



In response, the appointing authority submitted copies of the above-described documentation in support of the removal of the appellant's name from the eligible list.

In reply, the appellant states that at a point in time, he had two vehicles registered in his name. He asserts that all but the April 4, 2017 failure to appear pertained to his wife's tickets. The April 4, 2017 failure to appear, the appellant concedes, pertained to his failure to wear a seat belt violation.

## 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. 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). *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.

At the outset, the Commission must emphasize that all of the ATS documentation in the record clearly references the appellant, and the appellant offers no evidence to support his assertion that most of the failures to appear in court concerned his wife's tickets. As such, the Commission cannot credit that base assertion. A review of the record, then, indicates that the appointing authority's request to remove the appellant's name from the subject eligible list was justified. The appellant's ability to drive a vehicle in a safe manner is not the main issue. Rather, the appellant's driving record reflects two license suspensions, a recent violation for failure to wear a seat belt, and several recent failures to appear in court. These reveal a persistent disregard for the motor vehicle laws, behavior that is incompatible with the duties of a law enforcement officer. *See Joy, supra*. In fact, the seat belt violation occurred after the examination closing date and the last four failures to appear occurred during the life of the eligible list. Such conduct is indicative of the appellant's exercise of poor judgment, which is not conducive to the performance of the duties of a County Correction Officer. It is recognized that a County Correction Officer is a law enforcement employee who must help keep order

in the prisons and promote adherence to the law. County 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 the 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 prison guards to present a personal background that exhibits respect for the law and rules. Accordingly, there is a sufficient basis to remove the appellant's 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  
20<sup>TH</sup> DAY OF MAY, 2020

*Deirdre' L. Webster Cobb*

---

Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: James Williams  
Laura M. Scutari  
Kelly Glenn