



STATE OF NEW JERSEY

In the Matter of Kyle Meadows,
Sheriff's Officer (S9999A), Salem
County Sheriff's Office

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

CSC Docket No. 2022-3303

List Removal Appeal

ISSUED: September 21, 2022 (SLK)

Kyle Meadows appeals the decision to remove his name from the Sheriff's Officer (S9999A), Salem County Sheriff's Office (Sheriff's Office) eligible list on the basis of an unsatisfactory employment record.

The appellant took the open competitive examination for Sheriff's Officer (S9999A), Salem County Sheriff's Office, which had an August 31, 2019 closing date, achieved a passing score, and was ranked on the subsequent eligible list. The S9999A list expires on May 14, 2023. His name was certified (OL211192) and he was ranked as the 14,417 candidate. In seeking his removal, the Sheriff's Office indicated that the appellant had an unsatisfactory employment record. Specifically, the Sheriff's Office indicated that while the appellant served as a County Correctional Police Officer for Salem County, he received various official reprimands and minor discipline suspensions.

On appeal, the appellant states that he is confused by the finding that he has an unsatisfactory employment record as he has been with the Salem County Sheriff's Office for 10 years, just in a different division as he has been in the Corrections Division. He presents that he never received major discipline. The appellant states that when he contacted this agency, he was advised that he had four minor disciplines against him since 2016. He highlights that this is less than one per year and he has received good reviews from his superiors. The appellant emphasizes that he is

seeking to work for the same department that he has worked for the past 10 years, but only requesting to move to the courthouse.

In response, the appointing authority notes that in it previously removed the appellant from the Sheriff's Officer (S9999U) list on certification OL172429 for an unsatisfactory employment history.¹ It presents that as a County Correctional Police Officer, the appellant received an August 18, 2015, official reprimand for abuse of sick leave, an October 9, 2015, official reprimand for using obscene or inappropriate language in the workplace, a July 17, 2016, official reprimand for not being on duty in complete uniform, an August 24, 2016, three-day suspension for falsification of records and providing an intentional misstatement of fact², a July 13, 2017, official reprimand for an unreasonable excuse for lateness on three occasions, a July 25, 2018, official reprimand for failure to complete mandatory rounds on two occasions, an October 17, 2018, official reprimand for not reporting for his scheduled time and not answering his phone as he was 54 minutes late after oversleeping, a December 6, 2019, three-day suspension for prohibited activities on duty³, a February 6, 2020, one-day suspension for failing to conduct a complete security round, a June 24, 2020, two-day suspension for failure to conduct mandatory security tours on the protocol inmates while assigned to the medical isolation unit, and an October 30, 2020, official reprimand for failing to complete a full security tour.

The appointing authority asserts that even though the appellant has only received minor discipline, the infractions committed, and the repetitiveness of the infractions, is concerning. It states that although County Correctional Police Officer and Sheriff's Officer are both law enforcement positions and fall under the Salem County Sheriff, the responsibilities are very different. The appointing authority presents that behaviors that resulted in minor discipline while serving as a County Correctional Police Officer dealing with inmates within a secured facility are not acceptable behaviors for a Sheriff's Officer. It indicates that a Sheriff's Officer is required to handle court security, investigate and apprehend violators of the law, and perform public safety duties which include dispute intervention and resolution, community service, and assistance assignments. The appointing authority states that Sheriff's Officers are sworn to uphold the law, to be ethical in their professional and personal life, and to be a representative of the Sheriff and County government in a public setting. It contends that the appellant's disciplinary record shows a pattern

¹ The appellant received notice of this removal on or around March 20, 2018. The appellant did not appeal this removal.

² The investigation determined that the appellant provided a note on a prescription pad for an OB/GYN doctor that he knew to be false and was fraudulently obtained by his girlfriend. The note requested a medical accommodation to roll up his sleeves.

³ The appellant was observed on two dates watching "You Tube" videos while on duty guarding inmates in the day area, as well as the recreation area, and inmates were also locked down. This occurred even after two directives advising the proper use of the computer network had been issued. The appellant had previously received an entry in Guardian Tracker noting that he was observed watching movies from a thumb drive on a television designated for inmate orientation while on duty guarding inmates.

of disregard for safety rules and regulation. The appointing authority provides that as a Sheriff's Officer with a firearm, disregarding safety protocols could result in injury or death to the Sheriff's Officer, the Sheriff's Officer's partner, or the public. It states that the appellant has also shown a willingness to be unethical for self-serving purposes, a trait not acceptable in someone who is sworn to uphold the law and who could be in a position of authority in the community.

