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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Ulia Rabboh, Police
Officer (S9999R), City of Paterson

CSC Docket No. 2015-2875

List Removal

ISSUED: **AUG 03 2015** (LDH)

Ulia Rabboh appeals the attached decision of the Division of Agency Services (DAS), which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the Police Officer (S9999R), City of Paterson eligible list on the basis of an unsatisfactory driving record.

The appellant's name appeared on the eligible list for Police Officer (S9999R), City of Paterson, which was certified to the appointing authority on May 5, 2014. In disposing of the certification, the appointing authority requested the removal of the appellant's name due to an unsatisfactory driving record. In support, it submitted the appellant's certified driver's abstract which revealed that the appellant's driver's license was suspended on four occasions between January 2008 and October 2013 and she received a ticket for speeding and one for driving with a suspended license. In addition, the appointing authority submitted a printout from the New Jersey Automated Traffic System which reflects multiple moving, parking, and local ordinance violations. Specifically, the appellant received tickets for multiple failures to pay tolls, driving while suspended, speeding in a safe corridor, improper parking in a prohibited area, driving or parking an unregistered vehicle, two failures to appear and a summons for a vicious dog. Based on the foregoing, DAS found that the appointing authority had sufficiently supported and documented its decision to remove the appellant's name from the eligible list.

On appeal to the Civil Service Commission (Commission), the appellant argues that she does not exhibit a "pattern" of disregard for motor vehicle laws since she defines a "pattern" as a predictable, reoccurring event. She argues that her driver's abstract only reveals two violations and one parking summons in 2010, and therefore there is no evidence of a pattern. Additionally, she maintains that her abstract also reveals attempts to remedy her driving record with safe driving courses. Consequently, the appellant argues that she should be restored to the subject eligible list.

In response, the appointing authority argues that the appellant has demonstrated qualities which are unsuitable for employment as a Police Officer. With regard to her driving record, the appointing authority points to the four suspensions of her driver's license, an accumulation of 19 motor vehicle related summonses and several instances of failures to appear in municipal court. In addition to the appellant's unsatisfactory driving record, the appointing authority contends that the appellant failed to provide adequate answers about her employment history and tax records before the oral review panel. In this regard, the panel found a discrepancy in her employment history in that she indicated she was unemployed but the appellant stated that she worked for cash at her brother's store. Additionally, when asked for an explanation about her \$14,585 in business income, the appellant indicated she "did hair" on the side. When she provided a Schedule C Form the next day, it listed her source of business income as child care. Lastly, the appellant received low grades from each panelist at the interview. In support, the appointing authority submits, *inter alia*, the appellant's 2013 Tax Returns and oral interview report findings from the panel members.

CONCLUSION

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. Additionally, the Commission, in its discretion, has the authority to remove candidates from lists for law enforcement titles based on their driving records since certain motor vehicle infractions reflect a disregard for the law and are incompatible with the duties of a law enforcement officer. See *In the Matter of Pedro Rosado v. City of Newark*, Docket No. A-4129-O1T1 (App. Div. June 6, 2003); *In the Matter of Yolanda Colson*, Docket No. A-5590-00T3 (App. Div. June 6, 2002); *Brendan W. Joy v. City of Bayonne Police Department*, Docket No. A-6940-96TE (App. Div. June 19, 1998).

In the instant matter, the appointing authority has presented a sufficient basis to remove the appellant's name from the eligible list due to her unsatisfactory driving record. In this regard, the appellant's driving record reveals four

