



STATE OF NEW JERSEY

In the Matter of Calvin Williams,
Fire Fighter (M1556T), Newark

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

CSC Docket No. 2023-2145

Administrative Appeal

ISSUED: October 11, 2023 (HS)

Calvin Williams requests relief with respect to his appointment from the eligible list for Fire Fighter (M1556T), Newark.

As background, the appellant, a non-veteran, took and passed the open-competitive examination for Fire Fighter (M1556T), which had a closing date of August 31, 2015. The resulting eligible list promulgated on March 11, 2016 and expired on March 28, 2019. The appellant’s name was certified to the appointing authority on October 17, 2018. In disposing of the certification, the appointing authority requested the removal of the appellant’s name on the basis that he was no longer interested. In support, the appointing authority submitted the following e-mail from the appellant:

I am forced to not attend Newark firefighter’s training academy because of the men’s uniform policy, I was not giv[en] the option to tie my hair during the academy like the female candidate attending the class starting April 8th 2019. Shaving my head or cutting my hair is a conflict with my spiritual, cultural, & religious expression being that my hair is not a fashion choice, respectfully.

The appellant appealed the removal of his name from the eligible list to the Civil Service Commission (Commission). The Commission determined that the e-mail did not support that the appellant was no longer interested in appointment to the title of Fire Fighter. Rather, the appellant had only declined to attend the training academy

because doing so apparently would have required him to cut or shave his hair, thereby violating his spiritual, cultural, and religious practice. It appeared that the appellant would have attended had he been permitted to tie his hair as, he claimed, a female was. On the available record, there was no indication of what, if any, efforts the appointing authority undertook to accommodate the appellant's hairstyle. For those reasons, it was appropriate to restore the appellant's name to the subject eligible list. Since the list had expired on March 28, 2019, it was appropriate to revive that list at the time of the next certification to allow the appellant to be considered for prospective appointment. The Commission also advised the appellant that he could file a complaint with the New Jersey Department of Law and Public Safety's Division on Civil Rights (DCR), the U.S. Equal Employment Opportunity Commission (EEOC) or both if he believed there had been discrimination as the Commission lacked jurisdiction over discrimination complaints in local service. *See In the Matter of Calvin Williams* (CSC, decided January 15, 2020). Following the Commission's decision, the appellant's name was again certified to the appointing authority on October 25, 2021, and he was appointed, effective July 11, 2022.

On appeal to the Commission, the appellant claims that during orientation, comments were made that "men with hair . . . doesn't work." The appellant maintains that he has not been contacted by the appointing authority since orientation.

In response, the appointing authority¹ states that the appellant "is moving in the regular course of the candidate process" but has yet to reach the point of being requested to cut his hair in accordance with the grooming policy. However, the appointing authority states that the appellant is "on notice" that such policy exists. The basis for the policy, per the appointing authority, is compliance with the law and ensuring the safety of Fire Fighters for donning equipment. Specifically, with the appellant's hair being approximately waist-length or longer, his hair would not meet safety standards for wearing the Self Contained Breathing Apparatus, protective hood, and helmet. Further, his hair would not comply with the standard length of "no longer than the top of the shirt collar when standing erect." The appointing authority argues that an accommodation to allow the appellant to maintain his hair at the current length would violate policy, recommendations of the National Fire Prevention Association, and New Jersey Public Employees Occupational Safety and Health regulations. Moreover, it would cause a safety hazard for the appellant, his potential associate Fire Fighters, and citizens. The appointing authority notes that the appellant is working his way through the process currently, but he must comply with the set safety standards and policies as a matter of "life and death." In support, the appointing authority submits, among other materials, the Fire Chief's certification and a general order concerning candidate training requirements.

¹ At the time the response was filed, the appointing authority was represented by France Casseus, Esq.

In reply, the appellant relates that he has submitted a religious/cultural accommodation request to the appointing authority and reiterates his need for such accommodation.

CONCLUSION

The crux of the appellant's complaint is that the appointing authority is insisting that he abide by its grooming policy and will not accommodate his religion and culture. Essentially, the appellant's complaint is one of discrimination in local service. But as the Commission had already noted in the prior decision, it lacks jurisdiction over such complaints. *See N.J.A.C. 4A:7-1.1(g)*. The Commission is thus constrained to again advise the appellant that he may file a complaint with the DCR, the EEOC, or both, if he has not already done so. *See N.J.A.C. 4A:7-3.2(p)1*.

ORDER

Therefore, it is ordered that this appeal be dismissed for lack of jurisdiction.

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 11TH DAY OF OCTOBER, 2023



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