



STATE OF NEW JERSEY

In the Matter of R.D., Locksmith
(S1515F), Statewide

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

CSC Docket No. 2026-1825

Administrative Appeal

ISSUED: September 2, 2026 (HS)

R.D. appeals his nonappointment on the Locksmith (S1515F), Statewide eligible list.

The appellant, a non-veteran, appeared on the subject eligible list, which promulgated on March 6, 2025 and expired on March 5, 2027. On March 10, 2025, a certification (OS250107), consisting of the appellant's name only, was issued to Greystone Park Psychiatric Hospital (Greystone). A review of this agency's records confirms that on August 7, 2025, Greystone returned the disposition of the certification to this agency. Agency records also confirm that in disposing of the certification, Greystone retained the appellant's name on the list as the certification was incomplete and a provisional employee was serving in the title. This agency recorded the disposition of the certification on August 11, 2025. On August 11, 2025, another certification (OS250469) was issued to Greystone, consisting of the names of the appellant and another equally ranked non-veteran eligible, J.H., the provisional.¹ A review of this agency's records confirms that Greystone returned the disposition of the certification to this agency on August 20, 2025. Agency records also confirm that in disposing of the certification, Greystone retained the appellant and permanently

¹ Throughout the appellant's appeal, he claims that he was "bypassed" in favor of the lower-ranked candidate. However, the appellant and the appointed candidate were the same-ranked candidates. The appointed candidate was only in the second position on the certification based on alphabetical order of the candidates' names.

appointed J.H., effective August 12, 2025. This agency recorded the disposition of the certification on August 20, 2025.²

In his appeal to the Civil Service Commission (Commission), postmarked February 3, 2026, the appellant recounts that he was progressing through the pre-employment process and completed a fingerprinting/background check appointment and medical examination. The appellant certifies:

Upon completion of all pre-employment requirements, I was contacted by [Greystone] on June 23, 2025. I was explicitly instructed to provide my two-week resignation notice to my current employer, The County of Morris, to prepare for a start date of July 14, 2025. Relying in good faith on this directive, I submitted my resignation on June 26, 2025, effective July 11, 2025.

The appellant also states that during the June 23, 2025 phone call, he was told that he would attend a brief interview on or before the “expected” start date of July 14, 2025. The appellant insists that a severe administrative error has occurred in that he was contacted after his intended start date by Greystone on August 7, 2025 and told he was “fully cleared” but required “further approval.” Since that date, he remained in contact with Greystone and this agency to ascertain his status, and it was not until February 2, 2026 that he learned that another individual was appointed. The appellant contends that Greystone never engaged in a legitimate, merit-based comparison of the candidates.

In response, Greystone maintains that the appellant was not advised that he had been cleared for employment or instructed to provide notice to his current employer on June 23, 2025. Rather, the purpose of the June 23, 2025 communication was solely to address incomplete medical documentation, and the hiring process remained contingent upon receipt of all required approvals and successful completion of all pre-employment requirements. To that end, as required under *N.J.S.A. 30:4-3.5 et seq.*, candidates for employment in State psychiatric facilities must undergo criminal history background checks and be deemed suitable for employment within a secure healthcare environment. Following an individualized review, it was determined that the appellant’s background included a conviction for possession of CDS-50 grams of marijuana and unlawful possession of weapons-handguns, which, when evaluated in relation to the duties of a Locksmith position, was not compatible with the safety and security requirements of the facility. The Locksmith position requires access to secured areas, locking systems, and institutional infrastructure within a psychiatric hospital serving a vulnerable population. Based on the nature of these responsibilities, the appellant was not cleared for employment. It was then

² In other words, Greystone complied with its reporting obligations under *N.J.A.C. 4A:4-4.8(b)* with respect to both certifications and did not request that the appellant’s name be removed from the eligible list.

found that the appellant had not disclosed these arrests as required on his preemployment application dated May 31, 2025, specifically in response to the following question: “Have you ever been convicted of a crime or other offense which has not been expunged by the Court, either in New Jersey or in any other jurisdiction?” The accuracy and completeness of information provided during the hiring process are essential, particularly for positions involving access to secured areas and institutional infrastructure. This omission was considered as part of the overall assessment of suitability for the position. Based on this determination, the appellant was deemed ineligible to proceed with appointment. He was notified via telephone on August 7, 2025 and a formal notification letter was issued the same day.

