



**STATE OF NEW JERSEY**

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

In the Matter of Eric Jackson,  
Correctional Police Officer (S9988V),  
Department of Corrections

CSC Docket No. 2019-3328

List Removal Appeal

**ISSUED: NOVEMBER 20, 2019**

Eric Jackson appeals the appointing authority’s request to remove his name from the eligible list for Correctional Police Officer (S9988V), Department of Corrections, on the basis of an unsatisfactory employment record.

In disposing of certification 017V01 from the subject list<sup>1</sup>, the appointing authority requested the removal of the appellant’s name, contending that he had an unsatisfactory employment record. Specifically, the appointing authority indicated that he was terminated from employment by UPS in 2009 for no call, no show; from Rycon Security in 2010 for no call, no show, Securita Security Services in 2010 for a hair policy violation, Boca’s Play N Stay in 2011 for walking off the job, Tully House in 2012 for failing a random drug test, All Seasons Movers in 2012 for no call, no show, and Macy’s in 2013 for no call, no show.

On appeal, the appellant states that he fully disclosed his employment history, including the failed drug test at Tully House in 2012. He also states that he did in fact give two-weeks’ notice to his former employer, Boca’s Plan N Stay, but he is unable to verify this since that company is out of business. The appellant states that he is not the same person that he was in the past and he has demonstrated his dedicated with his current employer by working there for five straight years without incident.

<sup>1</sup> The closing date for the subject list was May 31, 2017.

In response, the appointing authority presents that by his own admission, the appellant has been terminated from seven different employers since 2009. It also states that the appellant only addresses his termination from Tully House on appeal, in which he admits that he was terminated for a failed drug test. Further, the appointing authority emphasizes that its objectives are to select candidates who exhibit respect for the law and use of good judgment in order to effectively manage the day-to-day operations of a prison system. Given his past employment history, the appointing authority maintains that the appellant is not suited for the position of Correctional Police Officer.

### 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 the removal an eligible's name from an eligible list who has a prior employment history which relates adversely to the position sought.

In the matter at hand, the record establishes that the appointing authority properly removed the appellant's name from the subject list based on his adverse employment history. Even assuming *arguendo* that he gave two-weeks' notice prior to leaving Boca's Play N Stay in 2011, the appellant clearly indicated on his application that he was terminated from six other positions, four of which were for no call, no show. An appointing authority, particularly a correctional facility, has a right to expect consistency in attendance to meet work flow and service level requirements. The appellant's prior employment record, among other things, demonstrated a consistent pattern of being terminated for no call, no show. In this regard, it is recognized that a Correctional Police Officer is a law enforcement employee who must help keep order in the prisons and promote adherence to the law. Correctional Police Officers, 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). The public expects Correctional Police Officers to present a personal background that exhibits respect for the law and rules.

Accordingly, the appellant's prior employment history adversely relates to the position sought and is sufficient cause to remove his name from the eligible list. The appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient justification for removing his 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 19<sup>TH</sup> DAY OF NOVEMBER, 2019



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