



STATE OF NEW JERSEY

In the Matter of Jessica Hamilton,
(S9999A), Correctional Police Officer,
Department of Corrections

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

CSC Docket No. 2022-7

List Removal Appeal

**ISSUED: SEPTEMBER 24, 2021
(PS)**

Jessica Hamilton appeals the decision to removal her name from the Correctional Police Officer (S9999A), Department of Corrections, eligible list on the basis of an unsatisfactory driving record.

The appellant took the open competitive examination for Correctional Police Officer (S9999A), achieved a passing score, and was ranked on the subsequent eligible list. In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis that she had an unsatisfactory driving record. Specifically, its background report for the appellant indicated that she was cited two times for operating a motor vehicle as an Unlicensed Driver within seven years of the promulgated civil service list.

On appeal, the appellant states that she was cited for operating a motor vehicle as an unlicensed driver on June 11, 2014. She asserts that this matter was adjudicated on July 14, 2014, when she appeared in Court, pled guilty and paid restitution for the infraction. She states that there have been no other infractions regarding her license, and she has dedicated her life to family and community making her a perfect candidate to serve as a Correctional Police Officer. Additionally, she presents that she has volunteered in her community and submits a letter of recommendation from her high school counselor who has known her for 15 years and can attest to her character.

In response, the appointing authority submits a report from the Automated Traffic System which reveals that the appellant has been charged with operating a motor vehicle as an Unlicensed Driver on June 11, 2014, and July 10, 2014. The appellant also has a violation of Careless Driving on June 11, 2014. Additionally, the appointing authority asserts that both dates are within seven years of the promulgated civil service 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. The Commission has the authority to remove candidates from lists for law enforcement titles based on their driving records since certain motor vehicle violations 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.

Initially the appointing authority argues that its pre-employment processing criteria with respect to applicant driving records required it to removal appellant from the list. However, the Commission is not bound by criteria utilized by the appointing authority and must decide each list removal on the basis of the record passed. *See In the Matter of Debra Dygon* (MSB, decided May 23, 2000).

In this matter, the appellant's certified driver's abstract indicates that her last motor vehicle violation was in July 2014, and she has not had any further motor vehicle violations. Additionally, the appellant argues that she has dedicated much of her life serving in the community in which she resides such as volunteering in afterschool programs helping youth steer clear of violence as well as helping them further their education. Given that her motor vehicle infractions were both remote in time and few in number, the Commission finds her driving record insufficient for removal from the subject eligible list.

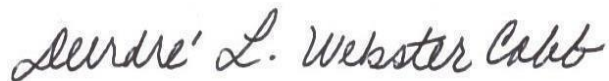
Accordingly, the appellant has met her burden of proof in this matter and the appointing authority has not shown sufficient cause for removing her name from the Correctional Police Officer (S9999A), Department of Corrections eligible list.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant's name be restored to the (S9999A) 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 22 DAY OF SEPTEMBER, 2021



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