



STATE OF NEW JERSEY

In the Matter of Q.L., Police Officer
(M0365F), Paterson

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

CSC Docket No. 2026-578

List Bypass Appeal

ISSUED: March 18, 2026 (SLK)

Q.L. appeals the bypass of his name on the Police Officer (M0365F), Paterson, eligible list.

By way of background, the appellant appeared in the 131st rank on the subject eligible list, which promulgated on November 28, 2024 and expired on November 27, 2025. On January 23, 2025, certification OL250063 was issued containing 468 eligibles, including the appellant. The appellant's name was bypassed as the appointing authority indicated that he would not meet the requirements for Police Training Commission licensing.

Specifically, the appointing authority's background report indicated that the appellant was arrested three times as follows: on September 29, 2021, for aggravated assault upon his then pregnant girlfriend; on January 23, 2014, for assaulting a Police Officer, resisting arrest, and disorderly person conduct; and on February 25, 2009, for robbery.

On appeal to the Civil Service Commission (Commission), the appellant acknowledges that he has a prior arrest history. However, he highlights that he has never been convicted of any offense nor did he plead guilty or accept any plea agreements. Additionally, the appellant presents that he does not have a juvenile record as his first arrest occurred at age 18. The appellant emphasizes that these arrests have been expunged. He states that under New Jersey law, these expunged

arrests, charges, and proceedings are deemed to have not occurred. Therefore, while the appellant acknowledges that expunged matters can be disclosed during the application process, he asserts that these expunged matters cannot be considered as a basis to remove him from the subject eligible list. He cites case law to support his assertion. Further, the appellant submits that an arrest without conviction is merely an accusation and not evidence of guilt and reiterates that under the law, he is presumed innocent until proven guilty beyond a reasonable doubt. Additionally, he states that he fully disclosed these incidents during his background investigation. The appellant indicates that he possesses a valid New Jersey Firearms Identification Card and he has two New Jersey Carry Permits, one is for armored car employment, and one is for personal concealed carry. He notes that to be approved for these cards and permits he needed to pass State and federal background checks, which he claims further demonstrates his fitness, trustworthiness, and compliance with legal standards, and he does not have any criminal convictions or pending matters. Additionally, he indicates that he was issued his permit to carry a handgun even before his records were expunged. The appellant also notes that he earned a Bachelor's degree in Criminal Justice. Moreover, he indicates that he has worked in security roles that require trustworthiness and firearm certification, which confirms his good moral character under State standards. The appellant contends that it is unfair to judge him based on expunged records. Furthermore, the appellant argues that the appointing authority misapplied case law that it used to support its decision as this matter is distinguishable from those cases. Accordingly, the appellant argues that the appointing authority has not established the mandatory nexus for bypassing him for appointment.

In reply, the appointing authority presents that there is an exception in the law that allows the consideration of expunged records regarding candidates for law enforcement positions. It emphasizes that the courts have recognized that arrests may be the basis for removal when they adversely relate to the position sought. It notes that the appellant's statement that he does not have a juvenile record as his first arrest occurred after his 18th birthday only further supports his removal from consideration as the arrest occurred while he was an adult. Moreover, while the appointing authority acknowledges that one is innocent until proven guilty, this only applies to a criminal proceeding and does not signify that arrests cannot be used to remove a candidate from consideration as a Police Officer candidate. It emphasizes that the Police Training Commission has stated that a pattern of criminal behavior will subject a candidate to rejection for licensure. Therefore, the appointing authority contends that if the appellant's name was restored for consideration, not only would the city have to spend resources on a candidate that will be eventually rejected by the Police Training Commission, this would also be unfair to the appellant as he would be faced with termination or have to be kept under the Police Officer title without the ability to enter the police academy. Therefore, it maintains that the appellant's appeal should be denied.

CONCLUSION

Initially, it is noted that while some of the parties' submissions indicated that the appellant was "removed" from the subject eligible list, the appointing authority did not remove the appellant. Rather, he was bypassed on the subject certification.

N.J.S.A. 11A:4-8, *N.J.S.A.* 11A:5-6, and *N.J.A.C.* 4A:4-4.8(a)3i ("Rule of Three") allow an appointing authority to select any of the top three interested eligibles from an open competitive list, provided that disabled veterans and then veterans shall be appointed in their order of ranking.

Moreover, the "Rule of Three" allows an appointing authority to use discretion in making appointments. *See N.J.S.A.* 11A:4-8 and *N.J.A.C.* 4A:4-4.8(a)3ii. As long as that discretion is utilized properly, an appointing authority's decision will not be overturned. Compare, *In re Crowley*, 193 *N.J. Super.* 197 (App. Div. 1984) (Hearing granted for individual who alleged that bypass was due to anti-union animus); *Kiss v. Department of Community Affairs*, 171 *N.J. Super.* 193 (App. Div. 1979) (Individual who alleged that bypass was due to sex discrimination afforded a hearing). Additionally, an appellant has the burden of proof in these matters. *See N.J.A.C.* 4A:2-1.4(c).

Concerning the appellant's belief that his expunged records cannot be considered and his statements that he has never been convicted of a criminal offense, the presentation to an appointing authority of a pardon or expungement shall prohibit an appointing authority from rejecting an eligible based on such criminal conviction, ***except for law enforcement***, correction officer, juvenile detention officer, firefighter or judiciary titles and other titles as the Chairperson of the Commission or designee may determine. It is noted that the Superior Court of New Jersey, Appellate Division remanded the matter of a candidate's removal from a Police Officer eligible list ***to consider whether the candidate's arrest adversely related to the employment sought*** based on the criteria enumerated in *N.J.S.A.* 11A:4-11. *See Tharpe v. City of Newark Police Department*, 261 *N.J. Super.* 401 (App. Div. 1992). In other words, while the appellant is presumed innocent until proven guilty in a criminal proceeding, this standard has no bearing on an application to be considered for a law enforcement position.

In this matter, the appointing authority had a valid reason for bypassing the appellant on the subject eligible list. The Commission notes that it does not have jurisdiction over the determination as to whether the appellant would be granted or denied a police license. Regardless, the appellant's arrest history is not conducive for an individual seeking a position as a Police Officer. Specifically, the appellant's arrest history indicates a pattern of adverse contact with the law, including charges for aggravated assault against his then pregnant girlfriend in 2021, assaulting a Police Officer in 2014, and robbery in 2009. In this regard, it is recognized that a municipal

Police Officer is a law enforcement employee who must enforce and promote adherence 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. The Commission is mindful that a Police Officer is a special kind of employee. The primary duty of Police Officers is to enforce and uphold the law. Police Officers carry a service revolver on their person and are constantly called upon to exercise tact, restraint and good judgment in their relationship with the public. Police Officers represent 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). *See also In re Phillips*, 117 N.J. 567 (1990). In the appellant's case, he does not meet such standards as his background adversely relates to the position sought.

In reference to the appellant's passing background checks to be permitted to carry firearms and work in the security industry, the standards for passing those background checks are not the same as a meeting the standards for a Police Officer. Accordingly, the appointing authority has presented a sufficient basis to bypass the appellant's name on the subject eligible list.

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 18TH DAY OF MARCH, 2026



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