



STATE OF NEW JERSEY

In the Matter of Mary Spahr, State
Park Police Officer Trainee (S0231D),
Department of Environmental
Protection

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

CSC Docket No. 2024-2630

List Removal Appeal

ISSUED: October 16, 2024 (SLK)

Mary Spahr appeals the decision to remove her name from the State Park Police Officer Trainee (S0231D), Department of Environmental Protection eligible list on the basis of an unsatisfactory background report.

The appellant took the open competitive examination for State Park Police Officer Trainee (S0231D), which had February 28, 2022, closing date, achieved a passing score, and was ranked on the subsequent eligible list, which expires on November 9, 2024. Her name was certified (OS230121) and she was ranked as the 196th candidate. In seeking her removal, the appointing authority indicated that the appellant had an unsatisfactory background report. Specifically, the appointing authority’s investigation revealed that none of her family or references provided the investigator with any information that was not already on her application. The investigator stated that the appellant’s references all seemed scripted in their responses, none confirmed any social relationships, and no one provided any information on how she deals with stressful situations. Additionally, concerning a law enforcement application that she made to another jurisdiction, it indicated that “Mary was down toward the bottom of the list, and would probably go no further within their department.” Also, the appellant’s application and references were almost identical to her brother’s application. Further, the investigator noted that the appellant was reluctant to give any information in her first interview other than “yes” or “no” answers, and even when the investigator prompted, her answers were not informative. Moreover, the appellant initially indicated that she had no police

interactions. However, when questioned further, she acknowledged that she was twice pulled over by the police and given verbal warnings. Additionally, the appellant stated that in response to a question asking what was the most challenging part of becoming a State Park Police Officer, she replied “learning and moving forward.” The investigator stated that the investigation was hindered by the appellant’s failure to explain anything about herself, and she is introverted, which he believed would make it challenging for her to perform the duties of an everyday patrol officer as an officer needs to engage with the public and be inquisitive. The investigator noted that the appellant’s references and personal relationships gave him no details on the appellant’s life experiences so he believed that she had none. Further, the investigator commented that he was not able to verify the appellant’s work ethic as he was unable to contact her supervisor. The investigator indicated that the appellant volunteered for Serenity Stables one day a week; however, no one there knew much about her. The investigator stated that the appellant’s background was not detrimental as she had a stable family life and did well in school. However, the investigator concluded that the appellant lacked candor and attention to details, and he could not recommend her.

On appeal, the appellant presents that she passed an oral examination conducted by high-ranking police officials and was offered the subject position before the offer was rescinded. She states that at no point did she make any attempt to obfuscate her history as she gave an account regarding her personal history to the best of her ability. The appellant asserts that not once has she been confronted with any discrepancies in her background or asked to provide additional information. Regarding the investigator’s concern that her references could not give any information about the appellant’s relationships with others, she presents that her six references all gave favorable accounts of her character and ability based on their personal knowledge. Further, the Head of Volunteer Services for Serenity Stables advised her that she gave a “glowing report” about her. Moreover, she asserts that because she gets along well with people of all ages and backgrounds, treats people as she would like to be treated, and lives an honest and circumspect life, her involvement in “situations” and “incidents” have been kept to a minimum and resolved without undue escalation.

Regarding the investigator’s comments about her lack of life experiences, she presents that at the time she completed her application, she was 25 years old, living on her own, working full-time for approximately six years at the same company with the same job, earning credits towards her college degree, volunteering at a charity to benefit veterans, was fully engaged with family and friends, and participating in many activities. Therefore, the appellant asserts that the investigator’s opinion was based on his personal subjective bias and not facts, and she argues that there was no basis for her removal from the subject eligible list.

In response, the appointing authority relies on its background report.

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 the decision to remove his name from an eligible list was in error.

In this matter, the appointing authority primarily removed the appellant from the subject eligible list because it believed that she mostly engaged in individual activities and was concerned that the appellant did not have the interpersonal relationship skills to work in a group setting which is fundamental to the position. While the Commission recognizes the high standards to be a State Park Police Officer Trainee, which is a law enforcement position, the appellant indicates that she did provide the appointing authority with friends and references for it to contact. Further, the appointing authority's concern that the appellant will not be able to work in a group setting is speculative as it has not presented anything in the appellant's background which indicates that she cannot work in a group setting or otherwise cannot meet the high standard to be a State Park Police Officer Trainee. Further, concerning the other alleged issues with the appellant's background, the appellant disputed or explained the claims, and the appointing authority did not respond. Therefore, the Commission finds that there is no basis for the appointing authority to have removed the appellant's name from the subject eligible list. However, it is noted that the appointing authority's concerns could have been a basis to have bypassed the appellant's name on the subject eligible list.

ORDER

Therefore, it is ordered that this appeal be granted and Mary Spahr's name be restored to the eligible list for State Park Police Officer Trainee (S0231D), Department of Environmental Protection, for prospective employment opportunities. If that list is not certified prior to its November 9, 2024, expiration, it is further ordered that at the time of the next certification, the State Park Police Officer Trainee (S0231D) eligible list be revived, and the appellant's name be placed on the next certification, for prospective employment opportunities only, consistent with this decision.

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 16TH DAY OF OCTOBER, 2024

Allison Chris Myers

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Chairperson
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