



STATE OF NEW JERSEY

In the Matter of Kyle McParland,
Police Officer (M0132D), Rockaway

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

CSC Docket No. 2025-620

Request for Reconsideration

ISSUED: February 26, 2025 (HS)

Kyle McParland, represented by Zinovia H. Stone, Esq., requests reconsideration of the final administrative action in *In the Matter of Kyle McParland, Police Officer (M0132D), Rockaway* (CSC, decided July 3, 2024).

As background, the petitioner appeared as the third ranked nonveteran eligible on the subject Police Officer (M0132D) eligible list, which promulgated on November 10, 2022 and expired on November 9, 2023. A certification, consisting of the names of 15 nonveteran eligibles, was issued on March 21, 2023 (OL230264) with the petitioner listed in the first position. In disposing of the certification, the appointing authority bypassed the petitioner and appointed, effective October 12, 2023, B.N., F.M., W.K., and B.M., respectively the fourth, fifth, ninth, and 10th listed eligibles.

In the previous matter, the appointing authority indicated that it bypassed the petitioner pursuant to its anti-nepotism policy. It noted that John McParland, Police Sergeant, and Martin McParland, Police Chief, were respectively the petitioner's father and direct-line uncle and maintained that the favoritism of the Police Chief in the supervision of his nephew must be avoided in order to ensure that the public is best served. The Civil Service Commission (Commission) found no basis to second guess these legitimate concerns. *See In the Matter of James R. Sweitzer* (MSB, decided June 6, 2007) (anti-nepotism policy did not conflict with any tenet of Civil Service law or rules).

Neither had the petitioner shown that the appointing authority's proffered reason was pretextual. In this regard, the petitioner contended that there was "no chance" of there being nepotism in the hiring process as it was administered via this agency, specifically pointing to his own efforts and abilities in taking the Civil Service examination and ranking high on the eligible list. The Commission disagreed. Although administering examinations and establishing eligible lists undoubtedly were core functions of this agency, the petitioner's argument overlooked that it was the *appointing authority* that ultimately had the discretion to select any of the top three interested eligibles on the certification for each appointment made *from* the established eligible list. Therefore, the Commission could not accept the contention that there was "no chance" of there being nepotism in the hiring process.

Further, the petitioner contended that the appointments of B.N. and W.K. demonstrated the appointing authority's inconsistency in applying its anti-nepotism policy. Specifically, the petitioner claimed that B.N. was the cousin of previously appointed Police Officer K.B. However, the petitioner provided no substantive evidence of this familial relationship. Even if he had, it would not have demonstrated inconsistency in applying the policy because cousins were outside the policy's scope by its terms. The petitioner also claimed that W.K. was the brother of previously appointed Police Officer R.K. However, the petitioner again provided no substantive evidence of this familial relationship. He merely asserted the existence of the relationship and did not explain the basis for his knowledge. The Commission also acknowledged that the petitioner had provided other examples where the anti-nepotism policy was allegedly violated. However, because the issue in the appeal was whether the appointing authority validly bypassed the petitioner *on the March 21, 2023 (OL230264) certification in favor of B.N., F.M., W.K., and B.M.* and the petitioner did not allege that the appointments of F.M. and B.M. violated the anti-nepotism policy, the only possibly relevant examples were those of B.N. and W.K. Other examples were not relevant and thus not addressed.¹

Accordingly, the Commission's review of the record indicated that the appointing authority's bypass of the petitioner's name was proper.

In his request for reconsideration, the petitioner first reiterates his argument that there was "no chance" of there being nepotism in the hiring process because hiring him after he successfully took a test administered by this agency in a presumably fair and unbiased manner and ranked first on the list would be natural as opposed to motivated by nepotism. Second, the petitioner reiterates his claim that the appointing authority ignored its anti-nepotism policy until his entry onto the eligible list and proffers that the names he had provided are public record and may

¹ One such other example was that Police Captain R.S. supervised his son, Police Sergeant M.S. As with the asserted relationship between W.K. and R.K., the petitioner provided no substantive evidence of this or any other familial relationship. Rather, he merely asserted the existence of the relationships without explaining the basis for his knowledge.

easily be verified. For example, the petitioner asserts, Police Captain R.S. and Police Sergeant M.S. appear as Township employees via a simple Google search. This, per the petitioner, is a father directly supervising a son. Finally, the petitioner maintains that he has already provided reasoning and proof for why the appointing authority's refusal to hire him was pretextual for political, racial, and retaliatory reasons.

In response, the appointing authority, represented by Thomas N. Ryan, Esq., argues that the instant reconsideration request merely reargues the very points that were asserted in the original appeal and offers no new evidence or additional information not presented at the original proceeding that would change the outcome. In addition, the appointing authority contends that the petitioner fails to provide any substantive evidence or legal argument to suggest that the Commission's prior decision presented a clear material error. Rather, the petitioner simply reargues the unsubstantiated allegations asserted in the original appeal. It avers that the Commission already pointedly addressed the suggestion that the fact this agency administers a testing procedure for prospective job applicants negates an appointing authority from having an anti-nepotism policy and following that policy. The appointing authority notes that the burden of proof remains with the petitioner and argues that such burden of proof is even more robust for a reconsideration request. Despite that burden, per the appointing authority, the petitioner's reconsideration request provides no factual substantiation of allegations and no new evidence or exhibits supporting general allegations addressed in the Commission's prior decision. It highlights that the Commission determined, in response to such unsubstantiated allegations of discrimination and political retaliation, that "neither has the [petitioner] shown that the appointing authority's proffered reason was pretextual." The appointing authority urges the Commission to deny the instant request.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) provides that a petition for reconsideration shall be in writing signed by the petitioner or his or her representative and must show the following: (1) the new evidence or additional information not presented at the original proceeding, which would change the outcome and the reasons that such evidence was not presented at the original proceeding; or (2) that a clear material error has occurred. A review of the record reveals that reconsideration is not justified.

The petitioner has again raised the contention that there was "no chance" of there being nepotism in the hiring process because he successfully took a fair and unbiased test administered by this agency and ranked first on the ensuing eligible list. However, the Commission already addressed this contention in the prior decision and described why an appointing authority could legitimately have concerns over nepotism, notwithstanding that it is this agency that administers examinations and establishes eligible lists. The Commission finds it unnecessary to rehash points already made. Regarding the petitioner's suggestion that the names he had provided are public record and may easily be verified by, for example, a Google search, merely

asserting that certain information exists somewhere in the public record and inviting the Commission to conduct an Internet search does not meet the petitioner's burden of proof. Finally, the Commission already concluded in the prior decision that the petitioner had not shown that his bypass was pretextual. He presents no substantive reason to revisit that conclusion in the instant matter.

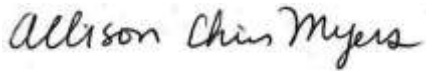
Accordingly, the petitioner has not met the standard for reconsideration as he has not shown that a clear material error has occurred or presented new information that would change the outcome.

ORDER

Therefore, it is ordered that this request for reconsideration 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 26TH DAY OF FEBRUARY, 2025



Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Kyle McParland
Zinovia H. Stone, Esq.
Lisa Palmieri
Thomas N. Ryan, Esq.
Division of Human Resource Information Services
Records Center