



STATE OF NEW JERSEY

In the Matter of Daeton Copeland,
Correctional Police Officer (S9988V),
Department of Corrections

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

CSC Docket No. 2019-2067

List Removal Appeal

ISSUED: AUGUST 5, 2019 (SLK)

Daeton Copeland appeals his removal from the eligible list for Correctional Police Officer (S9988V), Department of Corrections on the basis that he possessed an unsatisfactory employment record and he falsified his application.

The appellant took the open competitive examination for Correctional Police Officer (S9988V), which had a May 31, 2017 closing date, achieved a passing score, and was ranked on the subsequent eligible list. In seeking his removal, the appointing authority indicated that the appellant possessed an unsatisfactory employment record and falsified his application. Specifically, the appointing authority indicated that the appellant was suspended from Amazon for bringing his cell phone in an unauthorized area. Additionally, the appellant was terminated from Shop & Stop in 2014 for time and attendance, terminated from Pizza Hut in 2016 for lack of insurance, and terminated from Amazon in 2017 for poor work performance. Further, the appellant was removed from the S9988R list for failing to disclose being detained after being suspected of shoplifting in North Carolina. The appointing authority indicates that the appellant failed to disclose this incident on his application; however, he did disclose it during his Phase 3 home interview.

On appeal, the appellant explains that while working for Amazon, his cell phone was with him in an unauthorized area because he forgot it when he went through the metal detectors. In regard to his work performance, he acknowledged that Amazon was not a great fit for him and he is now attending college to qualify for

positions that are better suited for him. Concerning Shop & Stop, the appellant represents that he was a dedicated employee who worked extra hours, covered shifts for others, and worked holidays. He states he rarely took vacation during his three years of employment there. However, after returning from an approved Christmas vacation, new management decided to replace a few employees, which resulted in the end of his employment. Thereafter, approximately two months later when the new manager no longer worked at his location, he was asked to reapply for his position. With respect to Pizza Hut, the appellant indicates that as a delivery driver, he had car insurance, but his car insurance lapsed. Management advised him that he could not return to work until he received new car insurance; however, he advised management that he was unable to afford insurance and decided to find employment elsewhere. Regarding the falsification of application allegation, the appellant states that he was 15 years old when he was detained by store security for shoplifting in North Carolina. The police were not involved, and he was released to his mother by store security. The appellant acknowledges that this incident involved bad judgment on his part when he was a minor and he asserts that he has not had any negative problems with authority since this incident. He explains that he did not include this incident on his application because he did not know he needed to include incidents that took place as a minor. The appellant presents that he volunteered this information during his home interview because he wanted to be honest about his past as a youth. He also wanted to express how he makes better decisions as an adult, which is why he is applying to be a Correctional Police Officer.

In response, the appointing authority highlights that the appellant was terminated from three employers between 2014 and 2017 and was suspended from Amazon for bringing his cell phone into an unauthorized area. Also, the appellant failed to disclose that he was detained after being suspected of shoplifting in North Carolina. The appointing authority asserts that the appellant has not provided any documentation to support his claims concerning his terminations. Additionally, while the appellant explains he did not disclose the shoplifting incident because he did not think it was something he needed to disclose, the appellant was removed from a previous eligible list for the exact same reason.

In reply, the appellant indicates that he was reprimanded, but not suspended, by Amazon for the cell phone incident. Concerning his job performance, his responsibilities were pulling bins and checking the count of the items within a certain time limit and there were a few times he did not meet the time limit for the count; which is why he was released. Regarding Stop & Shop, he was terminated because new management was cutting staff. He submits a statement from his former supervisor who confirms that the appellant's vacation was approved, he rarely took vacation and often came in on off days or worked overtime when they were short staffed, never had an issue working holidays and was a team player, and new management decided to cut staff and relieved him of his duties. With respect to Pizza Hut, he explains he was a delivery driver; however, he was unable to afford the car

insurance due to his low paying salary, which resulted in his resignation. Concerning the falsification allegation, he states that he did not falsify his application. He submits his applicant investigation report which shows that he checked the wrong box by stating he was arrested or convicted for a crime as a juvenile when he had only been stopped by store management, but had not committed a crime.

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 Civil Service Commission (Commission) to remove an eligible's name from an eligible list for having a prior employment history which relates adversely to the title.

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 removal of 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, a review of the record indicates that the appointing authority had a valid reason to remove the appellant's name from the list. Specifically, between 2014 and 2017, the appellant was terminated from three separate employers. While the appellant submits evidence to support his argument that the Stop & Shop termination was not warranted, the appellant was subsequently terminated or asked to resign in 2016 from Pizza Hut for failing to maintain car insurance as a delivery driver¹ and he was, at minimum, given a written reprimand from Amazon for having a cell phone in an unauthorized area and then terminated in 2017 for poor work performance. In other words, the record does not demonstrate that the appellant can be currently relied upon to successfully hold employment, especially when considering the demands of a Correctional Police Officer. 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. Correction 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 Correction Officers to present a personal background that exhibits respect for the law and rules.

¹ The record is unclear as to whether the appellant was actually driving without car insurance.

Concerning the allegation that the appellant falsified his application, it is noted that the Appellate Division of the New Jersey Superior Court, in *In the Matter of Nicholas D'Alessio*, Docket No. A-3901-01T3 (App. Div. September 2, 2003), affirmed the removal of a candidate's name based on his falsification of his employment application and noted that the primary inquiry in such a case is whether the candidate withheld information that was material to the position sought, not whether there was any intent to deceive on the part of the applicant. In this matter, a review of the appointing authority's employment application does not indicate that it requested information that involved an incident where the appellant was detained by a store for suspected shoplifting, where the police were not involved and there were no charges. Similarly, the question on the applicant investigation report, where the appellant did disclose the incident, only asks if he was arrested or convicted of a crime as a juvenile, which was not the case here. Further, as the incident was not a juvenile arrest and took place a number of years prior to the subject examination May 31, 2017² closing date, it is arguable that the incident was not material. It is also noted that the appellant did not appeal his prior list removal. However, even though the appellant was not specifically asked to provide information concerning the shoplifting incident on the employment application, the appellant was arguably on notice that the appointing authority required such information as it previously removed him from a prior list for failing to provide this incident. Regardless, as the Commission is removing the appellant for an adverse employment history, it need not decide whether the appellant falsified his application for failing to disclose this incident on his employment application.

Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the Correctional Police Officer (S9988V), Department of Corrections eligible list. The Commission notes, however, that with the further passage of time, and absent any further adverse incidents, the appellant's background as presented in this matter will be insufficient to remove his name from future similar lists.

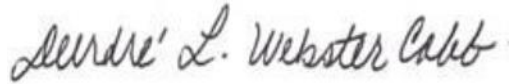
ORDER

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.

² The record is unclear as to the exact date the juvenile incident took place. On appeal, the appellant states that he was 15 years old at the time of the incident. The applicant investigation report indicates that the appellant advised the investigator that he was either 16 or 17 years old at the time of the incident.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 31st DAY OF JULY, 2019



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals
& Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Daeton Copeland
Lisa Gaffney
Kelly Glenn