STATE OF NEW JERSEY

In the Matters of R.M., Department of Health	:	**FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION**
CSC Docket Nos. 2025-223 and 2025-907	:	Discrimination Appeals

ISSUED: January 21, 2026 **(HS)**

R.M., a former Administrative Analyst 2 Procurement,[1] Department of Health, appeals the determinations of the Chief of Staff, which found that the appellant failed to present sufficient evidence to support findings that she had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy). These matters have been consolidated herein.

CSC DOCKET NO. 2025-223

The appellant, an African American female, alleged that A.C., former Contract Administrator 3, an Asian male,[2] and D.S., Regulatory Officer 2, a Caucasian male, discriminated against her based on race, religion, and disability, and retaliated against her. Specifically, the appellant alleged as follows:

1. Discrimination based on race. A coworker, Caucasian female, was allowed to work late to complete her duties, but supervisors told the appellant she cannot work late.
2. Retaliation. A.C. threatened to file disciplinary charges against the appellant and D.S. filed a general complaint against the appellant after the appellant reported being harassed by a coworker.

[1] Agency records indicate that the appellant received a provisional appointment to the title of Technical Assistant 2, effective November 2, 2024, and retired on or about February 28, 2025.
[2] Agency records indicate that A.C. retired on or about December 31, 2023.

3. Retaliation. The appellant was excluded from discussions and updated work-related information by A.C. after she filed a workplace violence (WPV) complaint against her coworker.
4. Retaliation. The appellant's request to telework two days a week was denied by A.C. because of the appellant's WPV complaint against her coworker, while coworkers were allowed to telework from home.
5. Discrimination based on race. A.C. forced the appellant to complete an Asian female coworker's primary work assignments because the appellant is African American.
6. Discriminatory comments. The respondents, appellant's supervisors, made discriminatory comments after assigning the appellant as first backup to a coworker for processing mail and checks.
7. Discrimination based on religion. A.C. made an inappropriate comment that the appellant had time for processing mail and checks because she "has time to read her Bible at her desk."
8. Discrimination based on disability. A.C., after learning that the appellant's leave under the Family Leave and Medical Act (FMLA) had been approved, amended the appellant's previously submitted Performance Assessment Review (PAR) with the entry "[Appellant] has a high rate of absences, though she is on approved family leave."

The investigation by the Office of Diversity and Equity Services (ODES) included interviews and analysis of relevant documentation. The investigation revealed the following with respect to the above types of discrimination alleged.

Discrimination Based on Race (Working Late)

A.C. advised that he does not allow any employees to work late. He discouraged the practice and reminded anyone who does work late that it is not allowed. A.C. denied that he allowed the coworker to stay late and reported that she had done so on her own. A.C. expressed concern for the safety of his employees who stay late because leaving the building after work hours could be a safety issue. A.C. refuted that he would not allow the appellant to stay late because she is African American.

Retaliation (Threatened Disciplinary Charges/General Complaint)

A.C. admitted there was a tense meeting concerning mail and check duties, but he adamantly denied ever threatening the appellant with discipline because of the WPV complaint against the Caucasian coworker. A.C. was adamant that he made the appellant the first backup on mail and check duties based on job titles.

D.S. denied his general complaint was in retaliation for the appellant's WPV complaint and he clarified that his complaint also named the Caucasian coworker since both had acted inappropriately in a meeting regarding job duties and unit responsibilities. Additionally, D.S.'s general complaint was dated before the appellant's WPV complaint was forwarded to the Office of Employee Relations (OER). D.S. adamantly denied that his general complaint to OER was filed because the appellant is an African American female.[3] The appellant's WPV complaint was based on work issues that did not implicate a protected category.

Retaliation (Exclusion from Discussions)

A.C. refuted that he ever excluded the appellant from any meetings with the two employees because of the appellant's WPV complaint against the Caucasian female employee. A.C. specified that he may have had a meeting with the two employees, but it was only due to work issues that did not involve the appellant. A.C. advised there were projects that did not involve the appellant, and due to the appellant's contentious working relationship with the Caucasian employee, he would not have the appellant in the same meeting if the subject did not pertain to the appellant. A.C. was also adamant that he never excluded the appellant from any meeting because of race.

Retaliation (Telework)

A.C. stated he initially denied the appellant's telework request because the appellant was new to the unit and needed to be in the office. He denied the allegation that the appellant was not permitted to telework because she filed a WPV complaint against the Caucasian employee. A.C. said there was a lot for the appellant to learn, training on all functions and responsibilities of the unit, and that the appellant had to be in the office for that purpose. A.C. clarified that a former employee the appellant mentioned had been transferred to a different unit before the appellant arrived and that she trained the appellant occasionally via Teams, while the former employee had no obligation to do so. The former employee trained the appellant while working at her new assignment.

