



STATE OF NEW JERSEY

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

In the Matter of Thomas Manganello
III, Police Officer (M2406E), Nutley

CSC Docket No. 2025-392

List Removal Appeal

ISSUED: July 2, 2025 (KMG)

Thomas Manganello III appeals the removal of his name from the Police Officer (M2406E), Nutley, eligible list.

The appellant, a non-veteran, took and passed the subject examination which had a closing date of March 31, 2023. The subject eligible list promulgated on November 16, 2023 and expired on November 15, 2024. The appellant's name was certified to the appointing authority as the 14th listed eligible on the December 1, 2023 certification (OL231571).

In disposing of the certification, the appointing authority requested the appellant's name be removed due to an unsatisfactory background report. In particular, it maintained that the appellant had a "grim reaper" tattoo which it claimed the appellant's father alluded to being related to the appellant having a strained relationship with his mother. It also contended that the appellant had concerning images saved on his Instagram account. An investigator reviewed the appellant's account and observed images including one video showing the words Black Lives Matter and another video of black men dancing with monkeys. The investigator also spoke with the appellant's current employer who indicated that the appellant has been retrained multiple times, has a difficult time multi-tasking, and had "several" unplanned absences. Further, it noted that as a juvenile, the appellant created an abstract image of a teammate with drawings of genitalia near the student's mouth. Finally, it indicated that the appellant had two incidents of speeding, one of which he is "disputing with a New York Police Officer through court

proceedings.” Based on these findings, the appointing authority determined that the appellant should be removed from the subject eligible list.

On appeal to the Civil Service Commission (Commission), the appellant proffers that none of the discoveries that Nutley notes are disqualifying. Regarding the tattoo, the appellant argues that the grim reaper is symbolic of relevant life events in his youth. He further contends that the statements that the investigator attributed to the appellant’s father regarding his upbringing and the tattoo were mischaracterized. He claims that the statements made by his father only stated that the appellant and his family experienced a difficult divorce. Furthermore, the appellant questions why his father’s statements would even be relevant. He also argues that the opinions of his father should not be taken into consideration for a “job decision.”

Regarding the images and videos that the investigator viewed on the appellant’s Instagram account, the appellant notes that the images that the investigator referred to were sent to him from close friends who are black. He further clarifies that he does not frequently check his Instagram account, often saving media to view later, and that none of the referenced images or videos originated from or were forwarded by him. Moreover, he maintains that he has never posted or commented anything that would be deemed inappropriate or would otherwise be grounds for disqualification.

The appellant also contends that he had never taken leave from work for any unwarranted reasons, and he disputes that he has had to be retrained at his job. The appellant does admit that he once called out of work to respond to a family medical emergency but denies having any unaccounted-for absences. The appellant further states that he had been in that position for only two months at the time that the investigator interviewed the appellant’s manger, and he questions if any of his other former employers were contacted.

Regarding the inappropriate drawing, the appellant notes that he was not charged with a crime or any violation for the incident. The appellant further questions why an incident that occurred when he was a juvenile should be held against him when he was never charged for the incident, and he notes there was no investigation. He further questions why the appointing authority is allowed to access his juvenile records. Finally, the appellant concedes that he received two speeding tickets, which he listed on his application as having received in 2022 and 2023. However, he notes that for the most recent one, he is disputing that through the New York court system. The appellant also argues that receiving two speeding tickets should not negatively affect his employment opportunity.

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 Commission to remove an eligible's name from an eligible list for other sufficient reasons. Removal for other sufficient reasons include, but are 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 an appointment. Furthermore, it is recognized that a municipal Police Officer is a law enforcement employee who must enforce and promote adherence within to the law. Municipal Police Officers hold highly visible and sensitive positions within the community and that the standard for an applicant includes good character and an image of the utmost confidence and trust. It must be recognized that a municipal Police Office is a special kind of employee. His primary duty is to enforce and uphold the law. He carries a service revolver on his person and is constantly called upon to exercise tact, restraint and good judgment in his relationship with the public. He represents law and order to the citizenry and must present an image of personal integrity and dependability in order to have the respect of the public. See *Moorestown v. Armstrong*, 89 *N.J. Super.* 560, 566 (App. Div.1965), *cert. denied*, 47 *N.J.* 80 (1966)

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.

