



**STATE OF NEW JERSEY**

In the Matter of Rhonda Bethea,  
Correction Officer Recruit (S9988T),  
Department of Corrections

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

CSC Docket No. 2018-3285

List Removal Appeal

**ISSUED: NOVEMBER 23, 2018 (JET)**

Rhonda Bethea appeals the removal of her name from the Correction Officer Recruit (S9988T), Department of Corrections, eligible list on the basis of an unsatisfactory background report and falsification of her employment application.

The appellant took the open competitive examination for Correction Officer Recruit (S9988T),<sup>1</sup> achieved a passing score, and was ranked on the subsequent eligible list. The appellant’s name was certified on July 27, 2016. In disposing of the certification, the appointing authority requested the removal of the appellant’s name from the eligible list on the basis of an unsatisfactory background report and falsification of her employment application. Specifically, the appointing authority asserted that the appellant was charged in 2014 with Disorderly Conduct – Improper Behavior-Fight/Threaten/ETC in violation of *N.J.S.A. 2C:33-2A(1)* (dismissed). The appointing authority added that the appellant was thereafter found guilty of the amended charge of Improper Behavior in violation of a municipal ordinance. Additionally, the appointing authority indicated that the appellant failed to disclose the aforementioned charges on her employment application.

On appeal to the Civil Service Commission (Commission), the appellant maintains that she was unaware of the charges against her and she would have listed them had she possessed such information. She adds that she was recently

<sup>1</sup> It is noted that the Correction Officer Recruit (S9988T), Department of Corrections eligible list promulgated on July 23, 2015 and expired on July 22, 2017.

charged with failure to wear seatbelts and failure to utilize warning devices, which has not yet been resolved in court.

In response, the appointing authority maintains that the appellant's name should be removed from the eligible list due to her failure to disclose information in response to the questions on the employment application. In addition, the appointing authority explains that the appellant was aware that she was required to list such information as the removal criteria is clearly set forth in the employment application which the appellant initialed. Moreover, the appointing authority asserts that its goals are to select candidates who exhibit respect for the law in order to effectively manage the day-to-day operations of a prison system.

### CONCLUSION

*N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)6, allows the Civil Service Commission (Commission) to remove an individual from an eligible list when he or she has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process. *N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allows for the removal 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 an appointment.

In the instant matter, the appointing authority argues that the appellant did not disclose on the employment application that she was charged with Disorderly Conduct - Improper Behavior-Fight/Threaten/ETC and plead guilty to the amended charge of Improper Behavior. The appellant argues that she could not disclose the information as she was unaware of the charges, and her recent charge of failure to wear seatbelts and failure to utilize warning devices has not been resolved in court. It is clear that the appellant did not properly complete the employment application. It must be emphasized that it is incumbent upon an applicant, particularly an applicant for a sensitive position such as a Correction Officer Recruit, to ensure that her employment application is a complete and accurate depiction of her history. In this regard, the Appellate Division of the New Jersey Superior Court in *In the Matter of Nicholas D'Alessio*, Docket No. A-3901-01T3 (App. Div. September 2, 2003), affirmed the removal of a candidate's name based on falsification of his employment application and noted that the primary inquiry in such a case is whether the candidate withheld information that was material to the position sought, not whether there was any intent to deceive on the part of the applicant. An applicant must be held accountable for the accuracy of the information submitted on an application for employment and risks omitting or forgetting any information at his or her peril. See *In the Matter of Curtis D. Brown* (MSB, decided

September 5, 1991) (An honest mistake is not an allowable excuse for omitting relevant information from an application).

In this case, the appellant's omissions are sufficient cause to remove her name from the eligible list. The appellant's contention that she was unaware of the charges is unpersuasive since it is clear that she failed to disclose information in her background in response to the questions in the employment application. In this regard, question 46 on the employment application, under the section "arrests, convictions, summonses, and expunged records," defines the words "arrests," "indictments," and "charge" to include any questioning, detaining, holding, or being taken into custody by any police or other law enforcement agencies. In response to question 46, "Have you ever been arrested, indicted, charged with or convicted of a criminal, sexual, or disorderly persons offense in this State or any other jurisdiction, the appellant marked "no" and wrote "n/a." Further, page 18 of the employment application indicates that it is mandatory to disclose all charges, whether dismissed, adjudicated or pending, including expungements, conditional discharges, pre-trial interventions, or any other dismissal as a result of successful completion of a diversionary program, any DUI/DWI convictions, juvenile matters, and all incidences of domestic violence to which you were a party. Everything must be disclosed on the application regardless of the outcome of such matters. This includes temporary restraining orders (active or dismissed) and final restraining orders (active or dismissed). The appellant initialed the employment application. As such, she was aware of the instructions. However, in response to the instruction on page 18, "You must provide certified disposition paperwork from each court regarding all charges listed below," the appellant marked "n/a." The type of omissions presented are clearly significant and cannot be condoned as such information is crucial in an appointing authority's assessment of a candidate's suitability for the position. It is clear that the appellant did not properly provide information in response to the questions on the employment application. Moreover, the Commission is unpersuaded by the appellant's contention that she was not aware of the charges as the evidence presented by the appointing authority demonstrates that the appellant was charged and ultimately found guilty of violating a municipal ordinance and required to pay a fine and costs.

The information noted above, which the appellant failed to disclose, is considered material and should have been accurately indicated on her employment application. The appellant's failure to disclose the information is indicative of her questionable judgment. Such qualities are unacceptable for an individual seeking a position as a Correction Officer Recruit. In this regard, the Commission notes that a Correction Officer Recruit is a law enforcement employee who must help keep order in the State prisons and promote adherence to the law. Correction Officers, like municipal Police Officers, hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and an 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 prison guards to present a personal background that exhibits respect for the law and rules. Therefore, there is sufficient basis to remove the appellant's name from the eligible list.

Since the appellant has been removed based on her falsification of the employment application, the Commission will not address her removal from the list based on an unsatisfactory background report.

**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 21<sup>st</sup> DAY OF NOVEMBER, 2018



Deirdre L. Webster Cobb  
Chairperson  
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