



STATE OF NEW JERSEY

In the Matter of L.H., Department of
Health

**DECISION OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2025-2789

Discrimination Appeal

ISSUED: July 22, 2026 (SLK)

L.H., a Program Specialist 3, Social/Human Services with Ancora Psychiatric Hospital, Department of Health, appeals the determination of a Chief of Staff which substantiated that the appellant violated the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

By way of background, K.S., a Caucasian Supervisor of Rehabilitative Services, and D.N., a Caucasian Director of Occupational Therapy, complained that the appellant, who is African American, subjected them to inappropriate comments based on race during an African American History Month Committee meeting on February 9, 2024.¹ D.N. explained that there was an event scheduled for February 10, 2024, and there was confusion regarding payment for a disc jockey, which led to K.S. scheduling the meeting. During the meeting, the appellant asked to read a letter on behalf of the committee. The complainants alleged that the appellant read the letter and referred to them as “plantation owners” that were “contributing to segregation;” they were “culturally insensitive;” and they were “segregating” one of the committee members. The investigation indicated that the appellant denied making the comments and the letter that the appellant provided did not contain the inappropriate language. However, the investigation revealed that the meeting minutes documented the inappropriate comments directed towards the

¹ D.N. also alleged that a third-party informed her that the appellant made an inappropriate comment based on race about D.N. and K.S. to another employee. However, the investigation was unable to substantiate this allegation. As this allegation was not substantiated, any comments related to this allegation will not be addressed.

complainants. Further, a witness present during the meeting corroborated several comments in the allegations. Therefore, it was determined that the appellant violated the State Policy.²

On appeal, the appellant states that the statement that she read during the meeting was composed collectively by the committee and the purpose was to address the concerns about the perceptions and treatment of committee leadership; to defend the committee's tradition of independence and interdepartmental contributions; to emphasize the impact of administrative actions on staff morale; and to advocate for transparency, cultural sensitivity and proper channels of communication. The appellant asserts that at no time did any individual or group make any racial derogatory or discriminatory comments.

The appellant argues that disproportionate weight was given to limited evidence. She presents that more than 20 individuals were invited to attend the meeting and she includes the list of attendees. The appellant indicates that many attendees were not interviewed, and she therefore asks how many attendees were interviewed. The appellant believes that since there was only one corroborating witness out of potentially 20 meeting attendees, the investigation was incomplete. The appellant believes that it was unfair to substantiate the allegations against her based on one witness when there were many other colleagues who might offer more context or different perspectives. She reiterates that the alleged comments regarding "plantation owners" and "segregation" were not part of the letter she read, and the comments do not align with her tone or intent. Concerning the meeting minutes, she questions whether it included a verified sign-in sheet and verbatim dialogue or was it simply subjective summaries. The appellant requests a copy of the meeting minutes, the name of who recorded the minutes, and whether all attendees reviewed and approved of the minutes. She submits the full text of her statement that she read during the meeting, the list of attendees, a copy of the email invitation or meeting notice, and the committee's historical overview and role at the Ancora Psychiatric Hospital. Additionally, the appellant submits five statements from some of the meeting attendees. These attendees questioned the accuracy of the meeting minutes as they did not sign off on them. Further, the attendees state that the appellant had not made, nor do they recall her making references to "plantations" or anything similar.

In response, the appointing authority presents that although the appellant's letter, which she submitted to investigation, did not contain the alleged inappropriate language, the letter did express displeasure with the administration. Further, the appointing authority indicates that Witness One, who is African American, corroborated that the appellant said that the committee was being segregated and that K.S. was "acting like a plantation owner." Witness One also noted that this comment was documented in the meeting minutes. The appointing authority

² Ultimately, the appointing authority did not proceed with disciplinary action.

provides that Witness Two, who is African American, did not hear the appellant say, “plantation owners” or “contributing to segregation.” Additionally, the appointing authority submits that Witness Three, who is African American, could not recall if the appellant called the complainants “plantation owners.” However, Witness Three felt that the letter did have undertones of discrimination. Further, Witness Three stated, in referring to the alleged inappropriate quotes, “I don’t remember that quote. I don’t recall but it sounds like something that was said in that letter.”

Moreover, the appointing authority highlights that the meeting minutes documented that the appellant compared the complainants to “plantation owners” and saying it feels like we are segregated. It notes that three employees³ reported that the appellant made comments about plantation owners and segregation, and Witness Three said that the read letter had an “undertone of discrimination” and “race-based tones.” Therefore, it found that the investigation substantiated that the appellant violated the State Policy.

Concerning the appellant’s witness statements, while these attendees indicated either that the alleged statements were not made or they did not recall them, two witnesses stated that K.S. said during the meeting, “I’m not a racist” and one witness said that K.S. made the comment in her office after the meeting. K.S. also confirmed during the investigation that she made the “I’m not a racist” comment in her office as she explained that the appellant and another committee member followed K.S. into her office after the meeting, where she was upset and crying after the alleged demeaning/inappropriate comments were made to her in the meeting. The appointing authority indicates that even though the alleged statements were not in the statement that the appellant provided during the investigation, this does not preclude that the appellant made the alleged statements. Regarding the meeting minutes, the witness who recorded the meeting minutes said that the minutes were accurate and there was no evidence to suggest that they were not. Referring to the number of witnesses interviewed, the appointing authority emphasizes that the determination was based on interviews with the two complainants, three witnesses, and other evidence and documentation. Further, it conducted additional interviews based on the statements that the appellant provided on appeal. However, it notes that a witness not hearing that a statement was made is not determinative that the alleged statement was not made. Therefore, it concludes that there was no basis to overturn its findings based on these additional interviews.

CONCLUSION

N.J.A.C. 4A:7-3.1(a) provides that under the State Policy, discrimination or harassment based upon the following protected categories are prohibited and will not be tolerated: race, creed, color, national origin, nationality, ancestry, age, sex/gender, pregnancy, marital status, civil union status, domestic partnership status, familial

³ The appointing authority does not specifically name who the three employees are.

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. *N.J.A.C. 4A:7-3.2(n)*¹ provides that the burden of proof shall be on the appellant.

In this matter, the investigation revealed that two complainants contemporaneously filed complaints alleging that the appellant referred to them as “plantation owners” and “contributing to segregation” or similar comments. Further, the investigation revealed that Witness One corroborated that the appellant said that the committee was being segregated and K.S. was “acting like a plantation owner.” Additionally, although Witness Three could not recall that the appellant made the alleged statements, Witness Three felt that the appellant read a letter that had “undertones of discrimination” toward the complainants and “race-based tones.” Moreover, the meeting minutes indicated that the appellant stated that a certain committee member was being targeted, and it felt like they were segregated. Furthermore, the meeting minutes documented that they compared K.S. to a “Plantation Owner.” Finally, while the appellant’s witnesses denied or did not recall that the appellant used the alleged inappropriate language, two of the appellants’ witnesses indicated that K.S. responded either during or shortly after the meeting, with the statement “I’m not a racist” in response to the meeting. It is noted that the mere fact that not all meeting attendees heard or recalled the alleged inappropriate comments does not signify that the appellant did not make the comments. Similarly, the mere fact that the appellant provided the investigation with a statement that did not include the alleged comments does not preclude that the appellant had made the comments during the meeting. Therefore, the Commission finds that the appointing authority engaged in a thorough investigation, and the record substantiates that the appellant made derogatory comments to the complainants based on their race in violation of the State Policy.

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 22ND DAY OF JULY, 2026



Mary Cruz
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Shannon L. Dalton
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: L.H.
Frank Maimone
Division of Equal Employment Opportunity and Affirmative Action
Records Center