



STATE OF NEW JERSEY

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

In the Matter of Calvin Williams,
Fire Fighter (M1556T), Newark

List Removal Appeal

CSC Docket No. 2020-375

ISSUED: JANUARY 17, 2020 (HS)

Calvin Williams appeals the removal of his name from the eligible list for Fire Fighter (M1556T), Newark on the basis that he was no longer interested.

The appellant, a non-veteran, took and passed the open-competitive examination for Fire Fighter (M1556T), which had a closing date of August 31, 2015. The resulting eligible list promulgated on March 11, 2016 and expired on March 28, 2019.¹ The appellant’s name was certified to the appointing authority on October 17, 2018. In disposing of the certification, the appointing authority requested the removal of the appellant’s name on the basis that he was no longer interested. In support, the appointing authority submitted the following e-mail from the appellant:

I am forced to not attend Newark firefighter’s training academy because of the men’s uniform policy, I was not giv[en] the option to tie my hair during the academy like the female candidate attending the class starting April 8th 2019. Shaving my head or cutting my hair is a conflict with my spiritual, cultural, & religious expression being that my hair is not a fashion choice, respectfully.

On appeal to the Civil Service Commission (Commission), the appellant states that he is still interested in the position at issue, but he was told that he

¹ The eligible list was extended approximately one year to March 28, 2019.

needed to shave his head when a female cadet was told that she was not required to shave hers.

In response, the appointing authority, represented by Tiffany A. Friend, Assistant Corporation Counsel, relies on the above-quoted e-mail and states that the appellant withdrew from the candidate list.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)3 provides that an eligible's name may be removed from a list for inability, unavailability or refusal to accept 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 his name from an eligible list was in error.

The appointing authority requested the removal of the appellant's name from the eligible list for Fire Fighter (M1556T) on the basis that he was no longer interested. However, the e-mail it submitted does not support that the appellant was no longer interested in appointment to the title of Fire Fighter. Rather, the appellant only declined to attend the training academy because doing so apparently would have required him to cut or shave his hair, thereby violating his spiritual, cultural and religious practice.² It appears the appellant would have attended had he been permitted to tie his hair as, he claimed, a female was. On the present record, there is no indication of what, if any, efforts the appointing authority undertook to accommodate the appellant's hairstyle. For these reasons, it is appropriate that the appellant's name be restored to the subject eligible list. Since the M1556T eligible list expired on March 28, 2019, it is appropriate to revive that list at the time of the next certification to allow the appellant to be considered for prospective appointment. The appellant is advised that he may file a complaint with the New Jersey Department of Law and Public Safety's Division on Civil Rights, the U.S. Equal Employment Opportunity Commission or both if he believes there has been discrimination as the Commission lacks jurisdiction over discrimination complaints in local service. *See N.J.A.C.* 4A:7-1.1(g).

ORDER

Therefore, it is ordered that this appeal be granted and the eligible list for Fire Fighter (M1556T), Newark be revived in order for Calvin Williams to be considered for appointment at the time of the next certification for prospective employment opportunities only.

² It is noted that the New Jersey Law Against Discrimination has been amended to clarify that race discrimination includes discrimination based on "traits historically associated with race, including, but not limited to, hair texture, hair type, and protective hairstyles" and that "protective hairstyles" includes, but is not limited to, such hairstyles as braids, locks, and twists." *See P.L.* 2019, c. 272.

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 15TH DAY OF JANUARY, 2020



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