

## STATE OF NEW JERSEY

In the Matter of S.L., Department of

Children and Families

CSC Docket No. 2023-2089

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Discrimination Appeal

CORRECTED

ISSUED: October 5, 2023 (SLK)

S.L., a Family Service Specialist 21 with the Department of Children and Families (DCF), represented by Justin Schwam, Esq., appeals the determination of a Deputy Commissioner, which found that he the violated the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

By way of background, it was alleged that on September 9, 2022, S.L. refused to refer to the complainant by her preferred name after she corrected him several times.<sup>2</sup> Specifically, on the morning of the incident, video footage showed S.L. and the complainant talking with each other in what appeared to be a contentious matter based on observed body language and arm movements. The video also reflected the complainant walking away to obtain signatures and S.L. following her. Lastly, the video showed that several police officers arrived and had a conversation with both S.L. and the complainant. Thereafter, in the afternoon, at a local union office, another altercation took place. The investigation revealed that while S.L. did not recall as to whether he called the complainant by name in the morning, he indicated that if he did, he would have called the complainant by her birth name as he did not know her preferred name until the afternoon. S.L. indicated to the investigator that the complainant yelled to him in the afternoon, "[S.L.], I just want you to know I'm in a protected class, my name is D[], and you will respect me." The investigation

<sup>&</sup>lt;sup>1</sup> S.L. is currently on union leave.

<sup>&</sup>lt;sup>2</sup> There was also an additional allegation that S.L. was accused of calling two employees "b\*\*\*\*s"; however, that allegation was not substantiated.

found that this was contrary to the rest of S.L.'s statement. The investigation also found that the complainant's allegations were specific and consistent with the events that occurred as established by witness testimony and depicted in video footage. Additionally, the investigation determined that based on corroborating evidence, S.L. purposely misnamed the complainant on more than one occasion in violation of the State Policy.

On appeal, S.L. presents that the alleged violations of the State Policy occurred outside of the Department of Labor and Workforce Development (DOL) building on the morning of September 9, 2023, during an electioneering event, and then later that day at the private office of the Communications Workers of America, Local 1038 (Local 1038). S.L. notes that he is the elected President of Local 1038.

Additionally, S.L. presents that the complaint was received by DCF's Equal Employment Opportunity Office (EEO) around September 14, 2022, and the determination letter was issued March 6, 2023. Therefore, he asserts that determination letter was untimely as it was not completed within 120 days, which would have been January 14, 2023, and he never received notice that an extension was granted. Therefore, he believes that determination letter should be considered invalid.

Regarding the merits, S.L. provides that the alleged morning incident took place outside the DOL building in Trenton where the parties were gathering signatures for an upcoming union election. He indicates that the complainant was gathering signatures for S.L.'s opponent. S.L. states that the alleged second incident took place in the afternoon at Local 1038's office in Woodbury. He claims that the EEO did not have jurisdiction to investigate an alleged violation of the State Policy that took place at a private office that was not the complainant's workplace. Moreover, the determination was substantiated without speaking to any alleged witnesses other than the complainant and S.L. Rather, the EEO relied on video surveillance, not audio, that came from outside the DOL building in the morning to corroborate allegations that took place in Local 1038's office in the afternoon. Therefore, S.L. argues that there was insufficient evidence to find that he violated the State Policy. Further, regarding the morning incident, the determination relied on the investigator's interpretation of a silent video to determine that S.L. purposefully called the complainant the wrong name. He notes that the only difference in the complainant's preferred name compared to her birth name is that there is an "a" added to her birth name.

In response, the EEO presents that the complainant was obtaining signatures to help another candidate run for union President when S.L said to the complainant, "Hey D[]." The complainant responded, "Actually it is D[a]." The complainant disclosed to the investigator that she began transitioning from male to female. The complainant noted that around August  $31,\,2022$ , she went to the union office to put

