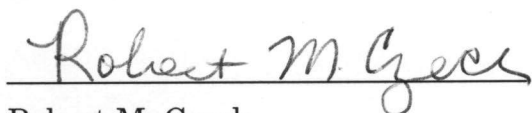


Re: Takia Johnson

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
DECEMBER 16, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Unit H
P. O. Box 312
Trenton, New Jersey 08625-0312

attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSR 11230-15

AGENCY NO. N/A 2016-431

**IN THE MATTER OF TAKIA JOHNSON,
CAMDEN COUNTY CORRECTIONAL
FACILITY.**

William Hildebrand, Esq., for appellant Takia Johnson

Antonieta P. Rinaldi, Assistant County Counsel, for respondent Camden County
Correctional Facility (Christopher A. Orlando, County Counsel)

Record Closed: November 16, 2015

Decided: November 24, 2015

BEFORE **JOHN R. FUTEY**, ALJ t/a:

STATEMENT OF THE CASE

In this matter appellant Takia Johnson (hereinafter "Johnson") appeals her removal as a county correction officer which removal occurred as a result of an internal affairs investigation and interview, the latter of which occurred on or about January 22, 2015, with reference to her employment with respondent, the Camden County Correctional Facility (hereinafter "County"), at which time it was alleged that, during an

internal affairs interview on that date, she admitted bringing her cell phone into the confines of the Correctional Facility numerous times and using it during her employment there. She also received a picture from an officer on the cell phone of a naked body part while she and that officer were on duty inside the correctional facility. During the same interview, she further stated that she took a picture of a supervisor without his knowledge while they were both on duty at the correction facility hospital and she distributed that photograph to another officer.

As a result of the investigation and those admissions, appellant received a final notice of disciplinary action and the following charges were sustained:

N.J.A.C. 4A:2-2.3(a)(2) Insubordination;

N.J.A.C. 4A:2-2.3(a)(6) Conduct Unbecoming;

N.J.A.C. 4A:2-2.3(a)(7) Neglect of Duty;

N.J.A.C. 4A:2-2.3(a)(12) Other Sufficient Clause, to wit;

1. Other Sufficient Cause, County Rules of Conduct
2. 1.1 Violations in General
3. 1.2 Conduct Unbecoming
4. 1.3 Neglect of Duty
5. 1.4 Insubordination
6. 2.10 Inattentiveness to Duty
7. 3.2 Security
8. General Order #42, 73, #74, among others.

PROCEDURAL HISTORY

As result of her removal by the County, Johnson appealed and the matter was thereafter transmitted to Office of Administrative Law (hereinafter "OAL") as a contested case pursuant to the provisions of N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13. In accordance with N.J.S.A. 52:14F-5m, the Honorable Laura Sanders, Acting Director and Chief Administrator Law Judge appointed this tribunal as a temporary Administrative Law Judge to conduct the hearing in the above matter on August 10, 2015. The matter was heard accordingly on September 24, 2015, at the end of which a

briefing schedule was set and the last of which pleadings was received on October 30, 2015. However, both counsel sent in supplemental letters: Rinaldi – letter dated October 28, 2015, but received at the OAL on November 6, 2015, Hildebrand a letter motion/response dated and received on November 4, 2015; and a final letter from Rinaldi dated November 10, 2015, but received at the OAL on November 16, 2015. The hearing record closed at that time.

TESTIMONY OF THE WITNESSES

Based upon the totality of the evidence presented, both testimonial as well documentary, the following constitute the relevant facts adduced from the two witnesses who testified in this matter.

