrections, et al., Docket # 2009-954, filed March 4, 2009, in which you allege discrimination, sexual harassment and retaliation. Specifically, among other allegations, you allege you were "sexually harassed/groped" by Department of Corrections, ("DOC") former Deputy Commissioner L. S. and that although you filed numerous complaints with the Equal Employment Division ("EED") at the DOC, "nothing was done on [your] behalf."

The complaint was forwarded to the Division of EEO/AA by the DOC/EED because of a conflict. The Division of EEO/AA conducted a thorough and impartial investigation pursuant to the *State Policy Prohibiting Discrimination in the Workplace* ("State Policy"), during which individuals were interviewed and relevant information was reviewed. The investigation failed to substantiate your allegations of harassment against Mr. S. or the alleged failure to take action on your complaints against the EED.

Pursuant to Executive Order No. 44, Paragraph 6, the Governor conferred upon the Director of the Office of Employee Relations, the power and duty, in decision making conflict situations, to review the investigative reports prepared by or on behalf of the Division of EEO/AA, issue a final letter of determination as to whether the allegations of the violations have been substantiated, and if so, determine the appropriate corrective measures.

Preliminarily, the investigation was limited to your allegations of sexual harassment against Mr. S [REDACTED] and the alleged failure to act or investigate against the EED. The remainder of the allegations as alleged in your Federal Court Complaint were not investigated because they either did not implicate the *State Policy*, already had been investigated by the EED or because you failed to identify those individuals who you alleged made the inappropriate comments at issue.

I have reviewed the Division of EEO/AA's investigative report and adopt the findings as discussed below.

In your Federal Court Complaint, you allege in pertinent part:

- In February/March 2007 while I was forced out of work, I was sexually harassed/groped by now Deputy Commissioner L [REDACTED] S [REDACTED] during a meeting, who stated to me that the reason I was out of work is because "I want to write complaints, grievances, and press criminal charges," and "This is what happened when you go against the system."
- Several formal complaints were made to the E.E.D. but nothing was done on my behalf. My complaints were turned around to me being accused.

Each allegation is addressed below.

Sexual Harassment Against Mr. S [REDACTED]

You allege that Mr. S [REDACTED] "groped/sexually harassed" you during a meeting in February or March 2007. You further allege that Mr. S [REDACTED] told you that the reason you were out of work was that "[you] want to write complaints, grievances, and press criminal charges..." and "this is what happened when you go against the system." The investigation did not substantiate these allegations.

During the investigation, Mr. S [REDACTED] denied your allegation that he purportedly "groped/sexually harassed" you during any meeting and denied making the comments referenced in your complaint. Regarding your allegation that Mr. S [REDACTED] "groped/sexually harassed" you, the only evidence you identified to support the allegation was an audio tape of a meeting during which you contend Mr. S [REDACTED] hugged you. While you did play the audio tape during your interview with the investigator, the investigator could not determine from the initial review that the audio tape supported your allegation.

On July 28, 2011, the Division of EEO/AA requested a copy of the audio tape to further review. In response, you instructed the Division of EEO/AA to contact your attorney, Luretha

Stribling, Esquire. In a letter dated October 1, 2011, the Division of EEO/AA requested a copy of the audio tape from your attorney. At that time, the Division of EEO/AA advised your attorney that as the complainant, you carry the burden of proof and, therefore, should provide any relevant evidence to support your claim of discrimination or harassment. The Division of EEO/AA further advised Ms. Stribling that if the audio tape were not provided, a determination would be issued without consideration of the recording. Neither you nor your attorney provided a copy of the audio tape. Given that you failed to provide any evidence to corroborate your allegations that Mr. S [REDACTED] "groped/sexually" harassed you or made any of the comments referenced in your complaint, the Division of EEO/AA's investigation did not substantiate a violation of the *State Policy*.

Failure to Investigate by the EED

You allege that you filed numerous complaints with the EED, however "nothing was done on [your] behalf." The investigation revealed that between the end of 2006 and March 2008, you filed six complaints with the EED. The first three complaints dated December 28, 2006, January 2, 2007 and January 23, 2007, respectively, were addressed in the DOC/EED's determination letter dated February 1, 2007. The fourth complaint received by EED on February 23, 2007, was addressed in the DOC/EED's determination letter dated May 17, 2007. The last two complaints, one dated November 19, 2007 and the second received by the EED on March 5, 2008, were both addressed in the DOC/EED's determination letter dated April 28, 2008.

While none of the investigations found a violation of the *State Policy*, corrective actions were recommended by DOC/EED and approved by the Commissioner relative to your general working environment and certain workload issues. Moreover, a review of the determination letters confirms you were advised of your opportunity to appeal the DOC/EED's determination letters to DARA. The only appeal you filed concerned the April 28, 2008 determination letter, which appeal was denied by DARA on May 13, 2009. Accordingly, while you may not have agreed with the determinations relating to your various EED complaints, it is clear that the EED investigated and took appropriate action with respect to each complaint. For these reasons, the Division of EEO/AA did not substantiate your allegation that the EED failed to take action relative to your formal complaints.

Based on the evidence provided, the Division of EEO/AA's investigation did not substantiate a violation of the *State Policy*. Therefore, no further action will be taken regarding your allegations of harassment and failure to investigate by the EED.

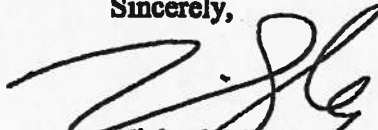
If you disagree with this determination, you have the right to file an appeal with the New Jersey Civil Service Commission within 20 days of your receipt of this letter. **The burden of**

proof is on the Appellant. The appeal must be in writing, state the reason(s) for the appeal and specify the relief requested. All materials presented at the department level and a copy of this determination letter must be included. The appeal should be submitted to the NJ Civil Service Commission, Director of the Division of Appeals and Regulatory Affairs, P.O. Box 312, Trenton, NJ 08625-0312. 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, payable to the "NJ CSC." Persons receiving public assistance pursuant to 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.

At this time, I would like to remind you that the *State Policy* prohibits retaliation against any employee who files a discrimination complaint or participates in a complaint investigation or opposes a discriminatory practice. Furthermore, this matter remains confidential and the results of the investigation must not be discussed with others.

If you have any questions, please contact Victoria Kuhn, Director, Equal Employment Division, Department of Corrections, at (609) 826-5668.

Sincerely,



Michael J. Dee
Director

c: Victoria Kuhn, Director, Equal Employment Division,
Department of Corrections
Mamta Patel, Esq., Director, Division of EEO/AA,
Civil Service Commission

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