her name on the petition, and she put her legal name that matched her identification and her preferred name in parathesis. She stated that she was not sure if S.L. reviewed her petition to know her preferred name. The complainant provides that S.L. asked her what she was doing, and she explained that she was obtaining signatures for the upcoming election. She claimed that S.L. responded by stating that the complainant was "anti-union" and about her being fired as a shop-steward. Further, while the complainant was gathering signatures, S.L. yelled, "Don't sign this, he is against the union, he is not a member, and he was fired." Additionally, S.L. referred to her as D[] several times and she corrected him each time to refer to her as [D a]. The complainant indicated that one time S.L. yelled, "D[], D[a], D[], D[a]." Moreover, she stated that S.L. put his hands over her papers so that nobody could signed the petition. Therefore, as she felt threatened and bullied, she asked the building security guard to intervene. However, the security guard said that he was not getting involved as this was a union issue. The complainant believed that the security guard would have handled the matter differently if the security guard would have perceived her as a woman. Subsequently, she called the Trenton Police, who advised her to call the State Police since she was on State property. However, both Trenton and State Police responded, and the State Police diffused the situation by separating them to two different locations at the DOL building. The complainant stated that even after they were separated, S.L. continued to yell, "That's not true D[ "and corrected him several times to not say "this guy" and "D[]."

The complainant presented Witness One who observed S.L. harassing her as demonstrated by Witness One's text asking the complainant if she was okay. Additionally, Witness One created a distraction to get S.L. inside and away from the complainant. The complainant said that there were several witnesses, including Witness Two and Witness Three, to the incident, but she did not know the names of the witnesses. Later in the afternoon, the complainant returned to the union office to turn in the petition and file a complaint against S.L. with the Election Committee and the National Labor Board. She presented that she turned in the petition to union staff members, Witness Four and Witness Five. The complainant stated that S.L. heard her say that she was going to file a complaint against S.L., and he yelled, "Do it D[], Do it D[]" and "Have a nice day, D[]." The complainant responded, "You are done misnaming me, I've told you multiple times to stop," and he replied, "Or what, are you threatening me in front of my staff, D[]?" The complainant also told S.L. that he was violating her rights, and S.L. further stated that he asked her which name she had on her petition and what her legal name was. The complainant responded that it did not matter because she was using the name "D[a]," and he needed to respect it. She indicated that Witness Six, a Local 1038 employee, tried to push S.L. into the back office to stop him from speaking to her. She also believes that there was another union staff member who witnessed the incident in the union office.

The EEO submits a summary of S.L.'s response to the complaint. He noted that the complainant was helping another candidate run for President.<sup>3</sup> S.L. stated that he spoke to several union members who had reported to him that on the prior day that the complainant was falsely obtaining signature by telling people that the signatures were for S.L. when really, they were for the other candidate. indicated that he approached the complainant by saying, "Hey, how are you making Further, when he learned about the complainant transitioning, he congratulated her and shared that he had a "gay uncle who dated a guy who was transitioning." The complainant responded by thanking him and stating that, "Things are going good." S.L. noted that the petition had the complainant's name as D[]. S.L. stated that the complainant came to the union office on the afternoon of September 9, 2022, to drop off the petition and explain to someone, either Witness Four or Witness Five, on the Election Committee that she wanted to change her name on the petition to from D[] to D[a] although her name was not changed legally. S.L. states that he was not aware of the complainant's preferred name until that afternoon. S.L. noted that the Election Committee approved the name change. S.L. denied that he responded to the complainant, "Hey D[]" and S.L. corrected him to call her D[a]. He acknowledged that the complainant called the police during the morning incident who separated them. S.L. denied the "D[], D[a]" comment and saying "That's not true D[]" when they were separated. He presented that there were several people walking in and out of the DOL building, but he was unable to identify them. He added that the complainant left the building before him, but he stayed to "try and calm members down."

Regarding the afternoon incident, S.L. acknowledged that he overheard the complainant telling Witness Five that she was thinking about pressing harassment charges against him. S.L. stated that he responded, "You can do whatever you want to do." S.L. denied yelling, "Do it D[], do it D[]" and "Have a nice day, D[]." S.L. reiterated that the issue was not about the complainant obtaining signatures but obtaining signatures "under false pretenses." Later, the complainant yelled, "S.L., I just want you to know I'm in a protected class, my name is D[a] and you will respect me." S.L. indicated that this was the first time that he knew that the complainant wanted to be called D[a]. He responded, "I will call you whatever you want to be called" and that "it doesn't matter that you are in a protected class, you don't have the right to come to my office and harass people." S.L. believed that only Witness Four was in the office that day to observe the interaction between him and the complainant, and he denied that Witness Six attempted to defuse the situation by guiding him to the back office.

