



STATE OF NEW JERSEY

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

In the Matter of Roberto Maldonado,
Sheriff's Officer (S9999U), Passaic
County

List Removal Appeal

CSC Docket No. 2018-3048

ISSUED: APRIL 17, 2020 (SLD)

Roberto Maldonado appeals the Passaic County Sheriff's request to remove his name from the eligible list for Sheriff's Officer (S9999U), on the basis that he did not meet the education requirements for the subject title.

The appellant, a veteran, applied for the Law Enforcement Examination (LEE) (S9999U), which included the title area of Sheriff's Officer. The subject examination was announced with the requirements that applicant's must be 18 years of age and possess a high school diploma or equivalent. The appellant was admitted, took and passed the LEE, which had a closing date of August 31, 2016. The appellant's name was certified on September 29, 2017 to the appointing authority. In disposing of the subject certification, the appointing authority requested the removal of the appellant's name on the basis that he did not possess a high school diploma or equivalent. Specifically, it asserted that the appellant had submitted a copy of a diploma from the Continental Academy. The appointing authority asserted that the Continental Academy's website stated that:

The P.A.C.E [Pioneering Alternative Career-centric Education] Program and this diploma may **not** be accepted by all educational institutions or employers as evidence of a high school education or diploma. The P.A.C.E. program and this diploma are **not** high school equivalencies and may not be accepted as evidence of a high school education or diploma by all colleges or employers (emphasis in original).

Therefore, the appointing authority argues that the appellant's "diploma" from Continental Academy is not a high school diploma or equivalent, and thus he did not meet the minimum requirements for the position. In support, it submits parts of the appellant's application which list he graduated from Continental Academy in 2005, received a Bachelor of Science in Business from the University of Phoenix in 2017¹ and was in the United States Army; and a printout from the Continental Academy's website concerning the P.A.C.E. Program.

On appeal, the appellant maintains that both the United States Army and the University of Phoenix accepted his degree from the Continental Academy as proof that he had completed all requirements to obtain and receive a high school diploma. In support, he submits copies of his degrees. The appellant also notes that he has completed a six-month volunteer fire fighter academy.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)1, provides that the name of an eligible may be removed from an eligible list for failure to meet the job requirements. *N.J.A.C.* 4A:4-6.3(b) provides that, except for disqualification for medical or psychological reasons, the appellant shall have the burden of proof.

In the instant matter, the appointing authority requested the removal of the appellant's name on the basis that he did not possess a high school diploma or equivalency. Although the Civil Service Commission (Commission) agrees that a high school diploma from Continental Academy would not be accepted as proof of meeting the instant requirement,² the record establishes that the appellant also possesses a Bachelor's degree from the University of Phoenix. In this regard, it has been this agency's longstanding practice to presume that a candidate who possesses a higher level degree meets the lower degree requirement. For example, in *In the Matter of Rita Fisher* (MSB, decided May 19, 2004), the Merit System Board, the predecessor of the Commission, found that a Master's degree in one of the specified areas demonstrated a higher level of educational attainment than that of the required, specified Bachelor's degree and therefore admitted Fisher to the subject examination. See also *In the Matter of Nancy Zerbe* (CSC, decided February 2, 1982). Consequently, since the appellant possesses a Bachelor's of Science in Business from the University of Phoenix, he is presumed to meet the lesser instant requirement of possession of a high school diploma or equivalency. Accordingly, the appellant has sustained his burden of proof and a sufficient basis has been

¹ A degree from the University of Phoenix is accepted by this agency to meet the educational requirements of civil service positions.

² In this regard, the Commission will accept a high school diploma or equivalency from any school licensed by the State it is located in. However, the Florida Department of Education's website notes that it does not accredit, regulate, approve or license K-12 schools.

presented to restore his name to the eligible list for Sheriff's Officer (S9999U), Passaic County.

Finally, it is noted that since the appellant is a veteran, his appointment, absent any subsequent disqualification factors, is mandated pursuant to *N.J.S.A. 11A:4-8* and *N.J.S.A. 11A:5-6*.

ORDER

Therefore, it is ordered that this appeal be granted and the eligible list for Sheriff's Officer (S9999U), Passaic County be revived so that the appellant may continue with the selection process. If appointed, upon the successful completion of his working test period, the Commission orders that the appellant be granted a retroactive date of appointment to the date he would have been appointed if his name had not been removed from the subject eligible list. This date is for salary step placement and seniority-based purposes only. However, the Commission does not grant any other relief, such as back pay, except the relief enumerated above.

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 15TH DAY OF APRIL, 2020



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