Social Media

In the instant matter, the appointing authority utilized the appellant's Instagram account as a factor when removing the appellant from the subject eligible list. The appointing authority claims that, while conducting a background investigation, the investigator viewed several images including Black Lives Matter, and a video of black men dancing alongside monkeys. This information led the investigator to infer some bias towards black people. On appeal, the appellant states that he does not check his social media often and will save videos that are sent to him for him to view later. The appellant further asserts that he has never posted or commented on any content that the investigators have noted. Both the appellant and appointing authority state that the videos were not public but were contained in a private folder. Without any further information from the appointing authority which establishes that the appellant posted or commented on content it claims was inappropriate, the appointing authority has failed to demonstrate that his social media account presents a sufficient basis to remove the appellant's name from the subject eligible list.

Speeding Tickets

The Commission, in its discretion, has the authority to remove candidates from lists for law enforcement titles based on their driving records since certain motor vehicle infractions 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)

In the instant matter, the record indicated that the appellant had two speeding violations, one violation in 2022, which has been paid and resolved, as well as another violation in 2023 which the appellant was disputing through court proceedings at the time of the appellant's application. These violations do not, on their own, reflect a disregard for the law that is incompatible with the duties of a law enforcement officer. The record also does not show that the appellant has any points on his driver's license, and the appellant has shown that he has taken action to address the infractions. Therefore, the appointing authority has not demonstrated that the appellant's driving record constitutes sufficient cause to remove his name from the subject eligible list.

Tattoo

Turning to the appointing authority's assertion that the appellant's grim reaper tattoo represents a strained relationship with his family as well as the appellant's father's impression that the appellant and his mother did not get along as a sufficient factor for disqualification. The Commission notes that Civil Service rules provide for the examination of eligibles by a psychiatrist or psychologist after a conditional offer of employment is made for law enforcement titles. A licensed professional is the person who is qualified to make the determination regarding the psychological fitness of an individual in the law enforcement field. *See In The Matter Of Richard Orne, Jr.* (MSB, decided February 28, 2007). Furthermore, the appointing authority has failed to provide any rationale as to why the appellant's grim reaper tattoo, would, in and of itself, provide a reason for removal.

Work Reference

In the instant matter, the appointing authority indicates that it spoke with the appellant's current employer who indicated that the appellant was retrained on several occasions, has difficulty multitasking and had several unplanned absences. However, the appellant maintains that he had only called out of work once for a family medical emergency and that, at the time of the interview, he had only been in the position for two months. Other than the appointing authorities' statement, it has presented no documentation to support its contention that the appellant's most recent

employment has been unsatisfactory. Moreover, the appointing authority did not provide any additional information regarding other employment references, nor does it dispute the appellant's explanation. See *In the Matter of Guy Cappello* (CSC, decided April 5, 2017).

Juvenile Image

It has been established that municipal police department may maintain records regarding juvenile arrests, provided that they are available only to other law enforcement and related agencies, because such records are necessary to the proper and effective functioning of a police department. *Dugan v. Police Department, City of Camden*, 112 N.J. Super. 482 (App. Div. 1970), cert. denied, 58 N.J. 436 (1971). Thus, while the appellant may take issue with his juvenile records being disclosed to the appointing authority, it was properly disclosed. However, as noted by both the appellant and appointing authority, the appellant was not charged or arrested with any infraction. Additionally, no information has been provided regarding the date the incident occurred or the age of the appellant at that time of said incident. Furthermore, the Commission is not bound in any way to the internal standards of the appointing authority when assessing the removal of a candidate from a list. See *In the Matter of Joseph Hutsebaut* (CSC, decided April 19, 2017). Accordingly, while somewhat concerning, the information provided is insufficient to support removal from the eligible list.

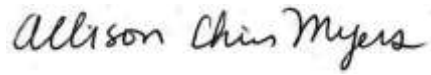
Therefore, based on the foregoing, the appointing authority has failed to establish that any of the proffered reasons were sufficient to support the removal of the appellant. However, it is clear that the multiple concerns, most notably the appellant's driving record, while insufficient for removal from the list, support his bypass for appointment under the "Rule of Three." See N.J.A.C. 4A:4-4.8. Accordingly, while the appellant has met his burden of proof in this matter regarding his removal from the list, the Commission finds that his name is to be restored and reflected as bypassed on the OL231571 certification.

ORDER

Therefore, it is ordered that this appeal be granted in part, and the appellant's name be restored to the Police Officer (M2406E), Nutley, eligible list. However, his name is to be reflected as bypassed on the OL231571 certification.

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 2ND DAY OF JULY, 2025



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