S.L. expressed that if he knew the complainant's name was D[a], he would have called her D[a], but stated that if he did call her by name that day, it would have been D[because he was unaware of the name change. He noted that since the

<sup>&</sup>lt;sup>3</sup> The candidate had filed the complaint that alleged the S.L. call them "b\*\*\*\*s," which was unsubstantiated.

date of the incident, all his correspondence has referred to the complainant as D[a]. S.L. reiterated his assertion that the complainant was hostile all day towards him. He contends that complainant made these allegations because her friend is running against him for union President.

Concerning the timeliness of the determination letter, the EEO provides that it sought an extension from the Civil Service Commission (Commission), which was granted. It asserts that it had jurisdiction to investigate this matter under the State Policy, as State employees are subject to the State Policy at offsite locations. Further, even if S.L. was not considered a DCF employee because he was on union leave, the State Policy also covers those who are doing business with the State, and the collective negotiations agreement also indicates that the union will not discriminate.

Regarding the evidence, the EEO presents that the video evidence demonstrated, based on body language and movement of arms, that S.L. and the complainant were having contentious conversations on the morning of the incident date in front of the DOL building. Further, the video showed the complainant walking away to obtain signatures, S.L. following her, and then the police arriving. Additionally, S.L. acknowledged that he had interactions with the complainant both in the morning and afternoon on the date of the incidents. Moreover, he stated that if did call the complainant by name, it would have been by her birth name as he did not know her preferred name until the afternoon. The EEO found S.L.'s reporting that the complainant yelled at him, "[S.L.], I just want you to know I am in a protected call, my name is D[a], and you will respect me" as a statement contrary to the rest of S.L.'s statement. Also, Witness One corroborated that she observed S.L. bullying the complainant, which was also corroborated by a text she sent to the complainant asking if she was okay. The complainant responded to that text stating, "It's bad" and she called the police on S.L. The complainant also provided a text later that day that she sent to a colleague that said, "I just went to the office, and he is blatantly misnaming me." Additionally, the EEO reached out to the union, specifically Witness Four and Witness Five, on two occasions in attempt to interview witnesses, but they did not cooperate with the investigation. In response, the union's counsel asked for the complaint. Since it is the EEO's practice to communicate directly with witnesses, the EEO emailed the potential witnesses again in an attempt to set up meetings, and again the union's counsel responded. Thereafter, the EEO completed the investigation without these witnesses.

Without the union witnesses, the EEO assessed the credibility of the parties, and it determined that the complainant's allegations were specific and consistent with the events that occurred as established by witness testimony and depicted in video footage, despite there being no audio. Further, the EEO found that S.L.'s responses were not specific. For example, S.L. did not explain why the police were called. Also, the EEO found that while S.L. indicated that the complainant yelled, "[S.L.], I just want you to know I am in a protected call, my name is D[a], and you

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will respect me," the complainant would not have made this statement, but for S.L. misnaming her on more than one occasion. Therefore, it determined that it was more likely than not that S.L. violated the State Policy based on the subject allegations.

The investigation also revealed that S.L. displayed a pattern of inappropriate behavior. The EEO notes that S.L. had previously been investigated three times for alleged State Policy violations and discipline was not recommended because he was on union leave.<sup>4</sup> It presents that there was a May 2012 complaint against S.L. regarding an alleged inappropriate comment based on race and sex/gender which was not substantiated, although witnesses corroborated that S.L. was "abrasive, loud and disrespectful" towards the complainant in the matter. Additionally, there was a 2020 complaint against S.L. where he was investigated for making inappropriate comments based on color, nationality, race, religion, and sex/gender, which was referred to the Attorney General's Office due to a conflict, and the matter was closed administratively, with no findings reflected. Further, there was a May 2021 complaint against S.L. for inappropriate sex/gender comments, which was substantiated.