In reply, the appellant argues that Greystone has engaged in a calculated effort to utilize a nearly 25-year-old criminal record as a pretextual shield for egregious administrative mismanagement. This character attack is a transparent attempt to mask Greystone’s own deliberate administrative failures, lack of protocol, and the unlawful inducement of his resignation. He contends that Greystone weaponized a remote 2001 record, which bears no relevance to his current professional standing, to discredit and embarrass a vetted career civil servant. He proffers that Greystone cannot cite a 2001 record as a disqualifier when high-ranking officials in the Department of Law and Public Safety and the Morris County Prosecutor’s Office physically authorized his access to the most sensitive infrastructure in the State. The appellant further proffers that he is currently eligible for an expungement. Additionally, he argues that the Opportunity to Compete Act, *N.J.S.A. 34:6B-11 et seq.*, mandates that criminal history should not be used as a disqualifier without an individualized assessment. Additionally, he proffers that falsification requires a finding of an intent to deceive and claims that in *In the Matter of Anthony Goffe* (CSC, decided June 11, 2025), the Commission reversed a disqualification for falsification, ruling that an honest mistake or a lack of intent to deceive is a sufficient defense. The appellant maintains that he had mentally moved past his remote criminal history and maintained a sincere belief that his record was clean or had been expunged. The appellant “certif[ies] that [he] [has] no record of receiving the letter allegedly dated August 7, 2025 and confirm[s] that no such correspondence exists in [his] records.” He also certifies that the following exchange occurred during the June 23, 2025 phone call:

At 10:25 AM on June 23, 2025, I engaged in a telephone conversation with [Greystone]. The call lasted exactly 6 minutes and 58 seconds. During this incoming phone call and after a brief conversation regarding medical clearance I asked [Greystone] about the next steps with the employment process and proactively used the word “tentative” regarding my question in regards to my anticipated start date. [Greystone] explicitly corrected me and stated that my “expected” start date was July 14, 2025.

[Greystone] further directed me to resign from my position at the County of Morris immediately, stating: “Your expected start date is July 14, which gives you little time to put in your 2 weeks notice with the County which is required”, “I would suggest you do this very soon, let me check my calendar” . . . “This leaves you with three days to put your 2 weeks notice in so you need to act fast.” I subsequently submitted my letter of resignation with the County of Morris on June 26, 2025.

In reply, Greystone insists that it made no final offer of employment or directive to resign; that the appellant was on clear notice that employment was not final or guaranteed and remained contingent upon completion of all required pre-employment conditions; that the appellant failed to disclose material information; that an individualized assessment was conducted, taking into account the nature of the position and the appellant’s background; that clearance or access granted by other employers cannot bind Greystone or substitute for its independent determination; that it complied with the Opportunity to Compete Act because the appellant was not screened out at the initial stage of the hiring process; and that the appellant did not report to work or follow up with Greystone on or after the alleged July 14, 2025 start date. Greystone also argues that eligibility for an expungement does not equate to an expungement having been granted, and the appellant had not provided any documentation indicating that any expungement had been applied for or granted.

In reply, the appellant contends that it is a procedural and logical impossibility to conduct a comparative merit-based evaluation without an interview. He also advises that he initiated an expungement petition on April 20, 2026.

CONCLUSION

N.J.A.C. 4A:2-1.1(b) provides, in pertinent part, that an appeal must be filed within 20 days after either the appellant has notice or should reasonably have known of the decision, situation, or action being appealed.

N.J.A.C. 4A:4-4.2(c)2 provides, in pertinent part, that an appointing authority shall be entitled to a complete certification for consideration in making a permanent appointment, which means, from open competitive lists, the names of three interested eligibles for the first permanent appointment and the name of one additional interested eligible for each additional permanent appointment. *See also, N.J.S.A.* 11A:4-8.

N.J.S.A. 11A:4-8, *N.J.S.A.* 11A:5-6, and *N.J.A.C.* 4A:4-4.8(a)3i allow an appointing authority to select any of the top three interested eligibles on an open competitive list, provided that no veterans are on the list.

The appellant has the burden of proof in this matter. *See N.J.A.C.* 4A:2-1.4(c).

Initially, the Commission finds that this appeal was not timely filed even assuming that the appellant did not previously receive Greystone's August 7, 2025 correspondence indicating that it would not be proceeding with his appointment. In this regard, the appellant insists that he was given an expected start date of July 14, 2025. Additionally, the dispositions for certifications OS250107 and OS250469 were recorded August 11, 2025 and August 20, 2025, respectively. However, the instant appeal was not filed until months later on February 3, 2026. Thus, it is clear that the appellant's appeal is untimely. Nevertheless, the Commission will address the merits below for informational purposes and in the interest of completeness.

