



**STATE OF NEW JERSEY**

In the Matter of Edward Spahr, State  
Park Police Officer Trainee (S0231D),  
Department of Environmental  
Protection

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

CSC Docket No. 2024-2629

List Removal Appeal

**ISSUED: October 16, 2024 (SLK)**

Edward Spahr appeals the decision to remove his name from the State Park Police Officer Trainee (S0231D), Department of Environmental Protection eligible list on the basis of an unsatisfactory background report.

The appellant took the open competitive examination for State Park Police Officer Trainee (S0231D), which had February 28, 2022, closing date, achieved a passing score, and was ranked on the subsequent eligible list, which expires on November 9, 2024. His name was certified (OS230121) and he was ranked as the 146<sup>th</sup> candidate. In seeking his removal, the appointing authority indicated that the appellant had an unsatisfactory background report. Specifically, the appointing authority's investigation revealed that none of the appellant's family members, friends, or references could provide contact information for three additional friends who could speak about him. Additionally, he applied to two other law enforcement positions where, in one case, the jurisdiction indicated that "[h]e was passed over" with no further details and the other indicated that "[h]e had an unfavorable interview and will not be selected for the position." Also, the appellant failed to disclose that the Berkeley Police Department was called to his residence on March 27, 2023, which occurred only five months prior to the investigation. Moreover, the investigator commented that the appellant had never been in a personal relationship, never played team sports, only engaged in individual activities, and had never been in any confrontational incident. Therefore, the investigator believed the appellant's background demonstrated that he had never performed in a working group manner

which is a fundamental necessity for this position. Additionally, when the appellant was asked what was the most frustrating part of the hiring process, he stated, "Going through the academy and meeting new people." Also, the investigator indicated that he tried to contact the appellant's current supervisor, but he received no response. Therefore, the investigator noted he did not have any verification of the appellant's work ethic, disciplinary action, or any feedback from the appellant's employer for the past six plus years. Consequently, the investigation concluded that the totality of the appellant's background was unsuitable for the subject position.

On appeal, the appellant presents that he passed an oral examination conducted by high-ranking police officials and was offered the subject position before the offer was rescinded. He states that the investigator spoke with three friends that he provided and three references. Therefore, the appellant asserts that he demonstrated that he did have personal relationships. Concerning his applications for law enforcement positions in other jurisdictions, the appellant claims that he was advised, in one case, that he was not hired because he was not reachable on the eligible list, and in the other case, the jurisdiction was looking to hire those who already had a Police Training Certification. Referring to the Berkeley Police Department, the appellant states that he rented a room at a residence, and he was not present at the incident and has no knowledge of the incident. Concerning his employment with Allied Universal as a Security Officer, the appellant believes that his work history could have been easily verified. Also, if he had been advised, he would have had his supervisor call the investigator. The appellant contends that there is nothing in his background that should have disqualified him.

In response, the appointing authority relies on its background report.

## 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 Civil Service Commission (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. *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 the decision to remove his name from an eligible list was in error.

In this matter, the appointing authority primarily removed the appellant from the subject eligible list because it believed that he mostly engaged in individual activities and was concerned that the appellant did not have the interpersonal relationship skills to work in a group setting which is fundamental to the position. While the Commission recognizes the high standards to be a State Park Police Officer Trainee, which is a law enforcement position, the appellant indicates that he did

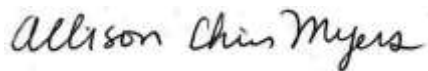
provide the appointing authority with friends and references for it to contact. Further, the appointing authority's concern that the appellant will not be able to work in a group setting is speculative as it has not presented anything in the appellant's background which indicates that he cannot work in a group setting or otherwise cannot meet the high standard to be a State Park Police Officer Trainee. Further, concerning the other alleged issues with the appellant's background, the appellant disputed or explained the claims, and the appointing authority did not respond. Therefore, the Commission finds that there is no basis for the appointing authority to have removed the appellant's name from the subject eligible list. However, it is noted that the appointing authority's concerns could have been a basis to have bypassed the appellant's name on the subject eligible list.

### ORDER

Therefore, it is ordered that this appeal be granted and Edward Spahr's name be restored to the eligible list for State Park Police Officer Trainee (S0231D), Department of Environmental Protection, for prospective employment opportunities. If that list is not certified prior to its November 9, 2024, expiration, it is further ordered that at the time of the next certification, the State Park Police Officer Trainee (S0231D) eligible list be revived, and the appellant's name be placed on the next certification, for prospective employment opportunities only, consistent with this decision.

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 16<sup>TH</sup> DAY OF OCTOBER, 2024




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