



**STATE OF NEW JERSEY**

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

In the Matter of Luz Lopez, Human  
Service Specialist 3, Bilingual in  
Spanish and English (PC0260S),  
Hudson County

List Removal Appeal

CSC Docket No. 2018-651

**ISSUED:** April 6, 2018 (WR)

Luz Lopez appeals the removal of her name from the eligible list for Human Service Specialist 3, Bilingual in Spanish and English (PC0260S), Hudson County, on the basis of having an unsatisfactory employment record.

The appellant, a nonveteran, took the open competitive examination for Human Service Specialist 3, Bilingual in Spanish and English (PC0260S), Hudson County, achieved a passing score, and was ranked on the subsequent eligible list. This list promulgated on June 19, 2014 and expired on June 18, 2017. A certification, PL170397, was issued on March 21, 2017, which listed the appellant as the third-ranked eligible. The appointing authority requested the removal of the appellant's name from the eligible list because she had an unsatisfactory unemployment record. Specifically, it asserted that in 2015 the appellant received a five-day suspension for insubordination and conduct unbecoming a public employee; and in 2016 the appellant received a one-day suspension and a five-day suspension for chronic or excessive absenteeism or lateness; and on March 16, 2017 the appellant received a 20-day suspension for insubordination and conduct unbecoming a public employee.<sup>1</sup>

On appeal to the Civil Service Commission (Commission), the appellant explains that her attendance issues relate to her children's medical issues. The appellant believes that she is being "targeted and isolated" due to her children's chronic illnesses. She also explains that she was disciplined in 2015 because she

<sup>1</sup> Agency records indicate that the appellant appealed her 20-day suspension, which was transferred to the Office of Administrative Law for a hearing.

“clocked in” and then went to park her vehicle. The appellant contends that other employees who were disciplined for similar acts have passed similar or the same examinations and were promoted. The appellant explains that she was disciplined in 2017 after she became frustrated with a coworker who she believed had mistreated a client. The appellant notes that she appealed her discipline and the matter is still pending. The appellant complains that the appointing authority cites her “mistakes” but does not acknowledge her work ethic, customer service skills or professionalism. She asserts that her name should not be “bypassed” from the subject eligible list because of “minor incidents” and a disciplinary matter that is still pending.

Despite the opportunity, the appointing authority did not respond.

### CONCLUSION

*N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)7, allows for the removal of 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 the 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.

In the instant matter, although the appellant essentially argues that her minor discipline and major discipline, which is pending on appeal, does not warrant the removal of her name from the list, the Commission finds that the totality of her disciplinary record in this case evidences that her name should be removed. The record reflects that the appellant was disciplined for a total of 11 days for three separate incidents after the promulgation of the subject eligible list. Moreover, it cannot be ignored that the appellant received a Final Notice of Disciplinary Action that suspended her for 20 days for insubordination and conduct unbecoming a public employee five days before her name was certified from the subject eligible list. A Civil Service employee should follow rules and policies, exhibit good judgment and show deference to supervisory authority. The appellant’s disciplinary record shows lack of respect for such tenets and is particularly troublesome considering that all infractions were incurred during the duration of the eligible list. Therefore, the appellant’s employment record adversely relates to the position sought and, even if her major discipline is not considered, is sufficient cause to remove her name from the subject eligible list. Accordingly, the appellant has failed to meet her burden of proof in this matter.

**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 4<sup>th</sup> DAY OF APRIL, 2018



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