Since there were no veterans on certification OS250469, it was within Greystone's discretion to select any interested eligible on the certification for the vacancy. An appointing authority has the discretion to dispose of a certification within the guidelines of Title 11A of the New Jersey Statutes Annotated and Title 4A of the New Jersey Administrative Code. This discretion includes utilizing a candidate's history in making a selection. While an appointing authority is permitted to interview candidates and base its hiring decision on the interview, interviews are not required. *See In the Matter of Nicholas R. Foglio* (CSC, decided February 22, 2012). It is within the appointing authority's discretion to choose its selection method, *i.e.*, whether or not to interview candidates. *See, e.g., In the Matter of Angel Jimenez* (CSC, decided April 29, 2009); *In the Matter of Abbas J. Bashiti* (CSC, decided September 24, 2008); *In the Matter of Paul H. Conover* (MSB, decided February 25, 2004); *In the Matter of Janet Potocki* (MSB, decided January 28, 2004). Here, Greystone justifies its decision not to appoint the appellant based on his criminal record and falsification of the preemployment application.³ As discussed below, these reasons were legitimate.

With respect to criminal record, the record indicates that the appellant's history includes a conviction for possession of CDS-50 grams of marijuana and unlawful possession of weapons-handguns. In this case, the Commission has no basis to second guess Greystone's judgment that said history was not compatible with the Locksmith position sought within the secure healthcare environment of a psychiatric hospital serving a vulnerable population. Moreover, there is no support in the record for the proposition that Greystone could not exercise independent judgment or was somehow bound by the decisions of the Department of Law and Public Safety, the Morris County Prosecutor's Office, or other entity to authorize the appellant's access to sensitive infrastructure. There is also no evidence in the record that the appellant's criminal record was in fact expunged at the time Greystone was considering his

³ Successful provisional service by the appointed candidate is also a legitimate business reason to not appoint the appellant in favor of the same-ranked candidate. *See In the Matter of Mahasen Adra-Halwani* (MSB, decided October 5, 2005); *In the Matter of Terrence Crowder* (CSC, decided April 15, 2009).

candidacy.⁴ To be clear, the Commission has no occasion to decide whether the appellant's criminal record would support his removal from the eligible list. Rather, it decides only that said record presented a legitimate business reason not to appoint him.

Further, while the appellant claims that the Opportunity to Compete Act, *N.J.S.A. 34:6B-11 et seq.*, mandates that criminal history should not be used without an individual assessment, the record reflects that Greystone did engage in an individual assessment as discussed above. As such, it was appropriate for Greystone to consider the appellant's criminal history when it decided not to appoint the appellant in favor of the same-ranked candidate.⁵

With respect to falsification, the record reflects no dispute that the appellant failed to disclose the above criminal record on his May 2025 pre-employment application. The Appellate Division of the New Jersey Superior Court, in *In the Matter of Nicholas D'Alessio*, Docket No. A-3901-01T3 (App. Div. September 2, 2003), affirmed the removal of a candidate's name based on his falsification of his employment application and noted that the primary inquiry in such a case is whether the candidate withheld information that was material to the position sought, not whether there was any intent to deceive on the part of the applicant. While the appellant argues that this was an honest mistake and there was no intent to deceive, even if there was no intent to deceive, his failure to disclose the record was material. At minimum, Greystone needed this information to have a complete understanding of his background in order to properly evaluate his candidacy. *See, e.g., In the Matter of Dennis Feliciano, Jr.* (CSC, decided February 22, 2017). Further, while the Commission, again, need not decide whether the omission warranted removal, this is a legitimate business reason to support the appellant's nonappointment.⁶

Therefore, the appellant's criminal record and falsification of the pre-employment application provided independent legitimate bases for his nonappointment.

Additionally, even assuming, *arguendo*, that the appellant is more qualified for the position at issue, the appointing authority still has selection discretion under the "Rule of Three" to appoint an equally-ranked eligible absent any *unlawful* motive.

⁴ At best, the record reflects that the appellant started the expungement process during the pendency of the instant appeal.

⁵ To the extent the appellant is arguing that Greystone violated the Opportunity to Compete Act, the Commission is not the enforcing agency. *See N.J.S.A. 34:6B-19* (civil penalties collectible by the Commissioner of Labor and Workforce Development).

⁶ In *Goffe, supra*, the Commission affirmed that the "primary inquiry in . . . a [falsification] case is whether the candidate withheld information that was material to the position sought, *not* whether there was any intent to deceive on the part of the applicant" (emphasis added). In other words, the appellant clearly misstated *Goffe*, which actually supports *Greystone's* position in this matter.