Investigator Joseph Coleman

Joseph Coleman is employed by the County as an investigator in its Internal Affairs unit to which he has been assigned for the past ten years of his eighteen years of employment with the County. In that capacity he has investigated, as he described it, “hundreds of cases.” He was assigned the matter involving appellant Johnson at which time an initial investigation showed that numerous text messages had been exchanged between appellant and fellow correction officer Michael Jacob. He reviewed the texts (R-3) which revealed that an ongoing exchange of messages occurred between appellant and Jacob while they were both on duty between August 29 and October 25, 2014 as well as between June 30 and November 6, 2014. He denoted appellant as being in “working time” (denoted as “W”) in numerous of those exchanges in the margin of the message record. He also reviewed the time punches of appellant for those time periods and determined and confirmed that she was on duty for twelve hours shift for each of these exchanges. He also reviewed a photograph that was part of the cell phone exchanges on her phone that showed a nude photo of a male buttock with a red hand imprint on the left buttocks cheek. (R-3.)

As a result of that initial investigation, he and Sergeant John Jones conducted an interview with appellant on January 22, 2015, which interview was audiotaped and which was subsequently transcribed. (R-5.) During the course of the interview, appellant admitted that she was a twelve year employee with the County who was familiar with the policies and procedure of her institution. She also admitted bringing a cell phone into the institution but then claimed she stopped doing so when her fellow correction officer Michael Jacob became the subject of an investigation there. She admitted also that she had texted him while she was in a bathroom while on duty, which was consistent with the text message which she sent to Jacob on August 29, 2014 at 4:36:01 p.m., at which time she stated "I'm napn n (sic) the bathroom." It was read by Jacob on August 29, 2014 at 4:36 p.m.

She also admitted she had taken a photograph of another correction officer, Sergeant Crowder, while she and he were on hospital duty during the previous summer, or as she then recalled, the summer before. She was not really sure which summer it was and thought it was the "Hospital of Berlin" where the picture was taken, if she was not otherwise mistaken. (It is assumed by this that she meant the town of Berlin, Camden County, N.J.) (R-5 pg. 9, line 369) She admitted being on duty with Sergeant Crowder at the time and that he was not aware that she had taken the cellphone picture, which she then proceeded to send to Jacob. She claimed that she did it for "fun." By that, she said that she did not do it to make fun of him or anything like that but just for fun. She also nonetheless admitted that such an action was a violation of policy and procedures on its own merits. She also admitted that she was not permitted to have a phone at either the County's correctional facility or at the hospital and that any admission of a cell phone to or possession of it at either location was a breach of security. As a result, she admitted that she knew what she was doing when she brought the cell phone into both locations.

On cross-examination, Coleman acknowledged that Johnson did cooperate in the investigation and that her answers were "probably" truthful. She admitted to him that she had her cellphone with her during that time period approximately four to five

days of the work week, although not everyday. (R-5, page 6, at line 269.) Regarding the photograph of the buttocks which Jacob had sent to her, Coleman admitted that he did not know if it was sent to Johnson with her knowledge, consent and approval, although she was accused of receipt of it while working. His basic concern was that she was not supposed to be in possession of a cellphone in any case inside the facility, which was a distinct violation of policy. He also noted that in the various exchanges between her and Jacob on the cell phone the tag name of Jacob is "Batman."

Captain Karen Taylor

Captain Karen Taylor has been employed by the County for nineteen years, the last three of which she has served in the capacity of Captain. She currently is the Administrative Captain in charge of staff operations, which job she has held for two years. Pursuant to the investigation conducted by the County's internal affairs unit, she recommended to the warden that Johnson be removed because of the current infractions, which constituted a blatant disregard of policy relative to the possession and use of a cell phone while at the institution or the institution's hospital. In reviewing the various infractions which were sustained at the departmental hearing, she noted in particular that certain violations are especially egregious. In particular, under the general Rules of Conduct of the County, Neglect of Duty is a serious infraction and the worst area of inattentiveness would be at the hospital. As a result, by her using her unauthorized cell phone at the hospital while she was supposed to be attending to an inmate, she seriously compromised her responsibilities of duty. Further, at any time she used her cell phone either at the prison or the hospital, she compromised the security of the institution since she was taking away from her assigned duties and was otherwise focused and engrossed in texting. She also noted that any picture taken without one's knowledge is disrespectful, in addition to the fact that she should not have had a cell phone on her person in the first place. Captain Taylor further noted that the officer who was the subject of the photograph would also not know what would have happened to it or where it would be used. She noted that Johnson not only took the photo but also

sent it on to Jacob, which further compromised the integrity, privacy and security of the photo victim, being Crowder.

