

B-6



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Maria Yap-Attia,
Police Officer (S9999M), Union Beach

List Removal

CSC Docket No. 2014-2722

ISSUED: APR 17 2015 (HS)

Maria Yap-Attia 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 Police Officer (S9999M), Union Beach eligible list on the basis of an unsatisfactory driving record.

The appellant took the open competitive examination for Police Officer (S9999M), achieved a passing score and was ranked as a non-veteran on the subsequent eligible list. The eligible list promulgated June 10, 2011 and expired May 1, 2014.¹ The appellant's name was certified to the appointing authority on May 22, 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. The appellant's driving record revealed a total of 10 orders of suspension between 1999 and 2011 for violations of the Parking Offenses Adjudication Act and for being an Uninsured Motorist. 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 she has avoided parking tickets for a period of time and that her driving

¹ In *In the Matter of Entry Level Law Enforcement Exam (S9999M)* (CSC, decided June 5, 2013), the Civil Service Commission extended the June 9, 2013 expiration date of the eligible list until the eligible list for Entry Level Law Enforcement Exam (S9999R) became available.

record does not reflect any moving violations. She also argues that she has always abided by the rules and regulations of the Motor Vehicle Commission and the Department of Transportation and has practiced defensive driving. In support, the appellant submits a reference letter endorsing her candidacy.

In response, the appointing authority notes that the appellant's driving record reflected three orders of suspension in 2011 and five in the period from 2009 to 2013 and argues that her driving record was an appropriate basis upon which to disqualify the appellant from consideration.

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 numerous orders of suspension. Although these suspensions primarily related to violations of the Parking Offenses Adjudication Act, certain suspensions also related to being an Uninsured Motorist. While the Commission is mindful of the appellant's efforts to improve her driving record, the appellant's 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 municipal Police Officer. In this regard, it is recognized that a municipal Police Officer is a law enforcement employee who must help keep order and promote adherence to the law. 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 municipal Police Officers to present a personal background that exhibits respect for the law and rules. Moreover, the appellant's suspensions did not occur at a time so remote from

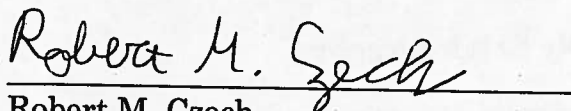
the certification such that the appointing authority was unjustified in basing its request to remove the appellant from the eligible list on her driving record. Accordingly, the appellant's unsatisfactory driving record constitutes sufficient cause to remove her name from the eligible list for Police 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 15TH DAY OF APRIL, 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. Maria Yap-Attia
Robert M. Howard, Jr.
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

March 25, 2014

Maria Yap-Attia

Title: Police Officer
Symbol: S9999M
Jurisdiction: Union Beach
Certification Number: OL130713
Certification Date: May 22, 2013

Initial Determination: Removal – Unsatisfactory driving record

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) 9*, which permits the removal of an eligible candidate's name from the eligible list for unsatisfactory driving record.

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.

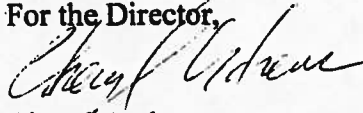
Please be advised that in accordance with Civil Service Rules, you may appeal this decision to the Division of Appeals and Regulatory Affairs (DARA) within 20 days of the receipt of this letter. You must submit all proofs, arguments and issues which you plan to use to substantiate the issues raised in 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:

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

Sincerely,

For the Director,

A handwritten signature in cursive script, appearing to read "Cheryl Andrews".

Cheryl Andrews
Human Resource Consultant 2

c: Anne Marie Friscia