In reply, S.L. argues that the determination letter is invalid because it did not follow the requirements under the State Policy. Specifically, he provides that the determination failed to provide S.L. with his appeal rights, and it did not provide him notice that it requested an extension of time to complete the investigation. S.L. asserts that the EEO lacked jurisdiction to apply the State Policy concerning an incident in connection with a union election. He asserts campaign activity is protected union activity under the New Jersey Employer-Employee Relations Act and regulated by union bylaws. He contends that once the EEO learned that the matter involved a dispute arising from union election campaign, it should have ended its investigation. Moreover, even assuming, arguendo, that a department may enforce the State Policy concerning conduct by State employees solely relating to union electioneering activities in front of a State building, S.L. believes that a department does not have jurisdiction to apply the State Policy to conduct that allegedly occurred at a union office in the context of a union election campaign. He presents that the determination was based solely on credibility determinations that allegedly occurred at the Local 1038's private office. S.L. notes that the video evidence outside to the DOL building was silent, so therefore, he asserts that neither the conduct, verbal "misnaming" nor the "purposeful" intent could reasonably be derived from that Consequently, S.L. contends that the video evidence cannot be of any evidentiary value. Therefore, he states that the only allegation of purposeful misnaming was at the union's private office, which he contends that the EEO did not have jurisdiction to investigate.

<sup>&</sup>lt;sup>4</sup> DCF has indicated that even upon S.L.'s return from union leave, it is not going to seek discipline against him regarding the subject allegations.

S.L. also argues that the EEO failed to conduct a thorough investigation and did not base its conclusion on competent, reliable evidence. He asserts that it is false that the union witnesses failed to cooperate with the investigation. S.L. presents that the union's legal counsel responded to the request to speak with the potential union witnesses by simply requesting a copy of the complaint. However, the EEO did not respond and abandoned its attempt to speak with the union witnesses. Therefore, S.L. states that the determination was arbitrary and not supported by competent, reliable evidence.

S.L. states that the record does not support the EEO's findings regarding credibility determinations and its conclusion. He provides that the allegations require evidence of bad intent. However, S.L. asserts that the record lacks evidence that he called the complainant by the only name he ever knew her as for malicious Rather, the evidence indicates that S.L. only first learned of the complainant's preferred name during the afternoon incident at the union office, and if he did accidently misname the complainant earlier in the day, he did so without invidious or malicious intent. He reiterates his position that the surveillance video is irrelevant to a credibility determination. S.L. does not dispute that the video showed a "contentious conversation" and the police arrived. However, he claims that these facts are not relevant evidence to "purposeful misnaming." S.L. presents that the interviews confirm that the parties disagreed about the complainant's misrepresentation of her signature gathering efforts, as she was gathering signatures for an opponent of S.L., and union members reported to S.L. that the complainant had been intimating that the signatures she was gathering were for S.L. reiterates that this shows that the dispute at all times involved a union election campaign outside of a departmental EEO investigation. Most importantly, he provides that the video shows that both parties were observed acting consistent with their statements to the investigator, which is not evidence that he purposely acted in any discriminatory or harassing manner. S.L. asserts that the determination's findings that he was not specific and inconsistent with his statements, and he did not explain why the police were there, is inaccurate as the investigator did not ask him why the police were called. Further, he was not the one who called the police, and the police took no action other than to speak with them, which is consistent with his statements. S.L. reiterates that an incident occurred outside of the DOL building where the complainant did not like that he confronted her about soliciting signatures for a union election petition in a misleading manner, which was consistent with his explanation. He questions why the complainant did not seek police assistance to redress her allegations of unlawful harassment based on gender identity that she alleged was occurring in front of the police officers. S.L. states that the EEO's finding that he provided a "non-specific statement" would only be relevant if it found that the complainant told the police that he was harassing her by purposefully misnaming. However, it did not make this finding.

S.L. states that the EEO did not have witness corroboration of the complainant's allegation. He indicates that the only alleged witness corroboration was a text thread from Witness One, who was the person seeking to challenge his union's election. Further, the thread asks if the complainant was okay, and she responded that she felt bullied. However, there was no reference to "purposeful misnaming" by S.L. outside of the DOL building. Concerning a later text that morning where the complainant stated that S.L. was blatantly misnaming, he asserts that this is merely a recitation of her complaint and not independent corroboration that any misnaming at the Local 1038 office was purposeful or occurred on more than one occasion.