On cross-examination, Captain Taylor stated that even if Johnson had been on a "bathroom break" at any time that she was texting, she nonetheless should not have had the phone with her in any form whatsoever.

ANALYSIS

The central issue in this matter is whether or not appellant Johnson should be removed for having violated the County's policies regarding the possession and use of her personal cell phone while on duty. In addition, her exchange of text messaging while on duty, the receipt of the photograph of the naked buttocks, as well as her own unauthorized photo taking and transmission of the photo of another correction officer on her cell phone constituted additional violations which are the subject of her removal. The Civil Service employees' rights and duties are governed by the Civil Service Act, N.J.S.A. 11A:1-1 to -12.6. The Act is an important inducement to attract qualified personnel to public service and is to be liberality construed toward attainment of merit employment and broad tenure protection. See Essex Council No. 1, NJ Civil Service Association V Gibson, 114 N.J. Super. 576 (Law Div. 1971), rev'd on other grounds, 118 N.J. Super. 583 (App. Div. 1971); Mastrobattista v. Essex County Park Commission, 46 N.J. 138, 147 (1965). The Act also recognizes that the public policy of this State is to provide public officials with appropriate appointment, supervisory and other personnel authority in order that they may execute properly their constitutional and statutory responsibilities. N.J.S.A. 11A:1-2(b).

A public employee who is thus protected by the provisions of the Civil Service Act may nonetheless be subject to major discipline for a wide variety of offenses concerning and connected to his or her employment. The general causes for such discipline are enumerated in N.J.A.C. 4A:2-2.3. The causes set forth at N.J.A.C. 4A:2-2.3 which are applicable to this matter are: (a)(2) Insubordination; (a)(6) Conduct Unbecoming; (a)(7)

Neglect of Duty; and (a)(12) Other Sufficient Cause. Under that last cited provision, the Camden County Correctional Facility rules of conduct which are the subject of this removal involve its Rules of Conduct at Sections 1.1 Violations in General; 1.2 Conduct Unbecoming; 1.3 Neglect of Duty; 1.4 Insubordination; 2.10 Inattentiveness to Duty; 3.2 Security; General Order #42, #73, #74, among others.

In an appeal concerning a major disciplinary action, the burden of proof is on the appointing authority to show that the action taken was justified. N.J.S.A. 11A:2-21; N.J.A.C. 4A:2-14(a). This applies to both permanent career service employees or those in a working test period relative to such issues as (1) removal; (2) suspension or fine as prescribed in N.J.S.A. 11A:2-14; and (3) Disciplinary Demotion. N.J.S.A. 11A:2-6. The burden is to establish by a preponderance of the competent, relevant, and credible evidence that the employee is guilty as charged. Atkinson v. Parsekian, 37 N.J. 143 (1962); In re Polk License Revocation, 90 N.J. 550 (1982). When dealing with the question of the penalty in a denovo review of a disciplinary action against a civil service employee, the Merit System Board (ie, now the Civil Service Commission) is required to reevaluate the proofs and the "penalty" on appeal, based on the charges. N.J.S.A. 11A:2-19; Henry v. Rahway State Prison, 81 N.J. 571 (1980); West New York v. Bock, 38 N.J. 500 (1962).

