



STATE OF NEW JERSEY

In the Matter of G.R., Department of
Children and Families

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

CSC Docket No. 2025-2818

Discrimination Appeal

ISSUED: November 5, 2025 (SLK)

G.R., a Supervising Family Service Specialist 2 with the Department of Children and Families, appeals the determination of a Deputy Commissioner which found that the appellant violated the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).¹

By way of background, G.R., a Caucasian male, acknowledged that he posted a meme on his unit's Microsoft Teams chat with a character from the television show, "The Office," which he then added the phrases, "Thank goodness! Happy Juneteenth Y'all!," which certain staff found offensive. However, he denied that he intended to be offensive. After reviewing the appointing authority's Office of Equal Employment Opportunity/Affirmative Action (EEO) investigation, the appointing authority determined that G.R. violated the State Policy.

On appeal, G.R. initially makes procedural arguments. Specifically, he presents that on November 4, 2024, he was formally notified that the investigation was completed, and he received the initial determination letter on February 10, 2025, and an amended determination letter on February 18, 2025, which were both outside the 60-day window. Additionally, G.R. states that the investigator and his union

¹ G.R. filed the appeal but then indicated to this agency that he was going to be represented by his union representative. This agency responded that his union representative should contact this agency indicating his representation. However, this agency never received contact from G.R.'s union representative. As such, G.R. is considered to be representing himself *pro se*.

representative advised him in the Fall 2024 that the matter would be handled quickly, and the allegations would be found unsubstantiated. Further, he indicates that when his union representative contacted the investigator as to why the determination was being delayed, he did not get a response. Therefore, G.R. requests that the matter be dismissed.

Concerning the determination letters, G.R. contends that although the letters stated that he violated the State Policy, they did not give a proper explanation which he could defend on appeal. He also notes that the initial letter did not provide appeal procedures, and he believes that this omission was unethical or an unacceptable mistake.

Regarding the subject meme, G.R. acknowledges that he sent it. He explains that the header, "Thank goodness" referred to how busy the office was that day compared to normal. Further, G.R. highlights that the meme he chose was from a popular television show, "The Office," that he believed supported the office sentiment that the day was over. He emphasizes that there is no policy that prohibits employees from sending memes and sending them was common in his office group chat. G.R. provides that the footer, "Happy Juneteenth Y'all," was simply to recognize the holiday and the day off that they had the next day. He contends that the footer had nothing to do with the meme itself nor the header as these were separate. G.R. believes that this meme was no different than other memes or comments posted by other staff such as when someone wishes the office "Merry Christmas" or "Happy Valentine's Day," and he is not offended when he receives such posts even though he does not celebrate these holidays based on his religion. G.R. argues that the meme, header, and footer that he posted did not violate the State Policy as they are not derogatory in any way.

G.R. indicates that his Local Office Manager (LOM) notified him that the post offended some anonymous individuals, and he was asked to remove it, which he promptly did. Further, he provides as mitigating factors that he apologized to the LOM and the Casework Supervisor, which he asserts supports his claim that he is not biased with respect to anyone's protected class, and his superiors advised that they did not believe that he had any ill-intent or that the posting was demeaning or derogatory. As additional mitigating factors, G.R. highlights his 21 years of service in the Division where he never received an unsatisfactory performance review, his routine attendance at Diversity, Equity, and Belonging (DEB) initiatives, and his participation in focus groups within the agency to address DEB issues. Therefore, he believes that his background is contrary to the finding in the determination.

Referring to the allegations made by several anonymous individuals, G.R. argues that the withholding of their names interferes with his ability to defend himself. However, he provides that during the investigation, he learned that P.L., an African American female who is a Supervising Family Service Specialist 1, was the

complainant who filed on behalf of the anonymous individuals. G.R. believes that P.L. filed the subject complaint in retaliation for a prior complaint that he filed against her which was settled in his office amicably by reassigning him and the entire unit from P.L.'s supervision. G.R. argues that because the determinations did not address his claim of retaliation, he feels that there is bias against him.

