



STATE OF NEW JERSEY

In the Matter of Vincent Wrege,
Parole Officer Recruit (S1000A), State
Parole Board

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

CSC Docket No. 2021-1328

List Removal Appeal

ISSUED: JUNE 7, 2021 (SLK)

Vincent Wrege appeals the decision to remove his name from the Parole Officer Recruit (S1000A), State Parole Board eligible list on the basis of an unsatisfactory employment record.

The appellant took the open competitive examination for Parole Officer Recruit (S1000A), State Parole Board, which had an June 21, 2019 closing date, achieved a passing score, and was ranked on the subsequent eligible list. His name was certified (OS200261) on September 24, 2020 as the 74TH listed candidate. In seeking his removal, the appointing authority indicated that the appellant had an unsatisfactory employment record. Specifically, the appointing authority's background report indicated that the appellant indicated on his application that, while working as a State Correctional Police Officer on September 14, 2016, there was an inmate fight. He indicated that he received a five-day minor discipline for taking too long to call a code.

On appeal, the appellant states that he has been a State Correctional Police Officer for over five years. He presents that he currently works in a mental health and special needs unit and has been in this unit for nearly four years. The appellant asserts that he has learned a lot about the wellbeing of others and the issues that an inmate might encounter in the prison system. He explains that he applied for a

position in the subject title because he wanted to use his knowledge, experience and education to help other when they get out of the prison system, to promote public safety, and to foster the rehabilitation of offenders.

Concerning the September 2016 incident, the appellant explains that he had 10 months of experience at that time and he was assigned the second shift, along with two other partners, in the Restrictive Housing Unit. He presents that he was working on the upstairs part of the unit running showers on two separate tiers, where one person at a time is allowed out in the unit. The appellant states that when he finished his current showers, he came downstairs by the desk where his other partner was running showers as well and getting boxes to pack something up. He presents that on one of his partners' tier, there was a cell door three quarters of the way down the tier that was condemned and stuck open. The appellant indicates that his partner went and locked one of the workers in his room which he believed was already in his room so that he could switch out the next shower. He states that when his partner switched out the shower and locked that one person in his room, he let out the next. The appellant presents that the worker came out of the condemned cell and argued with the current person out for the shower on the tier and they started to fight. He indicates that his partner saw what happened and ran down the catwalk to contain the situation and the appellant states that he did not know at the time what was going on. The appellant presents that his partner deployed his pepper spray so that the two inmates would separate. He explains that he did not realize what was happening since the incident was far down the tier. However, once his partner informed him of the situation, he called a fight code on the radio. Thereafter, the appellant states that the fight stopped, and the inmates retreated to their rooms and were locked in. Further, the response team came and cuffed each inmate until they could be taken to a different area and separated.

The appellant indicates that the investigators of the incident informed them that they took too long to call a code for the incident. They were investigating why the cell door was open and not logged in the book and why it took so long to contain the incident. He states that the door was logged on multiple work orders that it did not work and needed to be fixed. The appellant's assessment as to why it took so long was because they lost track of time when dealing with the incident. He indicates that he apologized and acknowledged that he should have done a better job. The appellant notes that the inmates were found guilty of fighting. He presents that his partner and he received a minor discipline for neglect of duty and other sufficient cause. The appellant notes that he did not miss any work time as he took three vacation days and two days were for record keeping on his file. He states that he is working with his union representative to have this five-year old incident removed from his file. The appellant asserts that this incident does not reflect who he is as a State Correctional Police Officer as he works hard and uses his time and experience to help others within the department on how to be better. He argues that the subject title would be a great

position for him to help others and to allow him to advance in the profession that he loves. The appellant also submits a letter of recommendation from his supervisor.

In response, the appointing authority relies upon the initial documentation that it sent to this agency for the reason for the removal.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)7, 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 sought.

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.

The record in this matter indicates that the appellant received a minor discipline for a September 2016 incident. The appointing authority has presented no other issues with the appellant's employment history. Generally, the Commission has determined that one minor disciplinary action does not constitute a sufficiently adverse employment record to justify the removal of an eligible's name from a list. In these situations, it has found that an applicant with a minor disciplinary history could be bypassed by an appointing authority at its discretion under *N.J.A.C.* 4A:4-4.8. *See In the Matter of Laura Verdi* (CSC, decided July 30, 2008); *See also In the Matter of Walter Langdon* (MSB, decided October 14, 1998).¹ Accordingly, given the facts of this matter, the Commission finds that the appellant's removal from the list was not warranted. However, his name should be reflected as bypassed for appointment on the subject certification.

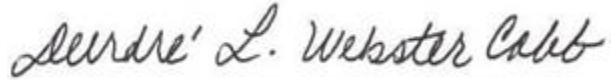
ORDER

Therefore, it is ordered that this appeal be granted, but the appellant's name be recorded as bypassed on the certification.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

¹ A review of the subject certification indicates that the appointing authority only used one bypass, although it is unclear as to why the candidate in the 25th position was listed as retained, but not reachable for appointment when other lower-ranked candidates were appointed. Regardless, even if the appellant is not listed as bypassed, a review of the subject certification indicates that he was not reachable for appointment as the lowest ranked eligible who was appointed was in the 68th position on the subject certification and the appellant was in the 74th position.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 2ND DAY OF JUNE, 2021



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