



STATE OF NEW JERSEY

In the Matter of M.J., Board of Public
Utilities

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

CSC Docket No. 2025-890

Discrimination Appeal

ISSUED: May 21, 2025 (SLK)

M.J., a Customer Representative 2, Public Utilities with the Board of Public Utilities (BPU), appeals the determination of a Director, Division of Administration, which substantiated that she violated the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

By way of background, the determination letter indicated that it was substantiated that M.J., who is Caucasian, harassed and made discriminating/prejudiced comments to another BPU employee on several occasions and displayed acts of workplace intimidation, false witnessing and gossiping creating a hostile work environment.

Specifically, as clarified during the appeal process, regarding the harassing and discriminatory/prejudiced comments, during the investigation, the BPU indicates that M.J. admitted in her interview that she made the statement that M. M., an Agency Services Representative 2, Bilingual in Spanish and English who is Hispanic/Latino and Caucasian, only obtained her position in the BPU Customer Service department "because she's Dominican." This statement was corroborated by witness testimony from multiple staff members who confirmed they heard M.J. make this comment. Additionally, M.J.'s immediate supervisors and members of the managerial team confirmed they had several conversations with her concerning derogatory statements and offensive language in the workplace. Witnesses also

attested to her history of making inappropriate comments, particularly in reference to the Hispanic community.¹

On appeal, M.J. acknowledges that she did say:

I found it interesting that with all the constituents in NJ that were bilingual in Spanish and English and are from diverse places that five out of six of the NJ BPU staff are associated with CA [Customer Assistance], including the latest two hires, are from the Dominican Republic.

M.J. presents that in response to her comment, a co-worker stated that it looked like this was a racial comment. However, she indicates that she responded stating that the comment was not racial as she was just commenting that the hirings were based on nationality with no racism intended. M.J. provides that she does not refer to people from the Dominican Republic as Dominican, but would say that people from the Dominican Republic are from the DR or from the Dominican Republic. M.J. denies that during the interview she admitted that she said that M.M. was hired because she was from the Dominican.²

In response, the BPU clarifies the sustained State Policy violation as described above.

In reply, M.J. states that during the interview process, she did not know what she was accused of. Therefore, she asserts that it is illogical that she would admit to anything that she did not know about. She reiterates that she did not admit to saying that M.M. was only hired because she was Dominican because she does not use that terminology for individuals that have Dominican Republic ancestry. She notes that she does not know M.M's qualifications for the position. M.J. claims that M.M. never heard her say that she said that she was hired because she was Dominican, and it is only hearsay that she made the alleged comment.

M.J. emphasizes that she cannot respond to the statement that three supervisors and four colleagues heard her say the statement in question because she does not know who they are and what motivation they would have for bearing false

¹ The determination also refers to allegations against M.J. regarding displayed acts of workplace intimidation, false witnessing and gossiping creating a hostile work environment that were substantiated. However, upon BPU's clarifying these allegations in response to this appeal, it did not indicate a nexus to a protected class under the State Policy. Therefore, these allegations will not be addressed in this matter.

² M.J.'s submissions in this matter were voluminous. However, only the parts that are relevant to the subject State Policy matter are being addressed.

witness or misstating what they think they said. M.J. indicates that although she can speculate as to who made the statements, she would need the specifics to refute them, and then she could provide documents as to why they may have stated a falsehood.

M.J. believes that some of the names and situations that she mentioned in her initial appeal probably coincide with the seven individuals interviewed during the investigation who made false witness against her. She contends that this matter started based one statement that she allegedly made and now appears to be an investigation seeking to discredit her character. M.J. emphasizes that while she can speculate about who the individuals are that confirmed that she made the subject statement, she cannot prove why they made this statement with knowing who the specific individuals are.

M.J. presents a conversation that she had with R.L., who is a Caucasian Supervising Administrative Analyst, who said to her that she said that E.T., a Hispanic/Latino Supervising Customer Representative Public Utilities, favored M.M. because she was from the same county was racist. She states that she responded that “I said nothing about a specific country that pertained to a specific country, it was the commonality that they came from the SAME PLACE, not s SPECIFC PLACE that I think the favoritism comes from, not because they are both from the Dominican Republic.”

