



STATE OF NEW JERSEY

In the Matter of Vickianna Vasquez,
Correctional Police Officer (S9988A),
Department of Corrections

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

CSC Docket No. 2020-817

List Removal Appeal

ISSUED: JANUARY 31, 2020 (JET)

Vickiana Vasquez appeals the removal of her name from the Correctional Police Officer (S9988A), Department of Corrections eligible list on the basis of an unsatisfactory driving record.

The appellant took the open competitive examination for Correctional Police Officer (S9988A), achieved a passing score, and was ranked on the subsequent eligible list. The appellant's name was certified on July 4, 2019. In disposing of the certification, the appointing authority requested the removal of the appellant's name from the eligible list on the basis of an unsatisfactory driving record. Specifically, the appointing authority asserted that the appellant's driving record reflects that she was found guilty of driving while suspended on two occasions within seven years of the date she was certified on the list. In this regard, the appellant's driving abstract reflects that on January 8, 2014 and on December 14, 2012, she was found guilty of driving while suspended due to parking tickets.

On appeal to the Civil Service Commission (Commission), the appellant asserts, among other things, that she was not convicted of driving her vehicle while her driver's license was suspended. Rather, she states that the tickets were issued at the time her vehicle was parked. The appellant explains that she experienced a financial hardship that prevented her from paying the aforementioned parking tickets in a timely manner, and as a result, her driver's license was administratively suspended. Moreover, the appellant maintains that her driving privileges have been restored and are now in good standing.

In response, the appointing authority maintains that the appellant's driving record includes two suspensions for driving while suspended, which is sufficient to remove her name from the subject list. In this regard, the appointing authority argues that its pre-employment processing criteria with respect to applicant driving records required that the appellant's name be removed from the list.

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 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. Additionally, the Commission, in its discretion, has the authority to remove candidates from lists for law enforcement titles based on their driving records since certain motor vehicle infractions reflect a disregard for the law and are incompatible with the duties of a law enforcement officer. *See In the Matter of Pedro Rosado v. City of Newark*, Docket No. A-4129-01T1 (App. Div. June 6, 2003); *In the Matter of Yolanda Colson*, Docket No. A-5590-00T3 (App. Div. June 6, 2002); *Brendan W. Joy v. City of Bayonne Police Department*, Docket No. A-6940-96TE (App. Div. June 19, 1998); *In the Matter of Yolanda Colson, Correction Officer Recruit (S9999A)*, Department of Corrections, Docket No. A-5590-00T3 (App. Div. June 6, 2002); *In the Matter of Pedro Rosado v. City of Newark*, Docket No. A-4129-01T1 (App. Div. June 6, 2003).

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 this matter, the appointing authority maintains that the appellant's driver's license was suspended on two occasions within seven years of the certification of the list. The appellant argues that her driver's license was administratively suspended as she could not pay the tickets in a timely manner. Although the appellant does not provide any substantive evidence to show that her driver's license was administratively suspended because she could not timely pay parking tickets, the Commission is not bound by criteria utilized by the appointing authority and must decide each list removal on the basis of the record presented. *See In the Matter of Victor Rodriguez* (MSB, decided July 27, 2005). *See also, In the Matter of Debra Dygon* (MSB, decided May 23, 2000). In this matter, although the record reflects that the last incident occurred in 2014, the appellant has not been involved with any further motor vehicle infractions since that time and her current driving record is otherwise clean. Given that the remainder of her driving record is very remote in time and the fact that the last incident occurred in 2014, such

information is not an impediment to her ability to perform the duties of a Correctional Police Officer. Accordingly, under the circumstances, the appointing authority has not demonstrated that the appellant's driving record constitutes sufficient cause to remove her name from the subject eligible list.

ORDER

Therefore, it is ordered that this appeal be granted and the appellant's name be restored to the 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 29th DAY OF JANUARY, 2020



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

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