Regarding the primary mail sorting and check scanning employee who teleworked half days Monday through Friday, A.C. admitted to allowing that schedule for the primary employee but stressed that he permitted it so the mail sorting and check scanning could be done daily, and the appellant was refusing to assist with that task. Human Resources (HR) later terminated the half-day telework schedule Monday through Friday for the primary employee. A.C. said that the primary employee was working that telework schedule as a favor to the appellant and the unit. A.C. was also adamant that he never denied the appellant's request to telework because of her race.

[3] D.S.'s general complaint resulted in the appellant's receiving a "Written Advisory."

Discrimination Based on Race (Forced to Complete Another's Primary Work)

A.C. adamantly denied race had anything to do with the appellant's being assigned as backup for mail and check duties. A.C. noted that the appellant's PAR clearly listed her as a "backup" for all areas of Epidemiology, Environment & Occupational Disease Control with specific examples listed as "checks, mail." ODES reviewed the appellant's 2022 PAR, and this was confirmed. The ODES also confirmed that it was within A.C.'s purview to decide which employees would work as primary, backup, and tertiary when it came to mail and check duties in the unit.

Discriminatory Comments

The appellant reported A.C. referred to her as "a problem" because she was new to the unit. The appellant admitted that A.C. never mentioned her race and that he never made any demeaning or derogatory comments based on race. A.C.'s alleged comments were not found to be demeaning or discriminatory based on race.

The appellant also stated that D.S. commented to the appellant, "So, are you refusing to do the mail," in a meeting. The appellant also reported being informed in that meeting by D.S. that she and the Caucasian female employee who the appellant filed a complaint about would both face discipline if both continued to refuse to complete mail and check duties. D.S.'s alleged comments were not found to be demeaning or discriminatory based on race.

Discrimination Based on Religion

A.C. was adamant that he was simply emphasizing that the appellant claimed to have too much work and could not sort mail or scan checks, but she had time to read her Bible, which was open on her desk. The appellant said that A.C. never saw the appellant reading her Bible at her desk because she does not have time to read it. The appellant claimed her Bible is kept open on her desk at all times even though she had no time to read it. A witness confirmed that A.C. had mentioned the appellant's Bible during the meeting but said that he never found his comment to be discriminating, inflammatory, or disrespectful. The comment was related to having nonwork-related reading material open and in view on the appellant's desk. This allegation was unsubstantiated.

Discrimination Based on Disability

A.C. advised he did not make the entry to the appellant's PAR. Rather, it was recommended by the PAR reviewer of the appellant's 2022 PAR. A.C. had expressed concern when he was asked by the reviewer about the appellant's absence because she was new and still training. The entry was not made by A.C. ODES confirmed absences related to FMLA should not be mentioned on a PAR regarding excessive

absenteeism. The entry to the appellant's PAR was a work-related issue that was investigated by HR and was eventually resolved through discussion with HR and the union. This allegation was not substantiated.

Therefore, the Chief of Staff determined that the allegations could not be substantiated.

On appeal to the Civil Service Commission (Commission), the appellant insists she was discriminated and retaliated against. She states that since her arrival in August 2022, she faced a myriad of issues within her unit and was treated unfairly. The appellant insists she proactively reached out to her supervisor to resolve situations amicably, but he did not handle them properly. The appellant also requests the documents obtained or created through the investigation, including witness statements, and requests a hearing. She also complains about the amount of time it took to investigate the complaint in that her complaint was filed in November 2022, but the determination was not issued until July 2024.

In response, the appointing authority points out that threatening behavior is considered WPV. WPV complaints are not investigated by ODES. The contentious relationship between the appellant and the Caucasian coworker was a work-related matter with no nexus to a protected category being expressed. The responsibility of the appellant being the backup to process mail and checks was a point of contention with the appellant, and the investigation found she failed to accept a legitimate assignment to be said backup. The appellant's work-related contentious issues with her coworkers were a legitimate reason to discuss employee-specific job duties separately. Regarding telework, the appellant, as a new employee, would not be approved to telework until she was able to work independently as determined by her supervisor – a legitimate business decision. The appellant's Caucasian coworker had started working in her position before the appellant's arrival and could work independently. With respect to the mention of the appellant's FMLA on her PAR, A.C. advised that the PAR reviewer had inquired if he had concerns with the appellant's performance. The Final Development Plan on the appellant's PAR stated, "[Appellant] is being trained by [D.S.] for procurement job responsibilities. She will continue to get more training until she can perform her job independently." The appellant had been performing her job duties for approximately four months and was still unable to work independently. A.C. advised the reviewer that the appellant was still in training and was absent from work so much, but he knew that she was on FMLA. The reviewer advised A.C. that she would add the entry, "[Appellant] has had a high rate of absences, though she is on approved family leave." While this comment was added to the appellant's PAR, it was intended to document the reason for the appellant's absences during her training. It was determined to be a work-related administrative error that was resolved through negotiations with HR and the union, and the comment was ultimately removed from the PAR. This administrative error did not rise to the level of a State Policy violation or disability-based

discrimination. The appointing authority contends there is no basis to overturn its determination.