See *N.J.A.C.* 4A:4-4.8(a)3; *In the Matter of Nicholas R. Foglio, Fire Fighter (M2246D)*, *Ocean City*, 207 *N.J.* 38, 49 (2011). Compare, *In re Crowley*, 193 *N.J. Super.* 197 (App. Div. 1984) (hearing granted for individual who alleged that bypass was due to anti-union animus); *Kiss v. Department of Community Affairs*, 171 *N.J. Super.* 193 (App. Div. 1979) (individual who alleged that bypass was due to sex discrimination afforded a hearing). Moreover, the appellant does not possess a vested property interest in the position. In this regard, the only interest that results from placement on an eligible list is that the candidate will be considered for an applicable position so long as the eligible list remains in force. See *Nunan v. Department of Personnel*, 244 *N.J. Super.* 494 (App. Div. 1990). The appellant has not presented any substantive evidence regarding his nonappointment that would lead the Commission to conclude that the nonappointment was improper or an abuse of Greystone's discretion under the "Rule of Three." Moreover, Greystone presented legitimate reasons as discussed above for the appellant's nonappointment that have not been persuasively refuted. Accordingly, a review of the record indicates that Greystone's nonappointment of the appellant was proper.

Moreover, it should be noted that the reasons that supported the appellant's nonappointment on certification OS250469 also support his nonappointment on certification OS250107, where the appellant was the sole eligible to appear. When fewer than three interested eligibles are certified, an appointing authority has the discretion not to make a permanent appointment. See *N.J.S.A.* 11A:4-8; *N.J.A.C.* 4A:4-4.2(c)2.

The Commission next addresses the appellant's argument that relief is warranted because Greystone allegedly directed him to resign from his prior place of employment during the June 23, 2025 phone call. Initially, it is not clear that such a directive was given. In this regard, according to the appellant's certified statement concerning the content of the conversation, Greystone described his start date as "expected" and "suggest[ed]" that he give his two weeks' notice. Nevertheless, even if the Commission were to accept that Greystone committed an administrative error by prematurely suggesting that the appellant resign, such an error does not bind the Commission as no vested or other rights are accorded by an administrative error, see, e.g., *Cipriano v. Department of Civil Service*, 151 *N.J. Super.* 86 (App. Div. 1977); *O'Malley v. Department of Energy*, 109 *N.J.* 309 (1987); *HIP of New Jersey v. New Jersey Department of Banking and Insurance*, 309 *N.J. Super.* 538 (App. Div. 1998), especially in light of the issues surrounding the appellant's criminal record and clear falsification of the pre-employment application. Additionally, regarding the appellant's argument based on "equity" and his decision to resign from his position with Morris County, even if the appellant made a mistake and there was no intent to deceive, it was the appellant's failure to disclose his complete criminal record which helped cause the situation that allowed his candidacy to proceed as far as it did. It is emphasized that candidates are held accountable for the accuracy of the information

submitted and any failure to include information was at his peril. *See In the Matter of Harry Hunter* (MSB, decided December 1, 2004).

Finally, the record indicates that Greystone subjected the appellant to a medical examination. Pursuant to the Americans with Disabilities Act (ADA), 42 U.S.C. § 12112(d)(3), no medical or psychological examination may be conducted prior to rendering a conditional offer of employment. *See also*, the Equal Employment Opportunity Commission's *ADA Enforcement Guidelines: Preemployment Disability Related Questions and Medical Examinations* (October 10, 1995). Those guidelines state, in pertinent part, that in order for a conditional offer of employment to be "real," the employer is presumed to have evaluated all information that is known or should have reasonably been known prior to rendering the conditional offer of employment. This requirement is intended to ensure that the candidate's possible hidden disability or prior history of disability is not considered before the employer examines all of the relevant non-medical information. In this case, Greystone did not strictly conform to the precise requirements of the ADA. It administered a medical examination to the appellant and later determined that it could not proceed with his appointment based on the criminal record and falsification issues. In other words, Greystone scheduled and completed the appellant's medical examination but apparently did not conclude its review of his background until later. By proceeding in this fashion, Greystone did not have the opportunity to fully review the appellant's background before conducting the medical examination. Consequently, Greystone did not comply with the technical requirement of rendering a conditional offer of employment, based upon a complete review of the candidate's background, prior to administering the medical examination. While Greystone would be well served to revise its candidate evaluation procedures to avoid having this issue raised in future cases, based upon the totality of the circumstances presented in this matter, the appellant's criminal record and falsification of the pre-employment application constitute sufficient reasons for his nonappointment on the eligible list. *See, e.g., In the Matter of Scott Gordon* (MSB, decided December 18, 2002); *In the Matter of Curtis L. Dorch* (MSB, decided September 25, 2002); *In the Matter of Jemar Bennett* (CSC, decided June 30, 2021). The Commission emphasizes that it in no way condones Greystone's actions in this case. In this regard, the Commission directs Greystone to strictly comply with the requirements of the ADA in all future cases.

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 2ND DAY OF SEPTEMBER, 2026



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