



B-45

STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of C.P., Department of
Human Services

CSC Docket No. 2015-1605

Discrimination Appeal

ISSUED: APR 20 2015 (LDH)

C.P., a Secretarial Assistant 3 at Ann Klein Forensic Center, Department of Human Services, appeals the decision of the Office of Equal Employment Opportunity (EEO), which found sufficient evidence to support a finding that she had violated the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

The appellant, a female, was found to have violated State Policy when she called D.S., a female, and other female employees a "slut." The EEO based its conclusion on the statements of three witnesses. The appellant received a written warning and was ordered to attend mandatory training for her violation. Subsequently, the appellant appealed the determination by the EEO.

On appeal to the Civil Service Commission (Commission), the appellant disagrees with the determination by the EEO. She argues that she never made the comment and that she answered all questions by the investigator truthfully.

In response, the EEO initially notes that it stands by its letter of determination and incorporates by reference the explanations that support its conclusion. EEO contends that the investigation resulted from a March 14, 2014 letter of complaint from D.S. against C.P. The complaint was corroborated by three witnesses. Lastly, the EEO argues that C.P. has not made any arguments regarding the nature of her disagreement with the determination.

CONCLUSION

It is a violation of the State Policy to engage in any employment practice or procedure that treats an individual less favorably based upon any of the protected categories. *See N.J.A.C. 4A:7-3.1(a)3*. The protected categories include 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. *See N.J.A.C. 4A:7-3.1(a)*. Behaviors that may constitute prohibited workplace discrimination or harassment include using derogatory references with regard to any of the above protected categories in any communication. *See N.J.A.C. 4A:7-3.1(b)1v*. Moreover, the appellant shall have the burden of proof in all discrimination appeals. *See N.J.A.C. 4A:7-3.2(m)3*.

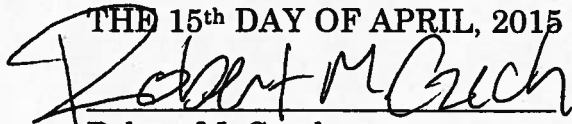
The Commission has conducted a review of the record in this matter and finds that an adequate investigation was conducted. Three witnesses corroborated that D.S. and other female employees were called a "slut" by the appellant. Further, the appellant has not provided any documentation or names of any witnesses to support her contention that she did not call anyone a "slut." Thus, the EEO correctly concluded that the appellant violated the State Policy. Accordingly, the EEO/AA's investigation was thorough and impartial and no basis exists to disturb its determination.

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

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and
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