Rules promulgated by the former Department of Personnel, now once again the Civil Service Commission, contain several reason for which a civil service employee can be subject to discipline, including conduct unbecoming. N.J.A.C. 4A:2-2.3(6). Conduct unbecoming a public employee, is however, not defined in the code. Case law has stated that conduct unbecoming is an "elastic" phrase defined as "any conduct which adversely affects the morale or efficiency of the Bureau . . . [or] which has a tendency to destroy public respect for municipal employees and confidence in the operations of municipal services." Karins v. City of Atlantic City, 152 N.J. 532, 540 (1998), citing In Re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). "An occurrence reflecting upon an individual's character and honesty may constitute unbecoming conduct and cause for discipline." Matza v. Warren County Correctional Center, CSV 1967-01, Initial

Decision, (June 7, 2005), adopted MSB (November 22, 2005).
<http://lawlibrary.rutgers/oal/search.htm>.

Unbecoming conduct has also been defined as any conduct which adversely affects the morale or efficiency of the Department or which has a tendency to destroy public respect for employees and confidence in the operation of governmental services. Hartmann v. Police Department of Ridgewood, 258 N.J. Super. 32, 40 (App. Div. 1992); In Re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960) citing Asbury Park v. Department of Civil Service, 17 N.J. 119, 129 (1955). The Civil Service Commission and the courts have generally held law enforcement officers to a higher standard when the "conduct unbecoming a public employee" cause for discipline is invoked. Based upon the role in maintaining the County Correctional Facility, county correction officers are law enforcement officers to which this higher standard applies. And I so **FIND**.

Maintenance of strict discipline is particularly important in military-like settings such as police departments, prisons and correctional facilities. Rivell v. Civil Service Commission, 115 N.J. Super. 64 (App. Div.) certif. denied, 59 N.J. 269 (1971); Newark v. Massey, 93 N.J. Super. 317 (App. Div. 1967). A police officer "represents 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." Moorestown Twp. v. Armstrong, 89 N.J. Super. 560, 566 (App. Div. 1965), certif. denied, 47 N.J. 80 (1966) (Police officer removed from office for threatening to kill the Chief of Police, threatening to commit suicide, threatening to abandon his home and job, and misuse of firearms); accord, Borough of Elmwood Park v. Fallon, 128 N.J. Super. 51, 58 (App. Div. 1974) (Police officer removed for possession of small amount of marijuana and unauthorized absences from his post); See also Emmons, supra. 63 N.J. Super. 136 (Police officer suspended for refusing to cooperate in an examination to determine his sobriety following an off-duty automobile accident). The role of a correctional guard falls squarely within the same category of law enforcement since it compels the need for a high level of integrity and dependability as it does for other officers. The general public demands as much from anyone in such uniformed capacity.

It is further noted that the standard of behavior for law enforcement officers is set higher than that of other civil service employees, meaning that infractions will lead to major discipline for officers that otherwise may not have warranted severe discipline for some other positions. See, once again, Moorestown Twp. v. Armstrong, 89 N.J. Super. 560, 566 (App. Div. 1965) and Chopek v. Bayside State Prison, CSV 00658-01, Initial Decision, (May 10, 2002) Adopted MSB (June 26, 2002). When applied to correction officers, at a minimum, a charge of conduct unbecoming can be “based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct.” In Re Emmons, 163 N.J. Super. 136, 140 (App. Div. 1960).

And because correction officers, like other police officers, are part of a “quasi-military organization,” I **FIND** that they are to be “held to the highest standards,” as enunciated regarding correction officers in Sharon Peterson v. East Jersey State Prison, CSV 03927-02 and CSV 05336-02, Initial Decision, (December 11, 2003) Adopted MSB (February 17, 2004). As noted therein, a correction officer represents 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. (Ibid.)

In addition, the general rules of conduct for Camden County are replete with references to the ongoing responsibility of correctional guards there. As stated in the preface to that list of rules, “This compilation reflects only the basic rules governing the behavior of employees of this Department. In addition, employees will be responsible to conform to all published regulations, procedures, orders and directives promulgated by the Camden County Department of Corrections, the lawful orders of all supervisory personnel and standard operating procedures as dictated by Departmental practice.” (R-7.)

