



STATE OF NEW JERSEY

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

In the Matter of New Jersey
Investigators Association, FOP Lodge
No. 174, Department of Corrections

Reconsideration

CSC Docket No. 2025-558

ISSUED: July 2, 2025 (EG)

The New Jersey Investigators Association (NJIA), FOP Lodge No. 174, represented by David Beckett, Esq., petitions the Civil Service Commission (Commission) for reconsideration of its decision in *In the Matter of New Jersey Investigators Association, FOP Lodge No. 174, Department of Corrections* (CSC, decided July 24, 2024). In that matter, the Commission denied the NJIA's appeal that its members had been subjected to a violation of State Policy Prohibiting Discrimination in the Workplace (State Policy) due to the training material that was utilized.

As background, the record indicates that the NJIA filed a complaint with the Equal Employment Division (EED), Department of Corrections alleging that its members were subjected to discrimination/harassment based on race when its members attended a Special Investigations Division (SID) training in which the SID Analytical Unit presented a recorded call involving inmates and the racial slur n***** was used multiple times. The NJIA contended that there was no educational value in allowing the word to go unmuted and that the video made everyone in the room highly uncomfortable. The EED conducted an investigation that concluded that NJIA's allegations could not be substantiated that a violation of the State Policy had occurred. It determined that while the allegation did touch the State Policy, the evidence provided by the NJIA failed to support the allegation as it failed to provide the names of specific members that were allegedly made highly uncomfortable by the video. Further, the investigation found that the training was relevant and had

significant educational value as it showcased the real-life language, content, and scenarios SID investigators routinely faced while performing their duties. The EED stated that the video used an actual inmate call intercepted by SID and muting the slur would have significantly interfered with the training objective. Upon review, in its prior decision, the Commission found that the EED has acknowledged that the video contained racial slurs. However, it provided a reasoned response as to why presenting the racial slurs in a training video was appropriate in this context and the educational value of leaving the slurs in and not muting them out. Moreover, the NJIA did not provide any dispositive evidence in support of its contention that the use of the training video was a violation of the State Policy.

In the present matter, the NJIA argues that the Commission did not conduct a thorough and impartial investigation into its claim of discrimination and merely accepted the appointing authority's explanation that the material was educationally valid. It asserts that the Commission did not even review the video itself which it claims is essential to determine if the appointing authority's claim that it had educational value was valid. Additionally, it asserts that its members would not come forward to assert that they were wronged as they would not want to create problems for themselves. Thus, the NJIA argues that the Commission's decision made a clear material error and requests that it conduct an independent review concerning a claim of a violation of the State Policy.

In response, the appointing authority asserts that the NJIA's requests should be denied as nothing was offered that could be considered new evidence, additional information not previously presented or that a clear material error occurred. It argues that training materials often contain explicit language and scenarios for worthy educational purposes. Additionally, it states that realistic circumstances need to be presented to properly train employees.

In reply, the NJIA argues that the appointing authority should produce the educational material with explicit language with the Commission to review. It reasserts its claim that the Commission must review the material before it can properly make a determination.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) sets forth the standards by which a prior decision may be reconsidered. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

In the instant matter, the NJIA contends that the Commission made a clear material error in accepting the appointing authority's explanation that the material

was educationally valid without review of the video itself. It made a similar request for the Commission to review the video in its initial appeal. The appointing authority argues that the NJIA have not demonstrated that a clear material error occurred, and that it merely restates the same arguments previously presented to the Commission. The Commission agrees. The arguments currently presented by the NJIA were previously reviewed by the Commission as part of its determination in *In the Matter of New Jersey Investigators Association, FOP Lodge No. 174, Department of Corrections, supra*. There, the Commission indicated that based on the information provided in the determination, it was unnecessary for the Commission to review the video in question. The EED acknowledged that the video contained racial slurs, and provided a reasoned response as to why presenting the racial slurs in a training video was appropriate in this context and the educational value of leaving the slurs in and not muting them out. Nothing in the NJIA's current request compels the Commission to change this determination. Further, the Commission notes that while the NJIA asserts that the Commission's role is to conduct a thorough and impartial investigation into its claim of discrimination, this is incorrect. The Commission's role is not investigative. In such matters, the Commission reviews the written record to make a determination. While the Commission may request further information if it deems it necessary to make a well-reasoned determination, it did not find it necessary to do so in this matter as it found the appointing authority's explanation that the racial language had educational value reasonable and sufficient. In this regard, the NJIA has not presented any new arguments or evidence on appeal to show that the Commission made a clear material error in its prior decision. Accordingly, its petition for reconsideration is denied.

ORDER

Therefore, it is ordered that the petition for reconsideration be denied.

This is the final administrative action in the 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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