



STATE OF NEW JERSEY

In the Matter of Jovan Koskoski,
Police Officer (S9999A), Elmwood
Park

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

CSC Docket No. 2021-1649

List Removal Appeal

ISSUED: SEPTEMBER 7, 2021 (SLK)

Jovan Koskoski appeals the decision to remove his name from the Police Officer (S9999A), Elmwood Park eligible list on the basis of an unsatisfactory background report.

The appellant took the open competitive examination for Police Officer (S9999A), Elmwood Park, which had an August 31, 2019 closing date, achieved a passing score, and was ranked on the subsequent eligible list. His name was certified (OL200578) and he was ranked as the 1,185th ranked candidate. In seeking his removal, the appointing authority indicated that the appellant had an unsatisfactory background report.

On appeal, the appellant states that at the time that he applied for a position with the appointing authority, his case was still in court and he had not received a decision for his ticket which he received on March 11, 2020. He submits paperwork from Connecticut which indicates that he was charged with possession of less than one-half ounce of a cannabis-type substance and on December 3, 2020, the prosecutor chose not to prosecute.

In response, the appointing authority, represented by Kyle J. Trent, Esq., presents that the appellant admitted on his application that March 10, 2020, was the

last time he used a controlled dangerous substance. Further, he indicated on his application that he received a summons for a \$150 fine in Connecticut for possession of less than one-half ounce of marijuana where he pled not guilty and the matter had not yet been heard. Therefore, it asserts that the appellant admitted to disregarding State and federal law through his use of marijuana mere months before applying for a position with it. The appointing authority cites *In the Matter of Anthony Lewis* (CSC, decided March 6, 2019) where the Civil Service Commission found that marijuana use by a law enforcement applicant less than two years prior to the closing date was sufficient grounds for removal. It asserts that although the prosecutor in the appellant's matter apparently chose not to pursue criminal prosecution, this does not alter the basis for his removal as the appellant's background does not meet the high standards for a Police Officer.

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.

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, on the appellant's application, he admitted that the last time that he smoked marijuana was on March 10, 2020. Therefore, while the Commission acknowledges that there are changing attitudes about marijuana use and possession, the appellant's use of marijuana on March 10, 2020, in Connecticut was illegal as demonstrated by the summons that he received. Further, the subject examination's closing date was August 31, 2019. Therefore, regardless of the prosecutor's decision not to prosecute, after applying to take the subject examination, the appellant chose to engage in an illegal activity. This choice indicates that the appellant currently lacks the good judgment to be a Police Officer. In this regard, it is recognized that a municipal Police Officer is a law enforcement employee who must enforce and promote adherence within to the law. Municipal Police Officers hold highly visible and sensitive positions within the community and that the standard for an applicant includes good character and an image of the utmost confidence and trust. It must be recognized that a municipal Police Office is a special kind of employee. His primary duty is to enforce and uphold the law. He carries a service revolver on his person and is constantly called upon to exercise tact, restraint and good judgment in his relationship with the public. He represents law and order to the citizenry and must

present an image of personal integrity and dependability in order to have the respect of the public. See *Moorestown v. Armstrong*, 89 N.J. Super. 560, 566 (App. Div. 1965), cert. denied, 47 N.J. 80 (1966). See also *In re Phillips*, 117 N.J. 567 (1990).

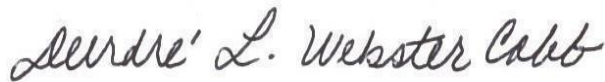
Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the Police Officer (S9999A), Elmwood Park eligible list.

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 1ST DAY OF SEPTEMBER, 2021



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Jovan Koskoski
Michael Foligno
Kyle J. Trent, Esq.
Division Agency Services