Finally, G.R. attaches the materials that he sent the investigator and his union representative to clarify his "story" as he believes that his documentation was misconstrued in the determination letters. He requests that the matter be dismissed or overturned, removed from his personnel file, and not used against him in any future disciplinary matter. G.R. asks that any major or minor discipline taken against him be taken back.²

In response, the appointing authority submits the subject meme. Further, it supplies the complainant's statement in response to its posting:

I am offended that this was used to mock the freeing of the slaves (black and brown people). This meme depicts the white male, saying good bye to the black and brown people because it's Juneteeth. This meme was sent to over 46 workers, case work supervisors, and leadership. Some staff liked and loved the image.

The appointing authority provides that P.L. stated that the meme depicted a Caucasian male peeking around the corner and stated that she interpreted it as "goodbye y'all, you got your day." P.L. noted that G.R. is a Caucasian male sending the meme of another Caucasian male making this comment and "y'all" is not language that G.R. uses and has never said anything this offensive before. In response to the allegation, G.R. explained that the day before the Juneteenth holiday was a busy day, the "Thank goodness" referred to the end of the day, and the "Happy Juneteenth Y'all" was added because the next day was the Juneteenth holiday. Further, G.R. indicated that he used the meme from "The Office" because it was a man looking around a cubicle and his office has cubicles. He emphasized that he thought nothing of sending it and did not intend to offend colleagues. Further, G.R. provided that he removed it immediately when asked.

The appointing authority notes that in response, the EEO counseled G.R. on the difference between intent and impact. It presents that there was witness corroboration that he posted the meme in a Teams chat, and other colleagues were offended. The appointing authority provides that a violation of the State Policy can occur even if there was no intent, and the investigation found sufficient evidence to suggest discrimination based on race.

² The appointing authority indicates that G.R. was formally counseled but not disciplined.

Regarding G.R.'s comments about alleged procedural violations concerning the time he received the determination letters, the appointing authority presents that it advised G.R. that the "180-business day" timeframe ended March 3, 2025, and the determination letters were received by G.R. in February 2025. Concerning G.R.'s claim that its investigator informed him that the outcome would be unsubstantiated, the appointing authority refutes this as investigators are fact finders and do not make determinations. Referring to G.R.'s statement that the determinations did not adequately provide an explanation as to why the subject meme violated the State Policy which he could defend, the appointing authority presents that the subject meme had a negative impact on the work environment resulting in staff complaints. Further, the determination letters explained that based on the investigation, it had been determined that he violated the State Policy and appropriate administrative action was taken.

Concerning G.R.'s claim that the footer, header, and the meme were separate, as the "Thank Goodness" and the "Happy Juneteenth Y'all" were in the same box as the meme, the appointing authority contends that these parts of the posting cannot be considered separately. Regarding G.R.'s presented mitigating factors, the appointing authority states that these factors are irrelevant to determining whether the State Policy was violated as the State Policy can be violated even if there is no intent. Referring to G.R.'s claim that P.L. filed the complaint in retaliation, the appointing authority highlights that P.L. was never notified about G.R.'s prior State Policy complaint against her. Therefore, the subject complaint was not filed in retaliation.

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 race will not be tolerated.

N.J.A.C. 4A:7-3.1(b) provides that is a violation of this policy to use derogatory or demeaning regarding a person's race, gender, age, religion, disability, affectional or sexual orientation, ethnic background, or any other protected category set forth in (a) above. A violation of this policy can occur even if there was no intent on the part of an individual to harass or demean another.

N.J.A.C. 4A:7-3.1(b)1(vii) provides that displaying or distributing materials, in the workplace or outside the workplace that has an adverse impact on the work environment, including electronic communications, that contains derogatory or demeaning language or images pertaining to any of the protected categories is an example of a behavior that may constitute a violation of this policy.

N.J.A.C. 4A:7-3.1(g)1 provides, in pertinent part, that all investigations of discrimination/harassment claims shall be conducted in a way that respects, to the extent possible, the privacy of all the persons involved.