suspensions between 2008 and 2013. In addition, the appellant has multiple moving and parking violations. The appellant's ability to drive a vehicle in a safe manner is not the main issue in determining whether or not she should remain eligible to be a Police Officer. Rather, these violations evidence a disregard for the motor vehicle laws and the exercise of poor judgment. The appellant has offered no substantive explanation for these infractions. Such behavior is indicative of her exercise of poor judgment which is not conducive to the performance of the duties of a Police Officer. While the Commission is mindful of the appellant's recent attempts to remedy her driving record, it is clear that the appellant's driving record shows a pattern of disregard for the law and questionable judgment on the appellant's part. Such qualities are unacceptable for an individual seeking a position as a municipal Police Officer. It is recognized that a municipal Police Officer is a law enforcement employee who must enforce and promote adherence within 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 the utmost confidence and trust. It must be recognized that a municipal Police Officer is a special kind of employee. Her primary duty is to enforce and uphold the law. She carries a service revolver on her person and is constantly called upon to exercise tact, restraint and good judgment in her relationship with the public. She represents law and order to the citizenry and must present an image of personal integrity and dependability in order to have the respect of the public. *See Moorestown v. Armstrong*, 89 N.J. Super. 560, 566 (App. Div. 1965), *cert. denied*, 47 N.J. 80 (1966). *See also In re Phillips*, 117 N.J. 567 (1990). Accordingly, under these circumstances, the appointing authority has demonstrated sufficient reasons to remove her name from the eligible list for Police Officer (S9999R), City of Paterson.

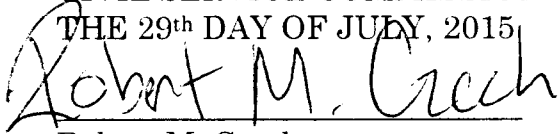
Since the appellant's name has been removed on the basis of her unsatisfactory driving record, it is unnecessary to address the appointing authority's request to also remove her name from the subject eligible list on the basis of her employment record.

ORDER

Therefore, it is ordered that the 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 29th DAY OF JULY, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
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Attachment

c: Uliah Rabboh
 Nellie Pou
 Kenneth Connolly



Chris Christie
Governor
Kim Guadagno
Lt. Governor

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
AGENCY SERVICES
P. O. Box 313
Trenton, New Jersey 08625-0313

Robert M. Czech
Chair/Chief Executive Officer

April 2, 2015

Ulla Rabbah

Title: Police Officer
Jurisdiction: Paterson
Symbol: S9999R
Certification No: OL140541
Certification Date: 05/05/2014

Initial Determination: Removed – Unsatisfactory Driving Record

This is in response to your correspondence contesting the removal of your name from the above-referenced eligible list.

The Appointing Authority requested removal of your name in accordance with N.J.A.C. 4A:4-4.7(a)11, which permits the removal of an eligible candidate's name from the eligible list for "valid reasons as determined by the Chairperson of the Civil Service Commission or designee".

In support of its decision, the Appointing Authority provided a Background Investigation Report which included a copy of your abstract. Based on this information, the Appointing Authority states that you have had multiple motor vehicle and parking infractions and suspensions which exhibit a pattern of disregard for motor vehicle laws.

After a thorough review of our records and all the relevant material submitted, we find that there is not a sufficient basis to restore your name to the eligible list. Therefore, the Appointing Authority's decision to remove your name has been sustained and the appeal is denied.

In accordance with Merit System Rules, this decision may be appealed to the Division of Appeals and Regulatory Affairs (DARA) within 20 days of receipt of this letter. You must submit all proofs, arguments and issues which you plan to use to substantiate the issues raised in your appeal. Please submit a copy of this determination with your appeal to DARA. You must put all parties of interest on notice of your appeal and provide them with copies of all documents submitted for consideration.

Please be advised that pursuant to P.L. 2010 C.26, effective July 1, 2010, there shall be a \$20 fee for appeals. Please include the required \$20 fee with your appeal. Payment must be made by check or money order only, payable to the NJ CSC. Persons receiving public assistance pursuant to P.L. 1947, C. 156 (C.44:8-107 et seq.), P.L. 1973, c.256 (C.44:7-85 et seq.), or P.L.

1997, c.38 (C44:10-55 et seq.) and individuals with established veterans preference as defined by N.J.S.A. 11A:5-1 et seq. are exempt from these fees.

Address all appeals to:

Henry Maurer, Director
Division of Appeals and Regulatory Affairs
Written Appeals Record Unit
PO Box 312
Trenton, NJ 08625-0312

Sincerely,
For the Director,



Elliott Cohen
Human Resource Consultant
Local Placement Services

Nellie Pou
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