In reply, the appellant states that the August 8, 2015, official reprimand establishing a pattern of abuse of sick leave should not be in his file. He states that his union already fought this and won as these write-ups were deemed unnecessary since it could not be established that there was a pattern of sick use. He presents that the October 9, 2015, official reprimand for use of obscene or inappropriate language should not be in his file. The appellant explains that he was in the middle of two officers when one officer asked what the other officer said, and he states that he only relayed the offensive language that was said by the other officer. However, the officer who brought the charge against him only heard what he said, and this matter was resolved in mediation. Regarding the July 17, 2016, not being on duty in complete uniform violation, he states that he rolled his sleeves up on shift because he breaks out into a rash when it gets too hot and his only option is to wear long sleeves. He acknowledges that this incident was his fault as he knew he should not have rolled up his sleeves without a doctor's note.

The appellant presents that the August 24, 2016, falsification of records and providing an intentional misstatement of fact violation, was the reason he was previously removed from a prior list for the subject title. He states this his girlfriend provided him the note for a medical exemption to allow him to roll up his sleeves. The appellant asserts that this incident was the biggest mistake of his life. He explains that he advised his girlfriend that he needed a medical note to be able to roll up his sleeves at work, and because he worked the night shift, it was difficult for him to go to the doctor. In response, his girlfriend said that she could get him the note as she worked in a doctor's note. The appellant acknowledges that since he was a "young and stupid kid," he took her up on her offer. Thereafter, the appointing authority called the doctor to verify. The appellant states that he was angry and did not understand as he thought that everything was cleared with the doctor since it did not involve medication. He claims that at no point was he aware that the doctor had not cleared it and states that he did not realize that the doctor was an OB/GYN. The appellant states that he thought the situation was the same as if his mother was working at the doctor's office and the doctor cleared the note or if his wife got pulled over by the police and states that she is married to a law enforcement officer, usually a professional courtesy takes place, she would get a warning. He presents that the next day, he went to work with his sleeves rolled down and, after his shift, he was going to go to apologize to the Deputy Warden and Warden. However, the appellant indicates that the matter had already been received by Internal Affairs. He states that the next day he went to his doctor and received a prescription for an ointment.

The appellant asserts that he was not trying to lie to anyone and just made a stupid mistake. Thereafter, he received minor discipline, but claims that he was advised that this incident would remain in-house and not interfere with his ability to get promoted or move elsewhere in the future. However, the appellant indicates that this was not true as he was suspended for 36 hours, removed from the response team, and was given an in-house five-year probationary period and a five-year gap before he could put in for the response team again. The appellant states that the Internal Affairs allegation is different than as described by the appointing authority as the actual allegation was that he knowingly did not go through the proper procedures for obtaining a prescription or note from a physician and he presented it to the facility as if he had properly obtained it. He states that the investigators concluded that there was no evidence that knew that the note was written without the doctor's knowledge. The appellant highlights that this incident took place over six years ago.

The appellant presents that he received a July 25, 2018, reprimand for unreasonable lateness for being late three times in one calendar year. He states that he apologized, but asserts that sometimes people are late, and this hardly makes him a menace to society. The appellant states that he has been working on his time management and has gotten much better over the years. Regarding the July 25, 2018, reprimand for failure to complete rounds on two days, he explains that he missed the rounds because he was not aware that he was supposed to be making them, and once it was brought to his attention, it never happened again. The appellant indicates that the October 17, 2018, reprimand for not reporting to duty on time happened because he overslept and was 54 minutes late. He acknowledges that mistake and has since corrected it. The appellant states that the December 6, 2019, violation for prohibited activities on duty was due to his being on "You Tube," while he had control of his unit. He presents that there were no issues from it and he completed every round. However, according to policy, he should not have been on it, and he received a three-day suspension. He said states that he has not had a repeat issue in the three years since the incident.

The appellant presents that the three disciplines in 2020 were different instances of "incomplete rounds." He states that one incident involved him making half-hour rounds where the facility wanted 15-minute rounds. The appellant states that another incident was where he was making rounds and he skipped the back four or so cells and went directly upstairs, which was the original discipline. Thereafter, after the video was played during the discipline proceedings, it showed that he did go back to the cell and the write up was changed to "Not looking in the cells properly." The appellant presents that another incident involved him making every round in the infirmary. He explains that there is an annex in the infirmary with two cells. The appellant states that there were no inmates in these cells, so he did not go back there. He indicates that this was never a problem before, but he received a reprimand for not checking the cells.