S.L. contends that his statements were not inconsistent. The EEO found that his statements were inconsistent because he stated that the complainant yelled at the union office, "[S.L.], I just want you to know I'm in a protected class, my name is D[a], and you will respect me." He reiterates that the reason the complainant went to the Local 1038 later that day was to have her name changed on the election petition, and he told the investigator this was the first time he learned that the complainant changed her name. While the EEO determined that the complainant would not have made this statement, but for him misnaming her on more than one occasion, he asserts that this is an analytical leap by the EEO with nothing more to support its conclusion. S.L. argues that it is more credible and logical that the complainant made the statement after two incidents where she grew frustrated by him confronting her about her improper efforts to get signatures for a challenger to him in the union election. He emphasizes that the complainant went to the union office to change her name and she did not allege, nor is there any evidence, that she went to the local office because she had asked him to change her name on the petition and he refused or argued about it. Further, since the EEO abandoned its efforts to interview union witnesses, he believes that the EEO's determination concerning credibility was arbitrary and unreasonable. He presents that even if he did call the complainant D[] during the morning incident, which he does not recall, as that was the only name he knew her by, this could not be an occasion on which he purposefully misnamed the complainant.

Finally, S.L. asserts that the EEO's reliance on his prior history is misplaced and improper. He highlights that the 2012 complaint against him was not substantiated, and the 2020 incident was closed without any findings. Concerning the August 2021 determination that substantiated an alleged inappropriate comment that he made to a DCF labor relations representative, he notes that no discipline was taken. Further, S.L. indicates that the EEO failed to explain that the August 2021 determination is the subject of an unfair labor practice complaint pending before the Public Employment Relations Commission brought based on that determination. Similar to this matter, that matter involved a "he-said, she-said" allegation that the EEO resolved against him based on alleged prior conduct by S.L. that allegedly occurred, if at all, in the context of protected union activity. He emphasizes that the

EEO could not rely on his prior disciplinary history because none exists. S.L. argues that the EEO's assertion that it based credibility determinations on a non-existent disciplinary history and admittedly unsubstantiated allegations, further confirms that its instant determination was not based on competent reliable evidence.

## **CONCLUSION**

- *N.J.A.C.* 4A:7-3.1(a) provides, in pertinent part, the State is committed to providing every State employee and prospective State employee with a work environment free from prohibited discrimination or harassment. Under this policy, forms of employment discrimination or harassment based upon gender identity or expression will not be tolerated.
- *N.J.A.C.* 4A:7-3.1(a)1 provides, in pertinent part, this policy applies to all persons doing business with the State. This policy also applies to conduct that occurs in the workplace and conduct that occurs at any location that can be reasonably regarded as an extension of the workplace (any field location, any off-site business-related social function, or any facility where State business is being conducted and discussed).
- *N.J.A.C.* 4A:7-3.2(i)2 provides, in pertinent part, that the investigation of a complaint shall be completed and a final letter of determination shall be issued no later than 120 days after the initial intake of the complaint.
- *N.J.A.C.* 4A:7-3.2(i)3 provides that the time for completion of the investigation and issuance of the final letter of determination may be extended by the State agency head for up to 60 additional days in cases involving exceptional circumstances. The State agency head shall provide the Division of EEO/AA and all parties with written notice of any extension and shall include in the notice of an explanation of the exceptional circumstances supporting the extension.
- *N.J.A.C.* 4A:7-3.2(l) provides, in pertinent part, that the State agency head or designee will issue a final determination letter of determination to both the complaint(s) and the person(s) against whom the complaint was filed, setting forth the results of the investigation and the right to appeal to the Commission as set forth in subsection (n).
- *N.J.A.C.* 4A:7-3.2(n) provides, in pertinent part, that in a case where a violation has been substantiated, and no disciplinary action recommended, the party(ies) against who the complaint was filed may appeal the determination to the Commission within 20 days of receipt of the final letter of determination by the State agency head or designee.

 $\it N.J.A.C.$  4A:7-3.2(n)1 provides that the burden of proof shall be on the appellant.

Initially, concerning the significance that S.L. was not specifically advised of his right to appeal to the Commission and his lack of notice regarding DCF's request to receive an extension to issue a determination in this matter, it is noted the S.L. did appeal the determination, which was accepted by the Commission as timely, and his lack of notice on the approved extension request did not result in any material harm to S.L. Technical violations of the State Policy by an appointing authority are not a basis to invalidate a determination letter unless these violations somehow invalidated the integrity of the investigation and/or determination, which is not the case here. However, the EEO is warned that it should follow all the procedures as indicated in the State Policy, and future violations could subject DCF to fines or other appropriate action as indicated under *N.J.A.C.* 4A:10-2.1(a).

