



**STATE OF NEW JERSEY**

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

In the Matter of Jennifer Valladares,  
Correctional Police Officer (S9988V),  
Department of Corrections

List Removal Appeal

CSC Docket No. 2019-3571

**ISSUED: NOVEMBER 8, 2019** (HS)

Jennifer Valladares appeals the removal of her name from the eligible list for Correctional Police Officer<sup>1</sup> (S9988V), Department of Corrections on the basis of an unsatisfactory background report.

The appellant, a non-veteran, took and passed the open-competitive examination for Correctional Police Officer (S9988V), which had a closing date of May 31, 2017. The resulting eligible list promulgated on September 28, 2017 and expired on September 27, 2019. The appointing authority requested the removal of the appellant's name due to an unsatisfactory background report. Specifically, the appointing authority asserted that the appellant admitted to using marijuana within two years prior to her preemployment processing date. In support, it submitted a written statement dated May 22, 2017, in which the appellant indicated that she used marijuana in 2017.

On appeal to the Civil Service Commission (Commission), the appellant states that her marijuana use was a foul mistake, but she has matured and seeks to make a positive move to change her life. The appellant asserts that she passed her drug screening relative to the current position. She seeks not to be penalized for stating the truth.

<sup>1</sup> Pursuant to *N.J.S.A.* 11A:2-11.1, effective May 1, 2018, the title of Correction Officer Recruit has been retitled to Correctional Police Officer.

In response, the appointing authority states that it exercised its right to preclude the appellant from moving forward in the hiring process but wishes for a review of its decision. It indicates that it will defer a decision to the Commission as to whether the appellant's honest admission to past marijuana use justifies her removal from the list when no other derogatory information was found.

### 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. *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 her name from an eligible list was in error. While the Commission is mindful of the high standards that are placed upon law enforcement candidates and personnel, a review of the record in this matter indicates that the appellant's removal from the subject eligible list is unwarranted. In the absence of some more concrete indicator of misconduct, such as a criminal record or an actual positive drug screening, the Commission is reluctant to uphold the appellant's removal from the list based solely upon her statement of past marijuana use and her name must be restored. However, the appellant's statement, admitting to marijuana use a relatively short period of time before her preemployment processing, is a sufficient basis to bypass her name on the list. Accordingly, the appellant's name should be reflected on the list as bypassed.

### ORDER

Therefore, it is ordered that the appellant's name be restored to the eligible list for Correctional Police Officer (S9988V), Department of Corrections but that her name be reflected as bypassed on the list.

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 6<sup>TH</sup> DAY OF NOVEMBER, 2019



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