The first general rule of conduct which is the subject of concern in this matter involves “unbecoming conduct” which is contained at Section 1.2, to wit “all personnel are required to conduct themselves, both on and off duty, in such a manner as to reflect

favorably on the Department. Conduct unbecoming an employee shall include that which brings the Department into disrepute, reflects discredit upon the employee as a member of the Department, or which impairs the operation or efficiency of the Department or the employee.”

Under the section denoted as Neglect of Duty, Rule 1.3, it states “personnel are required to give suitable attention to the performance of their duties. Any act of omission or commission indicating the failure to perform or the negligent performance or compliance to any rule, regulation, directive, order or standard operating procedure as dictated by Department practice or as published, which causes any detriment to the Department, its personnel, any inmate, prisoner, or to any member of the public, shall be considered neglect of duty.”

The area of insubordination or serious breach of security is as contained in General Rule of Conduct 1.4, to wit: (a) Personnel shall properly obey all lawful orders of any supervisor. Failure or deliberate refusal of any employee to obey any lawful order of a supervisor, ridiculing a supervisor or his/her order, in or out of a supervisor’s presence, or disrespectful, mutinous, insolent or abusive language directed toward the supervisor, shall constitute insubordination or serious breach of discipline. Inattentiveness to duty is as contained in General Rule of Conduct 2.10, to wit: personnel shall not engage in any activities or personal business which could cause them to neglect or to be inattentive to duty.” Further, under General Rules of Conduct denoted as Security, Rule 3.2, it states that, in relevant part, that “personnel shall exercise a scrupulous regard for security in their dealings with inmates and with regard to the Correctional Facility in general. Any act of commission or omission tending to undermine security shall constitute a breach of security.” The cell phone policy is governed under Correctional Order #032 (K,) which states “Employees of the Department who have an issued cell phones or pagers are permitted to enter the facilities with these items. Medical personnel who are authorized to enter the facility with cell phones/pagers are limited to Administrator, Director of Nursing, Physicians,

and Psychiatrists. All other employees are instructed to leave their cell phones/pagers at home or secured in their vehicle. (R-8.) [Emphases added]

The responsibilities of a correction officer who is assigned to hospital duty are contained at General Order #042 of the County policy, which states, in relevant part, at Section 6, "the officers are not to be distracted while performing hospital duty. Officers assigned to a hospital duty are not to focus his/her attention on the television, magazines, books, newspapers, personal telephone calls or anything else that will distract him/her from the purpose of the assignment. . . . Personal electronic devices are strictly prohibited." [Emphasis added.] (R-9.) As a result, the essence of this requirement is that any officer assigned to hospital duty should not be distracted in any form whatsoever. It is obvious from the admission by Johnson under the circumstances that her use of her personal cell phone, which in itself was a prohibition, while on duty at the hospital was a serious infraction and that, in addition, her use of it to take a cell phone picture of Sergeant Crowder, which she then disseminated and sent to correction officer Jacob, was clearly in itself a separate and distinct violation.

Johnson's photographing of Crowder also constituted a violation of the personal conduct required of employees, which is contained in General Order #073, to wit (1) that "employees are expected to treat fellow employees, offenders, and the public with respect and courtesy at all times," and at Section 4, "employees will comply with all Departmental rules and regulations and all laws of the United States and of New Jersey." (R-10.) Further, she violated the professional code of conduct, as contained in General Order #074, when she (1) failed to follow all Departmental and County policies as enumerated above, as well as when she failed to immediately report any violations of rules, regulations or laws that came to her attention by reporting same to the internal affairs unit order shift commander, as contained in Subsection 5 of the same General Order. (R-11.) This infraction occurred when she failed to be forthcoming and report the ongoing misuse of a cell phone by correction officer Jacob, including the sending of the "pornographic", as described in the clause photo of the buttocks by him to her. Thus, although she was admittedly and concededly openly truthful when she was

interviewed by the internal affairs investigators, her failure to act affirmatively in reporting the infractions by Jacob constituted the lack of appropriate professional conduct by her. And I so **FIND**.

