



STATE OF NEW JERSEY

In the Matter of Sholem Egert, Police
Officer (S9999U), Lakewood

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

CSC Docket No. 2018-3732

List Removal Appeal

ISSUED: NOVEMBER 26, 2018 (SLK)

Sholem Egert appeals his removal from the eligible list for Police Officer (S9999U), Lakewood, on the basis of falsification of his pre-employment application.

By way of background, the appellant’s name appeared on certification OL171305 that was issued to the appointing authority on November 8, 2017. In disposing of the certification, the appointing authority requested the removal of the appellant’s name, contending that he falsified his application.

Specifically, the appointing authority’s background report indicates that the appellant failed to disclose that he worked for Locus Solutions, located in Cleveland, Ohio, during the 2016 calendar year. Further, upon questioning the appellant, he admitted that he did work there for two days in 2016 and then resigned. Moreover, he received a W-2 which confirms that he was paid for his employment there.

On appeal, the appellant explains that he did not include Locus Solutions on his job history on his application because it was not a job. Instead, he indicates that it offered him the opportunity to try out for a position. The appellant states that he traveled to Cleveland to see if he was right for the position. However, he asserts that once he determined that it was not a good fit, he declined the position. The appellant indicates that Locus Solutions compensated him for his time and travel expenses. He notes that the compensation he received was reflected in his tax returns that he provided to the Police Department. Further, the appellant presents that he explained the situation when the police investigators questioned him about it.

In reply, the appointing authority relies upon its background report, which it submits.

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 Civil Service Commission (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:4-6.3(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.

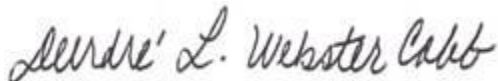
In the instant matter, the appellant explains that he did not include Locus Solutions as a job on his application because he did not consider it a job. Instead, he was only offered the opportunity to try out for a position. Further, he states that after two days, he declined to accept, and the company compensated him for his time and travel expenses. Therefore, given the relatively short time period that the appellant was involved with Locus Solutions, the Commission finds that the appellant's assertion that his involvement with it was not a job is credible, especially since the appointing authority has not provided any evidence or otherwise disputed his assertion. Further, the appointing authority asked the appellant about this omission at his interview and he indicated that he explained the situation. Accordingly, the Commission finds that the appellant has not falsified his application.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant's name be restored to the Police Officer (S9999U) eligible list, for prospective employment opportunities only.

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 21st DAY OF NOVEMBER, 2018



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