



STATE OF NEW JERSEY

In the Matter of C.S., Department of
Children and Families

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

CSC Docket No. 2024-1511

Discrimination Appeal

ISSUED: August 14, 2024 (SLK)

C.S., a Family Service Specialist 2 with the Department of Children and Families, appeals the determination of a Deputy Commissioner, which was unable to substantiate that she was subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

By way of background, C.S., an African American female, alleged that E.H., a Supervising Family Service Specialist 2 who is a Hispanic Caucasian male, treated her differently because she is a woman and a foreigner. Additionally, C.S. alleged that E.H. discriminated against her because she is single and not married. However, as there was no corroborating evidence, the investigation was unable substantiate her allegations.

On appeal, C.S. asserts that she was singled out in her unit, and micromanaged. She claims that E.H. has not treated any other employees under his supervision this way. C.S. states that she was belittled and made to feel lesser than other employees. For example, she presents that she is the only employee under E.H.'s supervision who receives notes, calls, and daily harassment from him to determine if she is in her cubicle. Additionally, she indicates that she is the only employee under his supervision who was told who they cannot work with in the office. C.S. provides that due to the hostile environment, she is unable to concentrate on her work, which resulted in her doctor recommending that she take time off to manage her anxiety and depression. Further, she states that she was denied permission to

take time off from work to attend an important medical appointment. C.S. claims that management has allowed E.H. to continue his discriminatory and unethical behavior towards her. She submits emails to support her allegation that E.H. lurked at her cubicle and found unnecessary tasks to harass her during work.

In response, the appointing authority presents that C.S. alleged that E.H. discriminated against her based on sex/gender, national origin, and marital status. Specifically, C.S. alleged that E.H. “belittles her as a woman,” called and spoke aggressively to her, stated that he is “loud and harsh” to her, reported that he made her feel “small” and her work was not appreciated, screamed at her like she was a kid, and constantly emailed her to the point where she could not service her clients. C.S. identified three colleagues under E.H.’s supervision that did not receive similar treatment. However, she acknowledged that there were two males who were previously under E.H.’s supervision who he spoke to in an aggressive, loud, and harsh manner. Additionally, C.S. alleged that E.H. discriminated against her because she is a “foreigner” as she is Guyanese. However, C.S. confirmed that E.H. never referred to her as a foreigner, and she did not provide specific examples demonstrating that E.H. treated her differently based on her national origin. Moreover, C.S. alleged that E.H. discriminated against her based on her marital status as she believed that E.H. would not belittle her if she was married and had someone to represent her and he took advantage of her because she is a single female.

The investigation revealed that E.H. denied that he is condescending or demeaning to C.S. He explained that he communicates with C.S. by email because she does not answer his phone calls. Further, after C.S. stated that he was never available, he increased his in-person interactions with her, and then C.S. claimed that he was harassing her. Additionally, E.H. denied that he discriminated against C.S. because she is female and a foreigner as he stated that she is “combative” and difficult to engage. E.H. noted that he also supervised another female worker and he himself is a “foreigner.” Moreover, E.H. denied that he discriminated against C.S. because she is female and not married and expressed that he was not even aware of her marital or family status.

Through witness testimony, the investigation confirmed that E.H. supervises both male and female staff, including another employee who was born outside of the United States, and the staff indicated that they had never heard E.H. speak aggressively to C.S. or any other female staff. Additionally, the witness testimony corroborated that C.S. is argumentative with E.H. Therefore, the investigation was unable to substantiate any of the allegations.

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 sex/gender, national origin, and marital status will not be tolerated. Moreover, *N.J.A.C. 4A:7-3.2(m)4* states that the appellant shall have the burden of proof in all discrimination appeals brought before the Civil Service Commission.

In this matter, C.S. alleges that E.H. discriminates against her because she is an unmarried female who was not born in the United States. Specifically, she alleges that E.H., her supervisor, “belittles her as a woman,” speaks to her in a “loud and harsh” manner, and micromanages her by constantly emailing her, leaving her notes, and regularly checking her cubicle concerning her whereabouts. Further, she alleges that she is told who she can and cannot work with, and he unfairly denied her time off for a medical appointment. C.S. claims that she is the only employee under E.H.’s supervision who is treated in this matter, and he does so due to the aforementioned reasons.

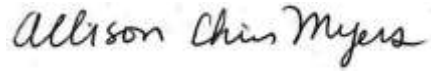
The investigation revealed that C.S. acknowledged that there were two males who were previously under E.H.’s supervision who he spoke to in an aggressive, loud, and harsh manner. Additionally, C.S. confirmed that E.H. never referred to her as a foreigner, and she did not provide the investigation specific examples demonstrating that E.H. treated her differently based on her national origin. Further, E.H. denied the allegations and explained that he communicates with her by email because she does not answer his phone calls and he increased his in-person interactions with her when she claimed that he was never available, only for C.S. to then claim that he was harassing her. Moreover, E.H.’s staff indicated that they had never heard E.H. speak aggressively to C.S. or any other female staff, and they corroborated that C.S. is argumentative with E.H. Therefore, even if E.H. treated C.S. more harshly than others he supervises or otherwise treated her unfairly as she alleges, C.S. has not presented any documentary evidence or signed statements from any witnesses that any alleged actions taken by E.H. against her were based on her membership in a protected class. Mere speculation, without evidence, is insufficient to support a violation of the State Policy. See *In the Matter of T.J.* (CSC, decided December 7, 2016). Similarly, although C.S. might dislike E.H.’s supervisory style, disagreements between co-workers cannot sustain a violation of the State Policy. See *In the Matter of Aundrea Mason* (MSB, decided June 8, 2005) and *In the Matter of Bobbie Hodges* (MSB, decided February 26, 2003). Thus, there is not a sufficient basis to disturb the appointing authority’s determination in this matter. Accordingly, C.S. has not satisfied her 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 14TH DAY OF AUGUST, 2024



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