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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of C.R., Department of
the Treasury

Discrimination Appeal

CSC Docket No. 2015-1690

ISSUED: APR 20 2015

(SLD)

C.R., a former Senior Claims Reviewer, Health Services¹ with the Department of the Treasury, appeals the attached determination of the Office of Equal Employment Opportunity/Affirmative Action and Diversity Programs (EEO/AA), 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).

After the appellant's unclassified appointment was terminated, effective August 1, 2014, she filed a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and the New Jersey Division on Civil Rights (DCR) alleging differential treatment based on her race (African American) by her supervisor M.C., a Caucasian Supervising Medical Review Analyst. Additionally, she asserted that management denied her request for a reassignment due to her race, although non-African American employees' requests were granted. The appellant additionally claimed that the termination of her unclassified appointment was also racially motivated since another less senior, less qualified, non-African-American employee was subsequently assigned her job duties.

On October 1, 2014, her complaint was forwarded to the EEO/AA, which investigated the matter by interviewing the appellant, M.C. and management; and reviewing relevant documents including personnel records and e-mails. Based on

¹ Agency records indicate that her unclassified appointment was terminated, effective August 1, 2014.

its investigation, the EEO/AA found that the appellant's employment was terminated due to her poor job performance and not her race. In this regard, it noted that her performance evaluations, and other documentation, including e-mails, revealed that the appellant failed to comply with or respond to her supervisor's directives, consistently made errors and items were missing from her work products. The EEO/AA also noted that the investigation did not establish that she was treated differently than other employees due to her race, because her reassignment request was denied. In this regard, it noted that the three non-African-American employees she named were moved for legitimate business reasons. Specifically, one was moved due to his background, experience and job performance and the other two were moved due to operational necessity. Finally, with regard to her claim that her job duties were assumed by another less senior, less qualified employee after her termination, the investigation revealed that the named employee was not performing the appellant's previous duties, as those specific duties were no longer being performed.

On appeal, the appellant reiterates her allegations and argues that a mistake was made. Initially, she notes that she had previously been in a career service title with the Department of Human Services, however, upon her unit's transfer to the Office of the Comptroller, she was appointed to the title of Senior Claims Reviewer, Medical Assistance.² The appellant asserts that prior to her transfer she had been an excellent employee whose five promotions attest to that fact.³ The appellant also argues that she had good performance evaluations until M.C. became her supervisor and began failing the appellant for things other employees did. The appellant maintains that after she complained about her performance evaluations, things became worse, until the appellant finally told M.C. that she was "prejudiced" and she wanted to be "transferred." The appellant maintains that despite repeated complaints to management, the EEO/AA and the Employee Advisory Service (EAS), nothing was done.

The appellant questions how an adequate investigation could have been performed, since she was told on November 10, 2014, that no other interviews had been held, and that the investigation would be completed by Thanksgiving.

² Agency records indicate, in part, that the appellant was appointed to the non-competitive title of Claims Reviewer, Medical Assistance, with the Division of Medical Assistance, Department of Human Services (DHS), effective February 28, 2009; transferred to Treasury, effective March 14, 2009; transferred to the Office of the Medicaid Inspector General, effective March 12, 2010; and transferred to the Office of the Comptroller and promoted to the unclassified title of Senior Claims Reviewer, Medical Assistance, effective August 14, 2010. That title was renamed Senior Claims Reviewer, Health Services, effective May 7, 2011.

³ Agency records indicate in part, that she was appointed to the non-competitive title of Clerk Typist, effective July 27, 2004; received a regular appointment to the title of Senior Clerk Typist, effective July 8, 2005; received a regular appointment to the title of Principal Clerk Typist, effective April 17, 2007; was promoted to the non-competitive title of Claims Reviewer, Medical Assistance, effective February 28, 2009; and was promoted to the unclassified title of Senior Claims Reviewer, Medical Assistance, effective August 14, 2010.

However, on November 13, 2014, she received a call asking for her address, and on November 22, 2014 she received the determination letter, dated November 20, 2014. The appellant maintains that because "no one did their job," she has to file for bankruptcy.

In response, the EEO/AA reiterates its determination and maintains that its investigation did not support the appellant's allegations. In this regard, it notes that it had reviewed pertinent human resources records, resumes and e-mails and additional documents that were submitted by the appellant. However, the evidence revealed that the appellant was terminated not because of her race, but because of poor job performance. In this regard, the EEO/AA notes that the e-mails it reviewed evidenced the appellant's failure to comply with or respond to M.C.'s directives, and errors and/or missing items that consistently arose related to the appellant's work product, specifically, the appellant's tracking of her work and completing her timesheets. Additionally, the EEO/AA indicates that M.C. was not involved in the decision-making process which led to the appellant's termination. Rather, the decision was made by management. The investigation also revealed that after the appellant's termination, the unit's work volume changed, and her specific job duties are no longer performed. Furthermore, it maintains that the individual named by the appellant was not hired after her termination; rather, records revealed she was hired on August 13, 2012.

Finally, the EEO/AA notes that it had initially met with the appellant in October 2013, after she alleged that she was treated differently. However, during that meeting, the appellant indicated that she did not know if she was treated differently because of her race. The EEO/AA notes that it met with her again in July 2014 about the process of filing a discrimination complaint, after she had received her termination letter. However, she chose not to file a complaint. Subsequently, it was made aware that she had filed a complaint with DCR, at which time it investigated the matter. The EEO/AA asserts that its investigation was thorough and complete and that it had met with the appellant on October 20 and November 10, 2014, the respondent's representatives on November 11, 2014, drafted its investigatory report on November 19, 2014 and issued its determination on November 20, 2014.

CONCLUSION

The Civil Service Commission has conducted a review of the record in this matter and finds that an adequate investigation was conducted, and that the investigation failed to establish that the appellant was discriminated against due to her race or retaliated against in violation of the State Policy. The EEO/AA appropriately analyzed the available documents and interviewed the witnesses in investigating the appellant's complaints and concluded that there was no violation of the State Policy. The appellant argues that the EEO/AA's investigation was not sufficient since the investigation was completed too quickly. However, other than

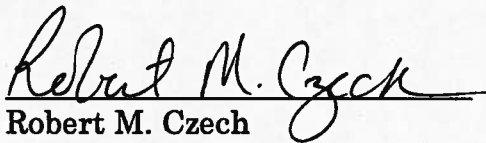
her allegation that the EEO/AA made a mistake, she provides no arguments as to what the EEO/AA failed to review or who it failed to interview. The quick completion of an investigation does not, in and of itself, establish that the investigation was not thorough or complete. Moreover, other than repeating her allegations, she provides no arguments or evidence which establishes that she was treated differently due to her race. Accordingly, the investigation was thorough and impartial and no basis exists to find a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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



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Attachment

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