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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Jonathan Nunez,
Correction Officer Recruit (S9988T),
Department of Corrections

List Removal Appeal

CSC Docket No. 2016-3010

ISSUED: FEB 22 2017 (WR)

Jonathan Nunez appeals the removal of his name from the eligible list for Correction Officer Recruit (S9988T), Department of Corrections, on the basis of having an unsatisfactory employment record and falsification of his employment application.

The appellant, a nonveteran, took the open competitive examination for Correction Officer Recruit (S9988T), Department of Corrections, achieved a passing score, and was ranked on the subsequent eligible list. This list promulgated on July 23, 2015 and expires on July 22, 2017. The appointing authority requested the removal of the appellant's name from the eligible list because he had an unsatisfactory unemployment record and falsified his employment application. Specifically, it asserted that the appellant was terminated from his employment twice and he failed to list a previous employer on his employment application.

On appeal to the Civil Service Commission (Commission), the appellant concedes that he neglected to include Sterling Securities (henceforth Sterling) as a prior employer on his employment application. The appellant argues that, at the time he submitted his employment application, he believed that he listed Sterling and sent it a "work history form." Nevertheless, he claims the omission was an honest mistake that he rectified by providing the appointing authority a written statement "outlining exactly what happened." Moreover, he acknowledges that he received a verbal warning and was terminated from Sterling for his attendance. However, he contends that when he tried to learn of the alleged additional misconduct, Sterling refused to release any information to him because he was no longer an employee. The appellant further states that he indicated on his

application that he had been terminated from employment by G4S Security Solutions (henceforth G4S) for using his cell phone, but contends that he was unaware of any reprimands he received while working for that company. Accordingly, the appellant argues that his name should be restored to the subject eligible list.

In response, the appointing authority reiterates that the appellant has an unsatisfactory employment record because he was terminated from G4S in 2012 and from Sterling in 2013. During his six-month employment with Sterling, the appointing authority claims that the appellant was reprimanded for "post abandonment, insubordination, appearance and dereliction of duty." It also argues that while the appellant indicated in his home interview that he was terminated from Sterling due to his attendance, his employer contact form from Sterling indicated that he was terminated for "disregard of company policy, post orders and appearance on several occasions." Additionally, it contends that the appellant falsified his employment application by failing to list Sterling. In support, the appointing authority submits the appellant's employment application, his employment contact form for Sterling, an investigation report concerning the appellant and the statement he provided to the investigator.

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:4-6.3(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.

In the instant matter, the appointing authority asserts that the appellant's falsification of his employment application and his termination from employment twice in the three years before the subject eligible list promulgated, as well as his poor disciplinary record at Sterling, warrants his removal from that list. On appeal, the appellant concedes that he was terminated from those employers, but argues that he did not intend to falsify his employment application. Nevertheless, while each termination individually may not be sufficient to remove his name from the eligible list, they are sufficient when taken together, especially considering their proximity in time to the promulgation of the subject eligible list and that the appellant bears the burden of proof in this matter. A Correction Officer Recruit is a law enforcement employee who must help keep order in the prisons and promote adherence to the law. Correction Officer Recruits, like 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.

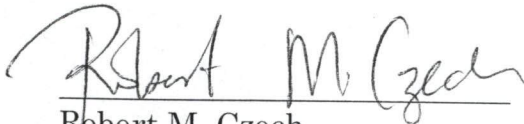
denied, 47 N.J. 80 (1966). *See also In re Phillips*, 117 N.J. 567 (1990). Moreover, the Commission is ever mindful that the appellant is an applicant for a paramilitary organization where strict adherence to the rules is required. Accordingly, the Commission finds that the appellant's employment history is unsatisfactory for a Correction Officer Recruit and upholds his removal from the subject eligible list on that basis. Since the Commission has removed the appellant based on his unsatisfactory employment history, it need not address the alleged falsification of his employment application.

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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