



STATE OF NEW JERSEY

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

In the Matter of N.G., Department of
Human Services

CSC Docket No. 2018-877

Discrimination Appeal

ISSUED: APRIL 23, 2018 (CSM)

N.G., a Cottage Training Technician with the Department of Human Services, appeals the determination of the Assistant Commissioner, Office of Legal Affairs, that the appellant did not present sufficient evidence to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

The appellant filed a complaint with Human Services’ Office of Equal Employment Opportunity (EEO) alleging that he had been discriminated against based on color and religion. Specifically, the appellant claimed that N.M., a Cottage Training Supervisor, made the pejorative comment, “I don’t care about Ramadan, I hate that.” The EEO investigated the matter, which included interviewing witnesses and reviewing documentation, and could not substantiate a violation of the State Policy.

On appeal, the appellant states that he returned from a break, N.M. started yelling at him. When he tried to explain that he takes a one-hour break because of Ramadan, the appellant claims that N.M. told him “I don’t care [about] Ramadan, I hate that.” The appellant also claims that N.M. tried to “target me, [and] give [me] a hard time” by changing his schedule. In a supplemental submission, the appellant states that N.M. was advised about a change in his break time during Ramadan, so he could fast and that “all month after that she was shouting at me about my break.” The appellant questions the findings of the investigation given that two witnesses wrote statements about N.M.’s behavior.

In response, the EEO presents that its investigation consisted of interviewing four witnesses and reviewing four documents. The investigation found that on June 11, 2017, at 3:00 p.m., staff was advised to make sure that the appellant takes an hour break. At 8:10 p.m., when N.M. told the appellant to go on break, the appellant responded that he goes on break at 8:15 p.m. In reply, N.M. stated, “I don’t care go now” and the appellant left at 8:10 p.m. Additionally, although the appellant provided the names of witnesses to the investigator, he was not sure if the witnesses heard the conversation. Further, the appellant withdrew his complaint about color discrimination after the investigator defined that category to him. N.M. denied that she made the statement “I don’t care about Ramadan, I hate that” and there were no witnesses who heard her say the alleged comment.

CONCLUSION

N.J.A.C. 4A:7-3.1(a) provides that under the State Policy, discrimination or harassment based upon the following protected categories are prohibited and will not be tolerated: 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. Additionally, 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 and finds that the appellant has not established that he was subjected to discrimination in violation of the State Policy. The investigation included interviewing witnesses and reviewing documentation, but none of the witnesses named by the appellant heard N.M. make the pejorative comment. Additionally, N.M. denied making the comment. Therefore, no basis exists to substantiate that the appellant’s allegation that N.M. made the pejorative comment “I don’t care about Ramadan, I hate that.”

Accordingly, the Commission finds that the EEO’s investigation was thorough and impartial, and the record does not support a finding that there was 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
18TH DAY OF APRIL, 2018

Deirdre L. Webster Cobb

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