



STATE OF NEW JERSEY

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

In the Matter of J.G., Vineland
Developmental Center, Department
of Human Services

Discrimination Appeal

CSC Docket No. 2024-964

ISSUED: July 24, 2024 (EG)

J.G., a former Cottage Training Technician¹ with the Vineland Developmental Center, Department of Human Services (DHS), appeals the determination of the Assistant Commissioner, Office of Legal and Regulatory Affairs DHS, stating that the appellant failed to present sufficient evidence to support findings that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

The appellant filed a complaint with the DHS Office of Equal Employment Opportunity (EEO) on July 6, 2023, in which the appellant alleged that M.R., Cottage Training Supervisor, and B.M., Supervisor of Professional Residential Services discriminated against her on the basis of national origin. Specifically, the appellant alleged that M.R. called her a derogatory term based on her ethnicity. Additionally, she alleged that B.M. treated her absences as unauthorized despite providing doctor's notes, due to her disability.

In response to the appellant's complaints, the EEO conducted an investigation and found that the appellant's allegations could not be substantiated that a violation of the State Policy had occurred. The investigation included interviews and the collection and review of pertinent documents. It found no witnesses to the appellant's

¹ J.G. was removed on disciplinary charges and appealed that removal to the Civil Service Commission. She subsequently withdrew that appeal and settled the matter to a general resignation from State service, effective January 26, 2024.

allegation that M.R. had called her a derogatory term based on the appellant's ethnicity. Additionally, M.R. denied the allegation. Further, the investigation found that the medical notes were received in contradiction to the appellant's allegation that they were not received, but nonetheless, found that the designation of the absences as unauthorized was not in violation of the State Policy. The investigation could not substantiate the claims against B.M. or M.R.

On appeal, the appellant argues that further investigation into her allegations into M.R. need to be conducted. She alleges that M.R. has had numerous incidents, has made false accusations in several cottages, and has written false statements about co-workers. Additionally, she asserts that in the past, M.R. has used the term used against her loosely and that other supervisors know this and have stated that they heard M.R. use that derogatory term.

In response, the EEO asserts that during the investigation, the appellant indicated there were no witnesses to the allegation that M.R. used a derogatory slur. On appeal, the appellant has not provided the names of any specific witnesses that heard M.R. use this derogatory slur. The EEO argues that the appellant has failed to meet her burden on appeal by not submitting any evidence that changes the relevant facts of the matter.

CONCLUSION

N.J.A.C. 4A:7-3.1(a) provides that under the State Policy, discrimination or harassment based upon the following protected categories are prohibited and will not be tolerated: race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability. *N.J.A.C.* 4A:7-3.1(c) provides that it is a violation of this policy to engage in sexual (or gender-based) harassment of any kind, including hostile work environment harassment, quid pro quo harassment, or same-sex harassment.

In response to the appellant's complaints, the EEO conducted an investigation that concluded that her allegations could not be substantiated that a violation of the State Policy had occurred. The investigation included interviews and the collection and review of documents pertinent to the allegation. It found no witnesses to the appellant's allegation that M.R. had called her a derogatory term based on her ethnicity and M.R. denied the allegation. Further, the investigation found that the medical notes were received in contradiction to the appellant's allegation, but that there was no evidence that designating the absences as unauthorized was in violation of the State Policy.

On appeal, the appellant alleges further inappropriate actions by M.R. She also asserts that other supervisors have acknowledged hearing M.R. use the derogatory slur. However, the appellant does not provide the names of these other witnesses. Further, the new allegations against M.R. do not appear to imply State Policy violations and focus more on general inappropriate actions. Regardless, the appellant does not submit any evidence to support her allegations.


The determinations made by the EEO in this matter were well reasoned. Moreover, the appellant has not provided any evidence in support of her contentions that she was subjected to a violation of the State Policy. Therefore, the appellant has not sustained her burden of proof in this matter. Accordingly, based on the foregoing, no basis exists to find a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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 24TH DAY OF JULY, 2024



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