N.J.A.C. 4A:7-3.1(g)2 and (3) provides, in pertinent part, that where a violation of this policy is found to have occurred, the State agency shall take prompt and appropriate remedial action, which may include counseling and training, to stop the behavior and deter its reoccurrence.

N.J.A.C. 4A:7-3.1(h) provides, in pertinent part, that retaliation against any employee who alleges that she or he was the victim of discrimination/harassment, is prohibited. No employee bringing a complaint under this policy shall be subjected to adverse employment consequences based upon such involvement or be the subject of other retaliation.

N.J.A.C. 4A:7-3.2(l)1 provides, in pertinent part, the (State agency head or designee) will make a determination as to whether the State Policy has been substantiated. The letter shall include, at a minimum (i) A brief summary of the parties' positions; (ii) a brief summary of the facts developed during the investigation; and explanation of the determination, which shall include whether: (1) the allegations were either substantiated or not substantiated; and (2) a violation of the State Policy did or did not occur.

N.J.A.C. 4A:7-3.2(l)2 and 3, provide, in pertinent part, the time for completion of the investigation and issuance of the final determination shall be issued no later than 180 days after the initial intake.

N.J.A.C. 4A:7-3.2(n)1 provides, in pertinent part, the appellant has the burden of proof on appeal.

In this matter, the parties have a different interpretation of an electronic communication in the workplace environment based on one's ethnicity and/or other reasons concerning the Juneteenth holiday. G.R, who is Caucasian, indicates that he posted the subject meme as it was consistent with the way the office communicates to recognize that work had been busier than usual that day, and therefore, it was relief that they had the next day off as well as to acknowledge that the next day was a holiday. Additionally, he indicates that he used a meme that he thought was relatable to his coworkers due its popularity and office setting. The complainant, who is African American,³ interpreted the subject meme as mocking the freeing of black and brown people from slavery based on what the Juneteenth holiday commemorates and the depiction of a Caucasian male "peeping" around his cubicle, using "Y'all"

³ There is no indication in the record concerning the ethnicity or any other details regarding the anonymous coworkers who also had issues with the subject meme.

language, which is typically associated with the South, and mocking or otherwise being sarcastic by saying “Thank Goodness” in reference to the holiday.

Based on the context as to why the Juneteenth holiday is celebrated and the totality of the words and image, the Civil Service Commission (Commission) finds that the complainant, the other anonymous witnesses, and other staff who received this electronic communication who interpreted it in a manner similar to P.L. were subjected to an adverse impact based on race in violation of the State Policy. *See N.J.A.C. 4A:7-3.1(a)* and *N.J.A.C. 4A:7-3.1(b)1(vii)*. Further, even if the Commission were to accept G.R.’s explanation for the meme, a violation of this policy can occur even if there was no intent on the part of an individual to harass or demean another. *See N.J.A.C. 4A:7-3.1(b)*. Additionally, while G.R. asserts that the image and the phrases should be evaluated separately, as the two phrases are placed on top of the image, this argument is unpersuasive. Further, while G.R. argues that the posting is the same as someone wishing the group “Merry Christmas” or “Happy Valentine’s Day” even if not everyone celebrates those holidays, the subject meme is clearly distinguishable based on the reasons for the Juneteenth holiday and the totality of the words and image posted.

Referring to G.R.’s arguments concerning mitigating factors, initially it is noted that even if his superiors found that he had no ill-intent and the subject posting was not derogatory, are not relevant as only the State agency head or designee can make a State Policy determination and only the Commission can make the final determination on appeal. Moreover, mitigating factors have no relevance to the determination as to whether G.R. violated the State Policy as these factors do not eliminate the adverse impact on his coworkers. Rather, these mitigation factors can be considered when deciding the action taken towards G.R., and in this case, he was not disciplined. Instead, as the State Policy is remedial in nature, G.R. received counseling and training to help prevent a reoccurrence. *See N.J.A.C. 4A:7-3.1(g)2* and (3).

