



STATE OF NEW JERSEY

In the Matter of Rickeyia Anderson,
Police Officer (S9999R), City of Salem

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

CSC Docket No. 2018-542

List Removal Appeal

ISSUED: APRIL 9, 2018 (SLK)

Rickeyia Anderson appeals her removal from the eligible list for Police Officer (S9999R), City of Salem on the basis that she possessed an unsatisfactory criminal background.

The appellant took the open competitive examination for Police Officer (S9999R), achieved a passing score, and was ranked on the subsequent eligible list. In seeking her removal, the appointing authority indicated that the appellant possessed an unsatisfactory criminal background. Specifically, it represented that the appellant had a record of an arrest for rioting, a disorderly conduct conviction in the City of Salem, and an association with gang members.

On appeal, the appellant presents that charges from a May 5, 2017 incident that involved marijuana were dismissed. She states that she was at the wrong place at the wrong time, she does not smoke marijuana, and the marijuana that was discovered did not belong to her.

In reply, the appointing authority, represented by Andrea Rhea, Esq., attaches relevant portions of a police report pertaining to the rioting charge and her disorderly conduct conviction. Additionally, it submits entries from the appellant's Facebook page showing her connection to persons associated with a gang. The appointing authority presents that the appellant's pre-employment application acknowledges that she was convicted in 2013 for disorderly conduct for an event that took place in

the City of Salem. It indicates that the police report shows that the appellant was involved in a street fight with 10 to 20 females who were throwing punches and pulling hair. Additionally, the appointing authority states that the appellant was convicted of possession of alcohol in a motor vehicle/public in 2015. Further, although not known at the time it requested her removal, it states that the appellant was arrested in May 2017 and charged with possession of drugs and paraphernalia and related offenses. While the appellant argues she was at the wrong place at the wrong time and was not smoking marijuana, she admitted to the officer that her ex-boyfriend had been previously smoking marijuana in the car. Moreover, the police report indicates that the appellant was argumentative and uncooperative with police at the scene. It contends that the appellant's knowledge that her ex-boyfriend was using the vehicle for an unlawful behavior and her lack of cooperation with the arresting officer demonstrates that her prior criminal activity was not an isolated incident. The appointing authority argues that her on-going involvement in unlawful behavior and her association with gang members demonstrate that she lacks the respect for the law and good judgment that is expected of a Police Officer.

CONCLUSION

N.J.S.A. 11A:4-11 and *N.J.A.C.* 4A:4-4.7(a)4 provide that an eligible's name may be removed from an eligible list when an eligible has a criminal record which includes a conviction for a crime which adversely relates to the employment sought. The following factors may be considered in such determination:

- a. Nature and seriousness of the crime;
- b. Circumstances under which the crime occurred;
- c. Date of the crime and age of the eligible when the crime was committed;
- d. Whether the crime was an isolated event; and
- e. Evidence of rehabilitation.

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 an appointing authority's decision to remove his or her name from an eligible list was in error.

The Commission notes that an arrest may warrant removal of an eligible's name where the arrest adversely relates to the employment sought. *See Tharpe v. City of Newark Police Department*, 261 N.J. Super. 401 (App. Div. 1992).

In the instant matter, the appellant's background clearly provides a basis for removal from the subject list. The appellant was convicted of disorderly conduct in 2013, possession of alcohol in a motor vehicle/public in 2015, and arrested in May 2017 when she was in charge of a motor vehicle where illegal drugs were located. Additionally, the police report for the 2017 incident states that she was argumentative and uncooperative with the police at the scene. Moreover, the appellant's Facebook page indicates that she associates with known gang members. In other words, the appellant's multiple adverse encounters with law enforcement and her association with individuals who engage in illegal activity demonstrate her questionable judgment, which is unacceptable for applicants who seek positions in law enforcement. The public expects Municipal Police Officers to present a personal background that exhibits respect for the law and rules. In this regard, the Commission is mindful that a Municipal Police Officer is a law enforcement employee who must help keep order and promote adherence to the law. Municipal Police 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. *See Moorestown v. Armstrong*, 89 N.J. Super. 560 (App. Div. 1965), *cert. denied*, 47 N.J. 80 (1966). *See also In re Phillips*, 117 N.J. 567 (1990).

Accordingly, the appellant has not met her burden of proof in this matter and the appointing authority has shown sufficient cause for removing her name from the Police Officer (S9999R), City of Salem eligible list.

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 4th DAY OF APRIL, 2018



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