



STATE OF NEW JERSEY

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

In the Matter of Mona Gioe, Police
Officer (S9999U), Berkeley Township

List Removal Appeal

CSC Docket No. 2018-627

ISSUED: JUNE 25, 2018 (ABR)

Mona Gioe appeals her removal from the Police Officer (S9999U), Berkeley Township (Berkeley) eligible list on the basis of an unsatisfactory driving record.

The appellant, a non-veteran, took the open competitive examination for Police Officer (S9999U), Berkeley, which had a closing date of August 31, 2016. The subsequent eligible list promulgated on March 29, 2017 and expires on March 30, 2019. The appellant's name was certified to the appointing authority on April 17, 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, it submitted the appellant's Certified Abstract of Driver History Record (Driver's Abstract) and the relevant portions of her pre-employment application. The appointing authority noted that the appellant had been arrested for driving while intoxicated (DWI), in violation of *N.J.S.A. 39:4-50*, in May 2007, at age 21, and in January 2010, at age 24. Following her May 2007 arrest, the appellant pled guilty to DWI. As a result, her driver's license was suspended from July 21, 2008 to April 1, 2009. After the January 2010 incident, the appellant pled guilty to reckless driving, in violation of *N.J.S.A. 39:4-96*, was fined and had her license suspended from June 9, 2010 to December 30, 2010. The appellant's Driver's Abstract indicated that her record included the following additional driving infractions: unsafe operation of a motor vehicle in June 2004 and September 2004 and delaying traffic in October 2004. Moreover, the Driver's Abstract indicated that in December 2008, the appellant failed to comply with the terms of a court-ordered community

service program connected with her conviction for the May 2007 DWI incident. However, she ultimately completed the program in March 2009. Finally, the Driver's Abstract indicated that she was involved in reportable car accidents in August 2004 and August 2007.

On appeal to the Civil Service Commission (Commission), the appellant asserts that her driving record has been clear of violations since 2010 and submits a copy of her Driver's Abstract. She adds that her employment as a Technician, Management Information Systems with Ocean County since 2014 demonstrates that she can be entrusted to serve in the title of Police Officer, as she has regularly used County vehicles without issue. Finally, she maintains that the driving infractions in her record do not reflect the person she is at the present time. In this regard, she submits that as a 32-year-old mother she is a more responsible person than she was in her 20s.

In response, the appointing authority submits the documentation it relied upon when requesting the removal of the appellant's name from the subject eligible list on the basis of her driving record, including, in relevant part, a summary of its review of the appellant's pre-employment application, a Driver's Abstract and an arrest report from the Toms River Police Department for the appellant's January 16, 2010 arrest. In its summary of its review of the appellant's pre-employment application, the appointing authority states that the appellant's seven driving infractions between 2004 and 2010 and the December 2008 failure to comply with court-ordered community service were "concerning entries" in her driver history records. The appointing authority also noted that the appellant's driver's license was suspended from July 21, 2008 to April 1, 2009 and from June 9, 2010 to December 30, 2010. In view of the foregoing, the appointing authority sought to remove the appellant's name from the subject eligible list based upon an unsatisfactory driving record.

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).

In the instant matter, a review of the record demonstrates that the appointing authority reasonably requested the removal of the appellant's name from the subject eligible list on the basis of an unsatisfactory driving record. The appellant contends that her clean driving record since 2010 and the fact that she, as a public employee, has utilized an Ocean County-owned vehicle without issue since 2014 demonstrate that her name should not have been removed from the subject eligible list. However, the May 2007 and January 2010 incidents noted in the record are serious, as both involved the appellant driving under the influence of alcohol. Moreover, these events were relatively recent, with the latter incident occurring approximately six-and-one-half years prior to the closing date. In this regard, it is emphasized that candidates for law enforcement are held to high standards, as municipal Police Officers are law enforcement employees who must enforce and promote adherence to the law. 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 the utmost confidence and trust. It must be recognized that a municipal Police Officer is a special kind of employee. Her primary duty is to enforce and uphold the law. She carries a service revolver on her person and is constantly called upon to exercise tact, restraint and good judgment in her relationship with the public. She represents law and order to the citizenry and must present an image of personal integrity and dependability in order to have the respect of the public. *See Moorestown v. Armstrong*, 89 N.J. Super. 560, 566 (App. Div. 1965), *cert. denied*, 47 N.J. 80 (1966). *See also In re Phillips*, 117 N.J. 567 (1990). Accordingly, the appointing authority has presented a sufficient basis to remove the appellant's name from the subject eligible list. However, the removal of the appellant's name from the subject eligible list in this matter does not prevent the appellant from applying for any similar positions in the future, as the further passage of time may be sufficient to show that she has been rehabilitated.

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 20TH DAY OF JUNE, 2018

Deirdre' L. Webster Cobb

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