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The appellant alleged that A.C. retaliated against her for having filed her discrimination complaint. Specifically, the appellant alleged that A.C. purposely gave her low ratings on her final 2023 PAR because she signed a discrimination complaint against him. The appellant also alleged that A.C. had his coworker and personal friend file a false WPV complaint against the appellant. The investigation by ODES included interviews and analysis of relevant documentation.

The investigation revealed that during A.C.'s formal ODES interview, he said that he had documented and discussed with his supervisors the performance issues the appellant was having throughout her 2023 rating period. Independent witnesses corroborated A.C.'s statements that he had kept supervisors up to date throughout the 2023 rating period; that the appellant was having performance issues; and that due to those performance issues, the appellant would be receiving lower ratings on her final PAR. A.C. noted incidents of insubordination where the appellant had been written up for refusing to do her job responsibilities that were clearly delineated in her PAR at the beginning of the rating period. A.C. noted several meetings were held during the rating period with the appellant to remind her of the responsibilities listed in her PAR, and he advised that the appellant "had been receptive" only for the appellant to refuse assignments again. A.C. was adamant that he always provided feedback to the appellant at those meetings and noted the meetings were set up to make it clear to the appellant that the assignments were essential functions of her job. A.C. also repeated that the appellant had received hours of excellent one-on-one training with senior coworkers when she was first onboarded and throughout the rating period.

Additionally, A.C. said that he never advised a coworker to file a false WPV complaint against the appellant. The coworker denied that A.C. told her to file a false complaint and said she filed the complaint because the appellant had been yelling at her and she felt threatened by the appellant "too many times." OER found that the appellant's behavior in the work environment was not appropriate, which resulted in a two-day suspension. The charges that OER brought were upheld during a hearing.

Therefore, the Chief of Staff determined that the allegations could not be substantiated.

On appeal to the Commission, the appellant insists A.C. targeted her on her 2023 final PAR. She notes she disagreed with the final PAR rating, and because of a grievance, the rating was changed to satisfactory. The appellant also continues to

insist that A.C. had convinced his friend and coworker to file a "frivolous" WPV complaint against the appellant, for which she was "wrongfully" suspended.

In reply, the appointing authority confirms that the appellant had filed a contractual grievance over her final 2023 PAR rating, complaining that a performance improvement plan had not been established at any point and that she had never been afforded the opportunity to be notified of any deficiencies with her work performance until she was presented with the final PAR, as a result of which management revised the appellant's rating to satisfactory. The appointing authority notes that the grievance did not mention A.C.'s allegedly retaliatory behavior. In addition, the appointing authority notes that the appellant's disciplinary charges were upheld following a hearing. The appointing authority maintains that the appellant's perception of discrimination and retaliation does not coincide with the evidence presented during the investigation.

In response, the appellant again asserts that the WPV complaint against her was "frivolous" and that the final 2023 PAR rating given by A.C. was retaliatory.[4]

CONCLUSION

It is a violation of the State Policy to engage in any employment practice or procedure that treats an individual less favorably based upon any of the protected categories. *See N.J.A.C.* 4A:7-3.1(a)3. The protected categories include race, creed, color, national origin, nationality, ancestry, age, sex/gender, pregnancy, marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability. *See N.J.A.C.* 4A:7-3.1(a). Additionally, retaliation against any employee who alleges that she or he was the victim of discrimination/harassment, provides information in the course of an investigation into claims of discrimination/harassment in the workplace, or opposes a discriminatory practice, is prohibited by this policy. No employee bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall be subjected to adverse employment consequences based upon such involvement or be the subject of other retaliation. *See N.J.A.C.* 4A:7-3.1(h). The State Policy is a zero tolerance policy. *See N.J.A.C.* 4A:7-3.1(a). Moreover, the appellant shall have the burden of proof in all discrimination appeals. *See N.J.A.C.* 4A:7-3.2(m)4.

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[4] It is noted that the appellant filed a complaint against K.D., Contract Administrator 3, Caucasian female, the individual who became the appellant's supervisor following A.C.'s retirement. This complaint is the subject of a separate ODES investigation and is not addressed in this decision. The Commission notes that it does not investigate in the first instance allegations that the State Policy has been violated.

