

B-24



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Monica Thompson,
Juvenile Detention Officer (C0689R),
Union County

List Removal

CSC Docket No. 2015-3196

ISSUED: SEP 17 2015 (SLK)

Monica Thompson appeals Union County's request for the removal of her name from the eligible list for Juvenile Detention Officer (C0689R), Union County, due to her unsatisfactory driving record.

By way of background, the appellant's name appeared on certification OL141114 that was issued to the appointing authority on August 22, 2014. The certification contained 43 names, including Ms. Thompson's, and 8 eligibles were appointed. The list expires on March 12, 2017. In disposing of the certification, the appointing authority requested the removal of the appellant's name due to an unsatisfactory driving record. In support of its request, the appointing authority submitted its background report which indicated that the appellant had her driver license suspended seven times and numerous motor vehicle violations since 1993. The matter was appealed directly to the Civil Service Commission (Commission).

On appeal, Ms. Thompson states that she was informed that her name was removed from the subject eligible list due to her driving record showing that she has engaged in reckless driving in the past two years. She maintains that her driving record indicates that she does not have a reckless driving violation on her record. The appellant also claims that she has never had any point violations on her

license. She submits a copy of her five year driver history abstract¹ from the New Jersey Motor Vehicle Commission and a letter from it stating that her suspensions from November 3, 2012 and October 4, 2012 have been deleted from her driving record as she provided proof that her vehicle was insured prior to the suspension dates. The appellant maintains that although her driver abstract may be "eventful," it does not indicate that she has engaged in reckless or criminal driving.

Although provided the opportunity, the appointing authority did not submit any additional information or argument for the Commission to review.

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). Additionally, *N.J.A.C. 4A:4-6.3(b)* provides that an appellant has the burden of proof to show that an appointing authority's decision to remove the appellant's name from an eligible list was in error.

In the instant matter, the appointing authority had sufficient reason to remove the appellant's name from the subject eligible list. In reviewing the appellant's five year driver history, her license was suspended from November 3, 2012 to August 5, 2013 and from January 21, 2012 to February 6, 2012. Even if the November 3, 2012 suspension is disregarded based on the Motor Vehicle Commission's letter, the appellant still has not provided any explanation regarding the January 21, 2012 suspension. She also had a violation for obstructing passage of another vehicle in December 2011, was cited for failing to wear a seat belt in May 2010, and a violation of the Parking Adjudication Act in January 2012. Further, the appellant has not addressed the other events listed on her driver abstract other than stating that she has an "eventful" driving history, but not a reckless or criminal one. Additionally, the appointing authority's background report indicates that the appellant had her license suspended five additional times from 1993 to 2008 and that she committed numerous motor vehicle violations from 1993 to the

¹ The appellant's five year driver abstract indicates that her license was suspended from January 21, 2012 to February 6, 2012 and from November 3, 2012 to August 5, 2013.

present. For example, she received violations for operating a vehicle while her license was suspended or revoked on two occasions in 1999, five violations for having an uninsured motor vehicle (two in 1993, one in 2003, and two in 2004), four failure to appear citations between 1999 and 2000 and nine violations of the Parking Adjudication Act.

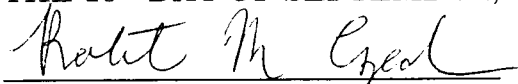
The Commission notes that while the position of Juvenile Detention Officer is not analogous to that of a municipal Police Officer, it emphasizes that incumbents are subjected to a heightened standard of conduct based on the nature of his position. Specifically, incumbents are employed in a paramilitary setting and are charged with maintaining discipline and order in a juvenile custodial facility. Moreover, given the vulnerability of the population for which incumbents are responsible, candidates are expected to have those qualities that project an image of maturity and integrity and provide the juveniles in custody with a positive role model. *See In the Matter of Victor Murphy* (MSB, decided November 4, 2004). The appellant's ability to drive a vehicle in a safe manner is not the main issue in determining whether or not she should remain eligible to be a Juvenile Detention Officer. These multiple suspensions and violations from 1993 to 2014 evidence disregard for the motor vehicle laws and the exercise of poor judgment. The appellant has offered no substantive explanation for these infractions. While the Commission is mindful of the appellant's recent attempts to remedy her driving record, it is clear that the appellant's driving record shows a pattern of disregard for the law and questionable judgment on her part. Such qualities are unacceptable for an individual seeking a position as a Juvenile Detention Officer. Accordingly, the appellant has not met her burden of proof in this matter and the appointing authority has shown sufficient cause for removing her name from the Juvenile Detention Officer (C0689R), Union County 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 16th DAY OF SEPTEMBER, 2015



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