Concerning G.R.’s belief that P.L. filed the subject complaint against him due to retaliation, as the record indicates that she was not aware that G.R. previously filed a State Policy complaint against her, her complaint was not retaliatory under the State Policy. *See N.J.A.C. 4A:7-3.1(h)*. Moreover, even if P.L. had been aware, her filing of the subject complaint would not be retaliation as she had non-retaliatory reasons, *i.e.* a legitimate belief that she was subjected to a State Policy violation, for filing the complaint. Regarding G.R.’s contention that withholding the names of the anonymous witnesses interfered with his right to defend himself, G.R. was found to violated the State Policy based on the totality of the words and image and the context of the Juneteenth holiday and the identity of witnesses would not change that determination. Therefore, as the identity of witnesses had no bearing on the determination, it was appropriate to keep their identities private. *See N.J.A.C. 4A:7-3.1(g)1*.

Regarding G.R.'s argument that the subject matter should be dismissed as the appointing authority's determination letter was issued after the allotted time, the appointing authority believes that under *N.J.A.C. 4A:7-3.2(l)2* and 3, it had 180 **business** days from the initial intake to issue a final determination. It claims that pursuant to Commission guidelines, the timeframe is based on business days. The appointing authority presents March 3, 2025, as the end of the allowed time based on 180 business days, and it asserts that its determination letters that were issued in February 2025 were timely. However, the Commission is unclear as to what guidelines the appointing authority refers to. *N.J.A.C. 4A:7-3.2(l)2* and 3 provide that the appointing authority shall issue the determination no later than 180 days after initial impact. Under *N.J.A.C. 4A:1-1.3*, "days" means calendar days unless otherwise specified. Therefore, it appears that the subject determination letters were issued untimely. Regardless, this would not be a basis to dismiss the subject complaint unless the delay compromised the thoroughness of the investigation. In this case, there is no dispute that G.R. sent the subject meme. Therefore, the delay did not compromise the thoroughness of the investigation, and there is no justification to dismiss the subject complaint. However, the Commission warns the appointing authority that if it continues to issue untimely determination letters, it may be subject to fines for non-compliance. See *In the Matter of F.M.* (CSC, decided January 15, 2020).

Additionally, G.R. argues that the investigator and his union representative advised him that the subject matter would be determined unsubstantiated. The appointing authority refutes the claim that its investigator made such a statement. Regardless, even if such representations were made, these alleged representations are irrelevant as only the State agency head or its designee can make the determination, and the subject investigator was not the State agency designee. See *N.J.A.C. 4A:7-3.2(l)1*.

Moreover, G.R. argues that the determination letters were insufficient as they did not provide an explanation which he could then counter on appeal. Under *N.J.A.C. 4A:7-3.2(l)1*, the appointing authority's determination letter is to include an explanation of the determination.⁴ The appointing authority states that the explanation for the determination that G.R. violated the State Policy is "based on the results of the investigation." The Commission agrees that the "explanation" in the determination letters was insufficient as G.R. needed to know "why" the results of the investigation led to the determination that he violated the State Policy. However, on appeal, the appointing authority's insufficient explanation was cured as he was given a more detailed response as to why his actions violated the State Policy, and he had an opportunity to respond. Therefore, this is not a basis to grant G.R.'s appeal.

⁴ G.R. also noted that the initial determination did not address his right of appeal, and he asserted that this was unethical. Upon the appointing authority learning of its omission, it sent a second determination letter explaining his right to appeal. This omission would appear to be inadvertent, it was corrected, and G.R. was not negatively impacted as he did, in fact, appeal.

However, if the appointing authority continues to provide insufficient explanations in future determinations, it may be subject to fines.

Therefore, for the above reasons, G.R. has failed to meet his burden of proof. *See N.J.A.C. 4A:7-3.2(n)1.*

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 5TH DAY OF NOVEMBER, 2025



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