Why are all of her actions under the circumstances especially serious even beyond the usual and understandable concerns of such malfeasance? In order to appreciate the impact of such misconduct one must consider what the role, responsibility and duty is of correction officers. The matter of Reinhardt v. East Jersey State Prison, CSV 1605-96, 97 N.J.A.R. 2d (CSV) 166 (1966) was a matter involving a correction officer, who, as a quasi-military person, had a public commitment to integrity which had to be upheld, but which was compromised significantly by the offending officer. In that case, the Judge determined that N.J.S.A. 2A:154-4 empowers correction officers to act as police officers with the detection, apprehension, arrest and conviction of offenders against the law. Thus, the correction officer was held to the same high standard of responsibility as that of a police officer and the court cited Moorestown Twp. v. Armstrong, 89 N.J. Super. 560, 566 (App. Div. 1965), with the proposition that law enforcement officers are special kinds of public employees since their primary duties are to enforce and uphold the law. The Reinhardt court concluded that under that standard of responsibility, the duty to the public and to [her] employee required appellant to meet a higher standard than other employees. This becomes increasingly evident in this matter when one considers the fact that Johnson repeatedly violated the written policies of her institution when she knowingly brought her personal cell phone into the institution in the first place. In addition, she used her cell phone to conduct a series of text exchanges with a fellow employee while she was on duty at the institution. In addition, she received from that fellow employee the photo of the naked buttocks and she failed to report its receipt, at a minimum, to the appropriate authorities at any time until confronted by internal affairs during its investigation. In addition, she violated institution policy when she brought the cell phone to the institution's hospital facility where she was engaged in and assigned to inmate coverage. At that time she not only had her personal cell phone with her once again (which was a violation of institution policy) but she also then utilized it when she took the unpermitted and unauthorized

picture of her fellow officer and then proceeded to send it back to another fellow correction officer. That latter action by her was egregious on its own face since she immediately lost control of its use and/or seriously compromised the safety, privacy rights and security of the photographed officer, Sergeant Crowder. I find this to be particularly reprehensible and unsettling under the circumstances, whether she found it to be for "fun" or not. Her cavalier attitude was deplorable and highly unprofessional.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon all of the foregoing and having considered the proofs presented, as well as the absence of any proofs and or testimony submitted by appellant, I **FIND** and **CONCLUDE** that respondent has proven insubordination, conduct unbecoming, neglect of duty, and other sufficient cause, including all of the above-cited violations of the County's rules of conduct by a preponderance of the credible evidence. In the process I have consider the letter motion by Mr. Hildebrand, dated November 4, 2015, relative to the information supplied Ms. Rinaldi in her October 28, 2015, letter to the OAL. In doing so, I **CONCLUDE** that the substance of that motion is not relevant since my findings were limited to the papers and proofs submitted solely at the hearing. Accordingly, that motion is **DISMISSED WITH PREJUDICE**.

Accordingly, and based upon all of the foregoing, I must consider the sustained charges of insubordination, conduct unbecoming, neglect of duty, and other sufficient cause as cited herein above with reference to the incidents in light of the standard of progressive discipline. Where appropriate, concepts of progressive discipline involving penalties of increasing severity are used in imposing a penalty and in determining the reasonableness of a penalty. West New York v. Boch, *supra*. 38 N.J. at 523-24; See also In Re Parlo, 192 N.J. Super., 247 (App. Div. 1983). Factors to be considered are the nature of the offense, the concept of progressive discipline, and the employee's prior record. George v. North Princeton Developmental Center, 96 N.J.A.R. 2n. 465 (CSV) (1996). In assessing the propriety of the penalty in any Civil Service disciplinary action, the primary concern is the public good. (Id.) However, progressive discipline is