Regarding S.L.'s contention that the EEO did not have jurisdiction to investigate the matter, as S.L. is a current employee who is on union leave performing union duties that involve doing business with the State, the State Policy applies to him under N.J.A.C. 4A:7-3.1(a)1. Similarly, as the alleged conduct took place at the DOL building and at Local 1038 office, which is a facility where business regarding the representation of State employees takes place, the Commission finds that both of these locations are considered facilities where State business is being conducted and discussed under N.J.A.C. 4A:7-3.1(a)1. Therefore, the Commission finds that the State Policy touched the allegations at both locations, and it was appropriate for the EEO to investigate the allegations at both locations. S.L.'s claim that the alleged conduct was campaign activity that is protected union activity under the New Jersey Employer-Employee Relations Act and is regulated by union bylaws, the EEO was not investigating an election dispute as S.L. suggests or otherwise interfering with union activity. Instead, it was investigating an allegation that S.L. was purposely not referring to a State employee by that employee's preferred name, in violation of the State Policy. S.L. has not presented anything specific in the New Jersey Employer-Employee Relations Act that would prevent an EEO from investigating an allegation of a violation of the State Policy. The fact that this alleged activity took place during union electioneering activity does not signify that those that are engaging in union activity that involves the State are no longer required to engage in conduct that complies with the State Policy.

Referring to the merits, the complainant's account of the morning incident is that after informing S.L. that her preferred name is D[a], he still repeatedly referred to her as D[]. Further, the complainant felt threatened and bullied by S.L. to the point that she called the police. Further, there is a video footage demonstrating that the complainant and S.L. were involved in a contentious conversation, S.L. followed the complainant even after she attempted to leave, and police arrived at the scene. Moreover, there is a text from Witness One who asks the complainant if she is okay,

and Witness One confirmed to the investigator that she observed S.L. bullying the complainant. Additionally, later in the day while the complainant went to the local union office, she sent a text to her colleague indicating that S.L. is "blatantly misnaming me."

S.L.'s version of the morning incident is that he first congratulated the complainant about her transitioning to the point where the complainant thanked him. However, S.L. was not made aware that the complainant's preferred name was D[a] at that time. Further, later that morning, S.L. learned from other union members who reported to him that on the prior day, the complainant was falsely obtaining signatures by telling people that the signatures were for S.L. when they were really for Witness One who was running against him to be the local union President. Subsequently, S.L. confronted the complainant about her alleged falsely obtaining signatures which led to the contentious conversation between them and the complainant calling the police. S.L. denied calling the complainant D[] at any point after he learned that the complainant's preferred name was D[a], and he indicated that he did not learn the complainant's preferred name until the afternoon on the day of the incident.

In other words, for S.L.'s version of events to be believed, first S.L. would have had to have proactively congratulated the complainant on her transitioning, but at no point at that time was he advised of her preferred name. Further, the complainant would have had to engaged in a scheme to obtain signatures for the election under false pretenses. However, it is noted that S.L. has not provided any evidence, such a statements from any the alleged union members who supposedly advised S.L. of the scheme, that confirms that the complainant engaged in such behavior. Thereafter, the complainant would have had to have continued her alleged wrongdoing by calling the police on S.L. when he was confronting her about her scheme. Finally, the complainant would have had to continue her alleged misconduct later in the day by sending a text falsely accusing S.L. him of "blatantly misnaming" her. Accordingly, based on the two accounts, the record supports the EEO's finding that the complainant was more credible than S.L. and it was more likely than not that S.L. referred to the complainant as D[] even after she advised him of her preferred name, in violation of the State Policy.

Furthermore, although S.L. asserts that it is not true that the witnesses from the union did not cooperate with the investigation, the Commission finds that based on the accounts as described above, regardless of the afternoon union witnesses' statements, there was sufficient evidence to find that S.L. violated the State Policy in the morning. Additionally, based on the above, it was also unnecessary to consider any prior alleged violations of State Policy, including one allegation which was substantiated, to reach the conclusion that the complainant was more credible than S.L., and S.L. violated the State Policy regarding the subject allegation. Therefore, the Commission finds that S.L. has not sustained his burden of proof.

## 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 20<sup>TH</sup> DAY OF SEPTEMBER, 2023

## Dolores Gorczyca

Dolores Gorczyca Presiding Member Civil Service Commission

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