



STATE OF NEW JERSEY

In the Matter of Lucero Adames,
Correctional Police Officer (S9988A),
Department of Corrections

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

CSC Docket No. 2020-2311

List Removal Appeal

ISSUED: JULY 20, 2020 (SLK)

Lucero Adames appeals the decision to remove 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), which had a January 31, 2019 closing date, achieved a passing score, and was ranked on the subsequent eligible list. In seeking her removal, the appointing authority indicated that the appellant had an unsatisfactory driving record. Specifically, it indicated that the appellant failed to appear in court on December 4, 2019 and January 8, 2020.

On appeal, the appellant states that although she supposedly was to be in court for unpaid traffic tickets, she did pay the tickets. She submits a New Jersey Automated Traffic System General Inquiry which indicates that she had traffic violations on October 16, 2019 and November 6, 2019, there were failures to appear on December 4, 2019 and January 8, 2020, and she subsequently paid the fines.

In response, the appointing authority states that the appellant was made inactive during pre-employment processing on January 27, 2020 for two unpaid traffic tickets, for which she failed to appear in court. Further, the appellant paid the tickets on February 3, 2020, as evidenced by the receipt she provided, which was well after her two scheduled court appearances.

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).

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 had a valid reason for removing the appellant's name from the list. Specifically, the appellant committed traffic violation in October and November 2019, which is after the January 31, 2019 closing date. Thereafter, the appellant failed to appear in court regarding these tickets on December 4, 2019 and January 8, 2020. The appellant's ability to drive a vehicle in a safe manner is not the main issue in determining whether she should remain eligible to be a Correctional Police Officer. These violations and subsequent failures to appear in court evidence disregard for the State laws and the exercise of poor judgment. The appellant has offered no substantive explanation for her actions. These actions show a pattern of disregard for the law and questionable judgment on her part. Such qualities are unacceptable for an individual seeking a position as a Correctional Police Officer. In this regard, 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 has not met her burden of proof in this matter and the appointing authority has shown sufficient cause for removing her name from the

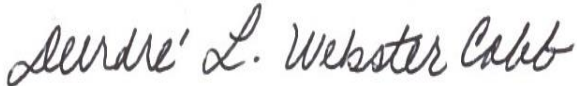
Correctional Police Officer (S9988A), Department of Corrections, eligible list. It is noted that, absent any future infractions and with the further passage of time, the appellant's driving record will not be sufficient cause for removal from future similar lists.

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.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 17TH DAY OF JULY, 2020



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