M.J. reiterates that she does not use the term “Dominican” although she hears it used by others as she refers to people from the Dominican Republic as from the DR or the Dominican Republic. She presents that she stated to both the Director and Deputy Director in a July 2024 meeting that E.T. allowed M.M. to made callbacks on her cases when there were calls waiting in queue and during lunch when there was less coverage. Further, she states that she advised that M.M. arrived late every day for months before they changed her schedule to accommodate her. M.J. notes that it is highly unusual for a call center that is open a limited number of hours to not have all representatives available at the start of the day as she was told during her interview that everyone had to be available for calls at 9:00 a.m. without exception.

M.J. presents another incident where she claims that E.T. was patronizingly telling her not to block the entrance to the parking garage when she said that her pass did not work. M.J. explains that she commented that she had been driving for 50 years and maybe that is the way they drove in the Bronx, but in Brooklyn we did not just park anywhere. A few days later, E.T. had a conversation with her that she was “proud of her Bronx and Dominican heritage.” M.J. notes that nothing was said about her national heritage during their original conflict. Further, M.J. provides that R.L. overheard this second conversation, and she believes that anyone who heard this conversation might reasonably believe that E.T.’s heritage was part of the original conversation. M.J. also notes that she interviewed for the position that E.T. perform.

CONCLUSION

N.J.A.C. 4A:7-3.1(a) provides, in pertinent part, the State is committed to providing every State employee and prospective State employee with a work environment free from prohibited discrimination or harassment. Under this policy, forms of employment discrimination or harassment based upon national origin and nationality will not be tolerated.

N.J.A.C. 4A:7-3.2(l) provides, in pertinent part, that the determination letter, at minimum, shall included a brief summary of the parties' positions; a brief summary of the facts developed during the investigation; and an explanation of the determination, which shall include whether the allegations were either substantiate or not substantiated and whether a violation of the State Policy did or did not occur.

N.J.A.C. 4A:7-3.2(n)1 provides that the burden of proof shall be on the appellant.

In this matter, the record indicates M.J. stated that M.M. only obtained her position with BPU "because she's Dominican" as this statement was corroborated by multiple witnesses. Additionally, the investigator indicated that M.J. admitted to making the statement during the investigation. Further, it is not relevant that M.J. has not been apprised of the specific names of the confirming witnesses because, unless she could prove that there was a conspiracy from all the confirming witnesses to give false testimony, even if she could provide evidence that the confirming witnesses had an issue with her, this would not refute multiple witnesses' independent confirmation of the subject statement.

Moreover, even assuming, *arguendo*, that M.J. did not make the exact statement as alleged, M.J. acknowledges that she made a statement indicating that she found it interesting that most of the hires originated from the Dominican Republic despite the State's diversity. This statement implies that the hiring of M.M. and others was based, at least in part, on their national origin. Further, this implication is confirmed based on M.J.'s own statement on appeal where she presents that she stated to R.L. that E.T. favored M.M. because they are both from the same country. Alleging that one receives favorable treatment at work due to their common national origin or nationality is a violation of the State Policy as national origin and nationality are protected classes under the State Policy. Therefore, it does not matter that M.J. did not intend these comments to be racial comments or even negative against those whose nation of origin is the Dominican Republic as a derogatory or demeaning reference regarding a protected category is a violation of the State Policy even if there was no intent on the part of an individual to harass or demean another. *See* 4A:7-3.1(b). Consequently, the BPU correctly found that M.J. violated the State Policy.

One other matter needs to be addressed. The BPU's determination letter indicated that it was substantiated that M.J. harassed and made discriminating/prejudiced comments to another BPU employee on several occasions and displayed acts of workplace intimidation, false witnessing and gossiping creating a hostile work environment. It is noted that this letter is not in compliance with *N.J.A.C. 4A:7-3.2(l)* as it did not provide M.J. the specifics as to what the allegations were against her and the facts developed during the investigation that led to the conclusion that she violated the State Policy. Specifically, M.J. was entitled to know what were the harassing and discriminating/prejudiced comments that she made to another BPU employee on several occasions; what was the context of these statements; how did the investigation confirmed that she made the alleged comments; and why did BPU determined that these comments were a violation of the State Policy. M.J. needed to know this information to be both instructive to her regarding her future behavior as well as so that she could have sufficient information to appeal. The Civil Service Commission (Commission) also needs such information to properly evaluate an appeal. However, based on BPU's response to this agency's request for additional information, BPU corrected the deficiencies in its determination letter and M.J. was afforded a sufficient opportunity to respond. However, BPU is directed to provide sufficient details in future determination letters as required.

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 MAY, 2025



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