



STATE OF NEW JERSEY

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

In the Matter of Stephen Serieux,
Correctional Police Officer (S9988T),
Department of Corrections

List Removal Appeal

CSC Docket No. 2019-55

ISSUED: DECEMBER 7, 2018 (HS)

Stephen Serieux appeals the removal of his name from the eligible list for Correctional Police Officer¹ (S9988T), Department of Corrections, on the basis that he falsified his preemployment application.

The appellant, a non-veteran, took and passed the open-competitive examination for Correctional Police Officer (S9988T), which had a closing date of January 8, 2015. The resulting eligible list promulgated on July 23, 2015 and expired on July 22, 2017. The appointing authority requested the removal of the appellant's name from the list due to the falsification of his preemployment application. Specifically, the appointing authority asserted that the appellant failed to disclose being charged with possession/consumption of alcohol under legal age in violation of *N.J.S.A. 2C:33-15A* in 2012, which was dismissed.

On appeal to the Civil Service Commission (Commission), the appellant recounts that during the incident at issue, an officer issued him a ticket. He states that he believed the incident to be similar to a traffic ticket and claims that he was unaware of being charged as he was not arrested or detained. The appellant adds that he did not disclose the incident since he was not arrested or detained and that he did not intend to falsify his application.

¹ Pursuant to *N.J.S.A. 11A:2-11.1*, effective May 1, 2018, the title of Correction Officer Recruit has been retitled to Correctional Police Officer.

In response, the appointing authority maintains that the instructions in the preemployment application clearly required the appellant to disclose the above-noted charge but that he failed to do so. It is noted that the application stated that “it is mandatory that you disclose all charges, whether dismissed, adjudicated or pending.” “Charge,” in turn, was defined to include:

any indictment, complaint, summons, and information or other notice of the alleged commission of any offense in this or any other state or foreign country even if it did not result in your physical arrest.

In support, the appointing authority submits a copy of the appellant’s preemployment application and documentation from the New Jersey Automated Complaint System indicating that the appellant was charged with possession/consumption of alcohol under legal age in violation of *N.J.S.A. 2C:33-15A* in 2012, which was dismissed.

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 Commission to remove an eligible’s name from an eligible list when he 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:4-6.3(b)*, in conjunction with *N.J.A.C. 4A:4-4.7(d)*, provides that the appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority’s decision to remove his name from an eligible list was in error.

In this matter, the appointing authority maintains that the appellant did not disclose on his preemployment application that he was charged with possession/consumption of alcohol under legal age in violation of *N.J.S.A. 2C:33-15A* in 2012. In support, the appointing authority provides documentation from the New Jersey Automated Complaint System indicating that the appellant received this charge. Thus, it is clear that the appellant failed to disclose that information on his application. It must be emphasized that it is incumbent upon an applicant, particularly an applicant for a sensitive position such as a Correctional Police Officer, to ensure that his preemployment application is a complete and accurate depiction of his 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 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).

Here, the appellant's omission is sufficient cause to remove his name from the eligible list. The instructions in the preemployment application clearly indicated that applicants were required to disclose all charges, even if dismissed and even if there was no physical arrest. The type of omission presented is 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. Indeed, an appointing authority's assessment of a prospective employee could be influenced by such information, especially for a position in law enforcement. Therefore, the information noted above, which the appellant failed to disclose, is considered material and should have been accurately indicated on his application. The appellant's failure to disclose the information is indicative of his questionable judgment. Such qualities are unacceptable for an individual seeking a position as a Correctional Police Officer. In this regard, the Commission notes that a Correctional Police Officer is a law enforcement employee who must help keep order in the State prisons and promote adherence to the law. Correctional Police Officers, like 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 prison guards to present a personal background that exhibits respect for the law and rules. Accordingly, there is a sufficient basis to remove the appellant's name from the subject 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 5TH DAY OF DECEMBER, 2018



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