CSC DOCKET NO. 2025-223

Initially, discrimination appeals are treated as reviews of the written record. *See N.J.S.A.* 11A:2-6b. Hearings are granted in those limited instances where the Commission determines that a material and controlling dispute of fact exists that can only be resolved through a hearing. *See N.J.A.C.* 4A:2-1.1(d). For the reasons explained below, no material issue of disputed fact has been presented that would require a hearing. *See Belleville v. Department of Civil Service,* 155 *N.J. Super.* 517 (App. Div. 1978).

It is noted that the appellant complains that the determination was untimely. The appellant filed her complaint in November 2022 but did not receive a determination until July 2024. *N.J.A.C.* 4A:7-3.2(l)2 provides that the investigation of a complaint shall be completed and a final letter of determination shall be issued no later than 120 days after the initial intake of the complaint. Additionally, *N.J.A.C.* 4A:7-3.2(l)3 states that the time for completion of the investigation and issuance of the final letter of determination may be extended by the State agency head for up to 60 additional days in cases involving exceptional circumstances. The State agency head shall provide the Division of Equal Employment Opportunity/Affirmative Action and all parties with written notice of any extension and shall include in the notice an explanation of the exceptional circumstances supporting the extension. The ODES is reminded that it must comply with the regulatory directives. If it fails to do so in the future and egregious violations occur, it may be subject to fines and penalties pursuant to *N.J.A.C.* 4A:10-2.1(a)2. Nonetheless, as further explained below, the Commission finds that a thorough investigation was conducted in the present matter, which did not substantiate the appellant's complaint.

It is also noted that the appellant has requested access to the documents reviewed by the ODES in relation to the instant matter. In light of the detailed submissions received from the parties, particularly the thorough and detailed summary of the investigation provided by the ODES in the course of responding to this appeal, the Commission does not find it necessary to compel production of the documents in this matter. The Commission is satisfied that the appellant has had a full opportunity to present evidence and arguments on her behalf, and the Commission has a complete record before it upon which to render a fair decision on the merits of the appellant's complaint. *See In the Matter of Juliann LoStocco, Department of Law and Public Safety,* Docket No. A-0702-03T5 (App. Div. October 17, 2005); *In the Matter of Salvatore Maggio* (MSB, decided March 24, 2004).

The Commission has conducted a review of the record in this matter and finds that an adequate, though untimely, investigation was conducted and that the investigation failed to establish that the appellant was discriminated or retaliated against in violation of the State Policy. The appointing authority appropriately analyzed the available documents and witness interviews in investigating the

appellant's complaint and concluded that there were no violations of the State Policy. Mere disagreement with the appointing authority's determination does not meet the appellant's burden of proof. Further, disagreements between coworkers cannot sustain a violation of the State Policy. *See In the Matter of Aundrea Mason* (MSB, decided June 8, 2005) and *In the Matter of Bobbie Hodges* (MSB, decided February 26, 2003).

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N.J.A.C. 4A:7-3.2(m)1 provides that employees filing appeals that raise issues for which there is another specific appeal procedure must utilize those procedures. *See e.g., N.J.A.C.* 4A:2-3.1 (minor discipline) and *N.J.A.C.* 4A:6-5.3 (PAR ratings and performance standards). The record reflects that the appellant availed herself of those procedures. Thus, the Commission will not address the appellant's arguments in as much as she is arguing that her discipline should be overturned.[5] However, in the case before the Commission, the appellant has not shown by a preponderance of the evidence that the imposition of such discipline or the initial PAR rating was retaliatory under the State Policy. As noted by the appointing authority, while management revised the appellant's rating to satisfactory, the PAR grievance did not mention A.C.'s allegedly retaliatory behavior. The investigation in this matter found no retaliation and nothing presented on appeal persuasively contradicts that finding. In addition, the appointing authority indicates that the appellant's disciplinary charges were upheld following a hearing. Similarly, no retaliation is evident in that regard. Therefore, the appellant has failed to meet her burden of proof. *See N.J.A.C.* 4A:7-3.2(m)4.

Accordingly, the investigations of the appellant's complaints were thorough and impartial, and no substantive basis exists to disturb the determinations in these matters.

ORDER

Therefore, it is ordered that these appeals be denied.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

[5] The record indicates that the appellant served in CWA covered titles. As such, the Commission would not have been able to process an appeal of the appellant's discipline as the procedures for disciplinary action under her collective bargaining agreement must be followed. *See N.J.A.C.* 4A:2-3.1(g) and *N.J.A.C.* 4A:2-3.2(a).

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 21st DAY OF JANUARY, 2026

Allison Chris Myers

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