The appellant asserts that the appointing authority's description of Corrections compared to the Sheriff's Office is alarming. He states that County Correctional Police Officers are also law enforcement who are sworn to uphold the law. He notes that he has been issued a firearm and he is issued it for when he goes into the public, such as hospital runs, response team, firearm training outside the facility, and transporting inmates. While he acknowledges that the daily operation tasks are vastly different, there is nothing in his file that states that he is a danger to anyone. The appellant highlights that he received a Life Saving award for assisting an inmate who was attempting to hang himself in his cell. He presents that the Deputy Warden called him to assist in rescuing a released inmate who had fallen into a creek outside the facility. The appellant states that he has received accolades for dealing with unruly inmates and his ability to calm things down and avoid conflicts. He contends that contrary to the appointing authority's statement, the level of discipline does make a difference, and he never received a major discipline. Further, the appellant notes that he has not received any discipline in about two years, and the most concerning event happened over six years ago. He emphasizes that other than being late, which has not happened in four years, he has never had the same thing happen twice in his career as each issue involving rounds had differences. The appellant states that if he had been working at Wal-Mart and received minor discipline, the appointing authority would not even know about it and it only knows about these incidents because he works at the correctional facility, which puts him at a disadvantage. However, he argues that if Corrections and the Sheriff's Office is considered to be under the same umbrella, then his move should be considered a lateral move, which should not be blocked. The appellant asserts that no one who just moved to the Sheriff's Office has the same experience and understanding of the job that he has. He presents that he has learned from past mistakes, has a family, a house, and a life outside of the facility. The appellant states that since he began with the jail in 2012, it has always been his goal to be in the Sheriff's Department as the pay is eventually higher and the schedule is more family oriented. He believes that a Sheriff's Officer was recently promoted to Sheriff's Officer Sergeant even though that individual had major discipline and he only has minor discipline. Therefore, he believes hiring decisions are based on personal opinions, rather than facts.

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 for the removal of an individual from an eligible list who has a prior employment history which relates adversely to the position sought. *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, the record indicates that the appellant had several reprimands and a three-day suspension for an August 24, 2016, incident which led to the appellant being removed from a prior eligible list (S9999U) for the subject title for an unsatisfactory employment history. Although a prior minor disciplinary history is generally not sufficient to remove a candidate from a list, it can be sufficient grounds for such an action. See *In the Matter of Thomas DiOrio* (CSC, decided March 11, 2009). While the appellant attempts to explain the August 24, 2016, incident, he acknowledges that this was the worst mistake of his life. The appellant received notice on or around March 20, 2018, that he was removed from the S9999U eligible list for an unsatisfactory employment history, and he did not appeal it. The Commission will not permit the appellant to "relitigate" his background and it finds that he had an unsatisfactory background for the subject title as of March 20, 2018. Additionally, the closing date for the subject (S9999A) eligible list was August 31, 2019. Therefore, there was insufficient time for the appellant to rehabilitate his background. Moreover, it is noted that the appellant has received three reprimands and three suspensions *after* being advised in March 2018 that he had an unsatisfactory employment history. Additionally, it is noted that the three suspensions occurred after the subject examination closing date. Regarding the appellant's comments that it is unfair that the appointing authority has access to his complete disciplinary history while it would not if he had worked for Wal-Mart, whether the appointing authority would have access to his complete disciplinary history if he had worked for a third-party is irrelevant as it did have access to it and it would be irresponsible for it to ignore the information it does have when evaluating his candidacy.⁴ Similarly, whether a Sheriff's Officer was recently promoted to even though that individual allegedly had major discipline is irrelevant as to whether the appellant's employment history is currently adverse to a position in the subject title. It is noted that each employment decision is based on the unique circumstances presented. Accordingly, the Commission finds that the appellant's removal from the list was proper for all the reasons set forth above, and the appellant failed to meet his burden of proof. Finally, the Commission notes that, with the further passage of time and no further disciplines, the appellant's employment history would not serve as a sufficient basis for removal from a future Sheriff's Officer eligible list.

⁴ That argument is also, specious, at best. To presume a prospective law enforcement employer would not do a thorough employment background check, including inquiring to *any* former employer as to a candidate's disciplinary history, is illogical.

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 21ST DAY OF SEPTEMBER, 2022

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