



STATE OF NEW JERSEY

In the Matter of Domenico R.	:	FINAL ADMINISTRATIVE ACTION
Pleskonko, County Correction Officer	:	OF THE
(S9999U), Camden County	:	CIVIL SERVICE COMMISSION
	:	
	:	
CSC Docket No. 2018-2595	:	
	:	
	:	List Removal Appeal
	:	
	:	

ISSUED: AUGUST 17, 2018 (JET)

Domenico R. Pleskonko, represented by Nancy A. Valentino, Esq., appeals the removal of his name from the County Correction Officer (S9999U), Camden County, eligible list on the basis of an unsatisfactory employment record.

The appellant took the open competitive examination for County Correction Officer (S9999U), Camden County, achieved a passing score, and was ranked on the subsequent eligible list. The appellant’s name was certified on April 17, 2017 (OL170464). 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 employment record.

Specifically, the appointing authority asserted that its detective received a report indicating that the appellant was observed cheating on various examinations at the time of his training at the Camden County College Police Academy. The reports were submitted from two separate individuals who alleged that the appellant was observed looking at his notes during the examinations and asking other recruits for test answers. In response, the appointing authority obtained the appellant’s examination notebook which revealed several handwritten pages of notes that appeared to correspond with question numbers and answers on the test. Thereafter, the appointing authority’s investigator and another officer met with the appellant and they informed him of the training academy’s rules pertaining to examinations. Additionally, they asked the appellant if he had cheated on the examination, and after initially stating that he had not cheated, the appellant later admitted that he cheated on one occasion and utilized his notes. As a result, the

appointing authority provided the appellant with the opportunity to immediately resign from the training academy and from his position as a Special Class 2 Police Officer with the Camden County Police Department in lieu of being removed. As such, the appellant submitted his resignation effective February 22, 2017. In support, the appointing authority provides a copy of the February 22, 2017 resignation that was signed by the appellant.

On appeal to the Civil Service Commission (Commission), the appellant asserts that he was scheduled to take an open book examination during training at the Camden County College Police Academy and the academy instructor provided the students with the answers to the test. The appellant maintains that, although he took the examination, he did not consult his notes. Rather, he utilized his text book as permitted during the open book test. The appellant explains that he was only 19 years old at the time of the incident and he did not consider removing his notes from his text book at the time of the test. Further, the appellant contends that the appointing authority's investigator confronted him about cheating on a previous examination, and the appointing authority subsequently gave him the choice of resigning from the training academy or being removed. The appellant adds that, faced with such options, he opted to resign. However, the appellant states that he was advised that the resignation would not have an adverse impact on his future employment prospects in Camden County and other jurisdictions. Moreover, the appellant asserts that none of the instructors claimed to have observed the appellant cheating at the time of the incident, and he now understands that he should not have had his class notes in the book at the time of the test.

In response, the appointing authority submits documentation it relied on in removing the appellant from the list.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)7, allows for the removal of an individual from an eligible list who has a prior employment history which relates adversely to the position sought. *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 or her name from an eligible list was in error. Further, *N.J.A.C.* 4A:4-4.7(a)11 allows the removal of an eligible's name from an eligible list for other valid reasons.

In this matter, the appointing authority maintains that the appellant's name should be removed due to an unsatisfactory employment record. The appellant does not dispute that he submitted his resignation as a result of cheating on an examination while in training at the Camden County College Police Academy and while employed as a Special Class 2 Police Officer. In this regard, the February 22,

2017 letter of resignation, which the appellant signed, clearly indicates that he had cheated on a test. Although the appellant now states that he was only 19 years old at the time and he has learned from his mistake, such information does not change the outcome of the case. Since the appellant admits that he submitted his resignation in the face of being removed, his name cannot now be restored to the list. Moreover, there is no evidence that the appellant was coerced or under undue influence at the time he signed the resignation letter. Additionally, the incident occurred only two months prior to when the appellant's name was certified on the April 17, 2017 list (OL170464). Further, as a law enforcement candidate, it was the appellant's responsibility to avoid the appearance of cheating on an examination while in training at the police academy. Clearly, the appellant's resignation in the face of being removed, as well as the fact that he admitted to cheating on an examination, adversely relates to the employment sought. With respect to the appellant's argument that he was informed that his resignation would not have an adverse impact on his future employment prospects, such arguments are of no moment. Correction Officers, like Municipal Police Officers, are law enforcement employees who must enforce and promote adherence to the law. Correction 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. The appellant's employment history is inimical to that goal.

Accordingly, there is sufficient evidence to remove the appellant's name from the Correction Officer Recruit (S9999U), Camden 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 15th DAY OF AUGUST, 2018



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher Myers
Director
Division of Appeals
& Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Domenico R. Pleskonko
Nancy A. Valentino, Esq.
Emeshe Arzon, Esq.
Kelly Glenn