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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Mireille Francois,
Police Officer (S9999R), City of
Newark

List Removal Appeal

CSC Docket Nos. 2016-3094

ISSUED:

FEB 24 2017

(ABR)

Mireille Francois appeals the removal of her name from the Police Officer (S9999R), City of Newark (Newark) eligible list on the basis of falsification of her application.

The appellant took the open competitive examination for Police Officer (S9999R), Newark, which had a closing date of September 4, 2013, achieved a passing score and was ranked as a non-veteran on the subsequent eligible list. The subject eligible list promulgated on May 2, 2014 and expires on May 1, 2017. The appellant's name was certified to the appointing authority on August 27, 2015. In disposing of the certification, the appointing authority requested the removal of the appellant's name due to her falsification of her Background Investigation Questionnaire (Questionnaire). Specifically, the appointing authority asserted that the appellant falsified her Questionnaire by answering "no" to four questions about prior applications for employment with and rejections by law enforcement and civil service agencies¹ and by answering "no" to a question about receiving summonses for motor vehicle law violations. The appointing authority noted that it had previously requested the appellant's removal from an eligible list for the subject title in 2014.² The appointing authority also asserted that a search of the

¹ It is noted that on a separate part of the Questionnaire, the appellant indicated she had applied for a Police Officer position with the appointing authority in 2014 in response to the following question: "[h]ave you ever previously submitted an application for appointment to the Newark Police Department?"

² Agency records indicate that the appellant was removed from the eligible list for Police Officer (S9999M), Newark on October 31, 2014 after the appointing authority indicated that she failed to

Administrative Office of the Courts Telecommunication Network (AOCTELE) database revealed that appellant was charged with failing to observe a traffic signal in violation of *N.J.S.A. 39:4-81* in February 2010 and speeding in violation of *N.J.S.A. 39:4-98.19* in March 2014. Additionally, the appointing authority noted that the appellant failed to return her third personal reference sheet.

On appeal to the Civil Service Commission (Commission), the appellant contends that she did not falsify her Questionnaire. Specifically, she notes that although she was terminated by the Transportation Security Administration in February 2016, she did not have any disciplinary actions pending against her when she applied for the subject examination or at any time prior to her removal from the subject eligible list. The appellant acknowledges that she was previously a candidate for a Police Officer position with the appointing authority in 2014. However, she claims that she never received a response after she submitted a late application and, as a result, was unaware that the appointing authority removed her from the prior eligible list in 2014. The appellant stresses she made every effort to ensure that she provided the documents required for pre-employment processing and therefore she met the standards required for the selection and hiring process.

In response, the appointing authority, represented by France Casseus, Assistant Corporation Counsel, argues that the appellant's omissions of fact involving her motor vehicle infractions, her inaccurate responses related to her prior application and rejection for employment by the appointing authority, and her failure to submit all documents required for pre-employment processing, justify her removal from the subject eligible list. It submits copies of the documentation it relied upon when requesting the appellant's removal from the subject eligible list, including the appellant's Questionnaire and copies of its March 17, 2014 and September 10, 2015 Background Investigation Reports. In the 2015 Background Investigation Report, the background investigator recommended against hiring the appellant because she failed to submit her third personal reference sheet and she falsified her application by failing to disclose the above-noted traffic summonses and her previous rejection from employment by the appointing authority. The background investigator also noted that the speeding ticket was listed on a driver's abstract that the appellant submitted with her Questionnaire. The appointing authority stresses that its pre-employment processing, including the Questionnaire and other required submissions, provide vital information required to evaluate whether candidates possess the character, competency, integrity and fitness required for the Police Officer title. It notes that the instructions on the Questionnaire clearly state that misstatements of facts and omissions, whether made deliberately or in error, may result in the removal of a candidate's name from the eligible list. It adds that the appellant signed a statement acknowledging that she reviewed those instructions. The appointing authority contends that the

complete pre-employment processing. Agency records do not indicate that she appealed her removal from the S9999M eligible list.

appellant's omission of material facts on the Questionnaire and her failure to complete pre-employment processing demonstrate that she does not possess the character and judgment required for the Police Officer title. Furthermore, it submits that the appellant's conduct should be considered particularly egregious because she was familiar with its pre-employment process from when she previously applied for the subject title with the appointing authority and she was removed from a prior eligible list for the subject title because she failed to complete pre-employment processing.

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 eligible's name from an employment 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)11* allows the Commission to remove an eligible's name from an eligible list for other valid reasons. *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 the appellant from an eligible list was in error.

In this matter, a review of the record indicates that the appointing authority reasonably requested the removal of the appellant's name from the subject eligible list based upon false statements about her driving record in her Questionnaire. As noted above, the appellant answered "no" in response to a question about whether she had "ever received a summons for a violation of the Motor Vehicle Laws in this or any other state," while a background investigation revealed that she received a summons for failing to observe a traffic signal in February 2010 and a speeding ticket in March 2014. However, the appellant has not addressed her failure to disclose those traffic summonses. Additionally, the appellant answered "no" to four questions about applying and being rejected for law enforcement and civil service titles when she had, in fact, applied for several law enforcement positions, had her name placed on several eligible lists and was removed from a previous eligible list by the appointing authority in 2014. While the appellant claims that she was unaware of her removal from the Police Officer (S9999M), Newark, eligible list in 2014, she has not addressed her failure to disclose her prior applications for law enforcement positions and her placement on eligible lists for civil service titles. The information that the appellant has failed to disclose is considered material and should have been accurately indicated on her Questionnaire. In this regard, it is recognized that a municipal Police Officer is a law enforcement employee who must enforce 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 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). Clearly, the appellant's failure to disclose the motor vehicle violations in her driving record and her inaccurate statements about prior efforts to secure employment in law enforcement titles are indicative of her lack of integrity and questionable judgment. Such qualities are unacceptable for an individual seeking a position as a Police Officer. Accordingly, the foregoing demonstrates a sufficient basis to remove the appellant's name from the subject eligible list on the basis of falsification of her application.

It is, therefore, unnecessary to determine whether the appellant's failure to complete pre-employment processing by not providing all requested documents would also support the removal of her name from the subject 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 22ND DAY OF FEBRUARY, 2017

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