



STATE OF NEW JERSEY

In the Matter of Shane M. Love,  
Correction Officer Recruit (S9988T),  
Department of Corrections

FINAL ADMINISTRATIVE  
ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2016-3124

List Removal Appeal

ISSUED: **NOV 3 0 2016** (JET)

Shane M. Love appeals the removal of his name from the Correction Officer Recruit (S9988T), Department of Corrections, eligible list.

The appellant took the open competitive examination for Correction Officer Recruit (S9988T), achieved a passing score, and was ranked on the subsequent eligible list. The appellant's name was certified on November 23, 2015. In disposing of the certification, the appointing authority requested the removal of the appellant's name from the eligible list on the basis of an unsatisfactory employment record and falsification of his employment application. Specifically, the appointing authority asserted that the appellant was terminated from employment with Grilly Cheese, Shop Rite, and Tony Luke's. The appointing authority also indicated that the appellant admitted during the home interview that he was terminated from Grilly Cheese. The appointing authority stated that the appellant falsified the employment application when he listed that he resigned from Grilly Cheese in good standing rather than listing that he was terminated from employment.

On appeal to the Civil Service Commission (Commission), the appellant maintains that he was not terminated from employment at Grilly Cheese and he left on good terms from that job for the summer. He adds that he admitted on the application that he was terminated from various employers and he would not lie about his employment history. Moreover, the appellant asserts that he has learned from his prior behavior and he plans to make better decisions regarding his career.

In response, the appointing authority maintains that the appellant's name should be removed from the eligible list for falsification of the employment application and an unsatisfactory employment record. Specifically, the appointing authority contends that the appellant admitted during the home interview that he was terminated from Grilly Cheese in 2014, and he disclosed on the employment application and home interview that he was terminated from Shop Rite in 2014 and Tony Luke's in 2015. The appointing authority adds that the appellant stated on the employment application that "he did not stay in one place while working" regarding his employment at Shop Rite, and indicated that "he got into an argument with a co-worker" regarding his employment at Tony Luke's. Moreover, the appointing authority explains that the appellant's statement on the employment application that he resigned in good standing from Grilly Cheese contradicts the information he provided during the home interview that he was terminated from that employer.

### CONCLUSION

*N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)6, allows the Commission to remove an individual from an eligible list when he or she has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process. *N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)7, allows the removal an individual from an eligible list who has a prior employment history which relates adversely to the position sought. *N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allows for the removal 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 an appointment.

In this matter, the appointing authority argues that the appellant made a false statement of material fact since he listed on the employment application that he resigned in good standing from employment with Grilly Cheese despite that he acknowledged during the home interview that he was terminated from that employment. The appellant disputes on appeal that he was terminated from Grilly Cheese and explains that he did not falsify the employment application. Rather, he maintains that he resigned in good standing from Grilly Cheese. The appointing authority did not provide any substantive information, such as a copy of an employment contact form, to show that the appellant was terminated from Grilly Cheese. Since there is no substantive information to confirm that the appellant was terminated from Grilly Cheese, the appointing authority did not satisfactorily refute the appellant's argument that he did not falsify the employment application. Accordingly, the appointing authority has failed to show that the appellant falsified the employment application.

However, it is clear that the appellant's name should be removed due to an unsatisfactory work history. The appointing authority explains that the appellant admitted during the home interview and on the employment application that he was terminated from employment at Shop Rite and Tony Luke's, which the appellant does not refute. In response to the questions on the employment application, the appellant admitted regarding his termination at Shop Rite that "he did not stay in one place while working" and admitted regarding his termination at Tony Luke's that "he got into an argument with a co-worker." Clearly, the appellant's terminations from those positions adversely relate to the position of Correction Officer Recruit. In this regard, it is recognized that Correction Officers, like Municipal Police Officers, are law enforcement employees who must enforce and promote adherence to the law. Correction Officers hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and an image of utmost confidence and trust. The appellant's employment history is inimical to the goal.

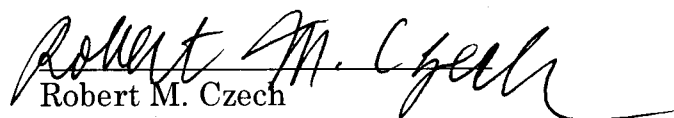
Accordingly, the appellant's employment history constitutes sufficient cause to remove his name from the eligible list for Correction Officer Recruit (S9988T).

### 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 23<sup>rd</sup> DAY OF NOVEMBER, 2016



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