only required in most cases where an employee is guilty of a series of offenses, none of which is sufficient to justify removal. Harris v. North Jersey Developmental Center, 94 N.J.A.R. 2n. 4 (CSV) (1994). After having considered all of the proofs offered and after having given due deference to the impact of and the role to be concerned relative to progressive discipline, I nonetheless **FIND** Johnson's callous, deliberate, and unacceptable repeated conduct by bringing the cell phone into the institution in direct violation of all of the relevant rules and regulations of the County was so egregious on its own merits as to warrant the recommended removal. In addition, her flagrant disregard of institution policy regarding texting while working on duty at the institution was totally unacceptable and violative of County policy. Her receipt of the buttocks photo and her failure to report it timely to her superiors was also unacceptable. Finally, her photographing, possession and distribution of the photo of Sergeant Crowder while she was on hospital duty was equally egregious and disturbing on its own merits and was a separate serious violation. All of those actions speak ill to her role as a correction officer. By so flagrantly disregarding the policies regarding the possession and use of cell phones at the institution, Johnson cannot be entrusted henceforth to safeguard that environment in any capacity. In the process, she compromised the security and ongoing proper functioning of the correctional facility, jeopardized the safety of fellow staff members and additionally jeopardized the trust imposed upon it by and for the citizens for which it serves. And I so further **FIND**.

At the same time and notwithstanding the egregiousness with which her current misconduct warrants removal, it is noted that she does have a long-standing record of disciplines going back to August 17, 2005, which are enumerated at the Exhibit R-12. They include a pattern of violations going back to 2005 which reflect neglect of duty, conduct unbecoming, and insubordination, all which actions further speak contrary to her role as a correction officer, independent of the findings herein relative to the seriousness with which I ascribe the conduct solely in this matter.

CONCLUSION AND ORDER


Based upon all of the foregoing, I **CONCLUDE** that removal is the only viable course of action under the circumstances in as much as Johnson has disregarded her responsibilities in such a flagrant manner regarding the above-cited charges herein. Therefore, based upon my findings relevant to the egregious nature of that misconduct, it is hereby **ORDERED** that all the charges as to her possession and use of the cell phone in this matter relevant to appellant Takia Johnson are **AFFIRMED**. Further, in light of fact that I have sustained all the charges against her, it is **ORDERED** that the removal of Takia Johnson is **SUSTAINED** and **AFFIRMED**.

I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make a final decision in this matter. If the Civil Service Commission does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 40A:14-204.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, DIVISION OF APPEALS AND REGULATORY AFFAIRS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, PO Box 312, Trenton, New Jersey 08625-0312**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

November 24, 2015
DATE



JOHN R. FUTEY, ALJ

Date Received at Agency:

November 24, 2015

Date Mailed to Parties:

/mel

APPENDIX

LIST OF WITNESSES

For appellant:

None

For respondent County of Camden:

Joseph Coleman, Investigator

Captain Karen Taylor

LIST OF EXHIBITS

For appellant:

None

For respondent:

- R-1 Preliminary Notice of Disciplinary Action (31A) dated January 26, 2015
- Final Notice of Disciplinary Action (31B) dated July 7, 2015
- Final Notice Disciplinary Action (31C) dated July 7, 2015
- R-2 Internal Affairs Report authored by Investigator Coleman
- R-3 Phone Text Messages and pictures of Buttocks
- R-4 Payroll Punch Detail History
- R-5 Internal Affairs Interview of C/O Takia Johnson dated January 22, 2015
- R-6 Picture of Sgt. Thomas Crowder
- R-7 Camden County Department of Corrections Rules of Conduct

- R-8 Camden County Department of Corrections Post Order #032 Lobby Security Officer
- R-9 Camden County Department of Corrections General Order #042 Hospital Transport and Duty
- R-10 Camden County Department of Corrections General Order #073 Personal Conducts of Employers
- R-11 Camden County Department of Corrections General #074 Professional Code of Conduct of Employers
- R-12 C/O Takia Johnson Chronology of Discipline