STATE OF NEW JERSEY

In the Matter of Melvyn Rivera
Jersey City Board of Education

CSC DKT. NO. 2019-650
OAL DKT. NO. CSV 14318-18

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

ISSUED: SEPTEMBER 10, 2019 BW

The appeal of Melvyn Rivera, Security Guard, Jersey City Board of Education, removal effective August 31, 2018, on charges, was heard by Administrative Law Judge Susan E. Guerrero, who rendered her initial decision on August 2, 2019. No exceptions were filed.

Having considered the record and the Administrative Law Judge's initial decision, and having made an independent evaluation of the record, the Civil Service Commission (Commission), at its meeting of September 10, 2019, accepted and adopted the Findings of Fact and Conclusion as contained in the attached Administrative Law Judge's initial decision.

ORDER

The Civil Service Commission finds that the action of the appointing authority in removing the appellant was justified. The Commission therefore affirms that action and dismisses the appeal of Melvyn Rivera.

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 10TH DAY OF SEPTEMBER, 2019

Deirdré L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
P. O. Box 312
Trenton, New Jersey 08625-0312

Attachment

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION
OAL DKT. NO. CSV 14318-18
AGENCY DKT. NO. 2019-650

IN THE MATTER OF MELVYN RIVERA,
JERSEY CITY BOARD OF EDUCATION.[1]

Seth Gollin, Union Representative (AFSCME Local 63) for appellant, appearing pursuant to N.J.A.C. 1:1-5.4(a)(6)

Ashley Higginson, Esq., and **Teresa L. Moore**, Esq. for respondent (Riker, Danzig, Scherrer, Hyland & Perretti, LLP, attorneys)

Record Closed: June 18, 2019 Decided: August 2, 2019

BEFORE **SUSANA E. GUERRERO**, ALJ:

STATEMENT OF THE CASE

Appellant, Melvyn Rivera (Rivera or appellant) appeals his removal by the Jersey City Board of Education (Board or respondent) for unbecoming conduct. Rivera, a Security Guard with the Board, challenges the respondent's findings and determination that removal is warranted.

[1] The matter was improperly captioned as "Melvin Rivera v. Jersey City School District".

PROCEDURAL HISTORY

On or around June 11, 2018, the respondent served Rivera with a Preliminary Notice of Disciplinary Action (PNDA) which informed him of the charge of Conduct Unbecoming made against him. Rivera was served with a Final Notice of Disciplinary Action (FNDA) dated August 31, 2018, which sustained the charge set forth in the PNDA, and respondent removed him from employment as a Security Guard with the Jersey City School District (District).

On October 1, 2018, the New Jersey Civil Service Commission, Division of Appeals and Regulatory Affairs ("Commission") transmitted the matter to the Office of Administrative Law (OAL) for determination as a contested case pursuant to N.J.S.A. 52:14B-1 to B-15 and N.J.S.A. 52:14F-1 to F-13. A hearing was originally scheduled for January 30, 2019 but adjourned at Rivera's request on the eve of the hearing because he had retained representation and the Union representative was unavailable. The hearing was ultimately held on May 15, 2019 and the record closed on June 18, 2019 upon receipt of the post-hearing summations.

FACTUAL DISCUSSION

Based on the Joint Stipulation of Facts submitted by the parties, I **FIND** the following as **FACTS**:

Rivera was employed with the Board for approximately five years as a Security Guard. He was appointed by the Board on or about August 2, 2013. The position of Security Guard is a ten-month position. In the 2017-2018 school year, Rivera was assigned as a Security Guard at Renaissance Institute High School (Renaissance).

On March 15, 2018 Rivera reported to Renaissance for the start of the school day. His post was located at a main entrance to the school where students entered the building, and required service in the presence of students. Security Guard Jennifer Benjamin (Benjamin) was also assigned to work with Rivera at Renaissance that day.

On or around 8:00 a.m., Security Guard Supervisor Frank Zahlten (Zahlten) reported to Renaissance and met with Rivera and Vice Principal Smith at the school. At that time, Rivera was informed by Zahlten that he would need to undergo a drug screening including a blood alcohol breathalyzer test because there was reasonable suspicion that he may be under the influence of alcohol or another mind-altering substance. At or around 8:10 a.m. that morning Rivera agreed to undergo a drug and alcohol screening at Concentra Urgent Care (Concentra) and Zahlten transported Rivera to Concentra to undergo the screening.

Concentra administered a breathalyzer test to Rivera starting at approximately 8:40 a.m. on March 15, 2018. That day, he was provided with a letter from Arthur J. Youmans (Youmans), Director of Security, that informed him that he was suspended from all duties with pay pending results of the drug screening at Concentra. (J-1)

On April 23, 2018, Rivera received an attendance warning from Youmans. On October 5, 2017, Rivera received a letter of reprimand from Mary Jo Trusso-Sabbers regarding his failure to exercise professional judgment expected of a Jersey City Public School staff member.

By PNDA dated June 11, 2018, the Board brought a disciplinary charge against Rivera of Unbecoming Conduct relating to the March 15, 2018 incident at Renaissance. (J-2) After a departmental hearing on June 20, 2018, the charge was sustained and it was recommended that Rivera be terminated from employment. The Board issued a FNDA dated August 31, 2018, notifying Rivera that he was terminated from employment effective immediately. (J-3) School District Policy 4119.23/4219.23, which was in effect at all relevant times for District employees, states:

> The use of alcoholic beverages in school worksites is prohibited. Violations of this prohibition may subject an employee to disciplinary action which may include but is not limited to nonrenewal, suspension, or termination at the discretion of the board.
>
> ...

> If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-related functions in accordance with the Federal regulations. Before an employee is reinstated, if at all, the employee shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation and undergo a return-to-duty test with verified test results. (J-4)

SUMMARY OF TESTIMONY

For Respondent

Lakeisha McGoy (McGoy): McGoy has been the Chief of Security at the District for the past two years and was previously a Security Guard for five years.

McGoy testified that Security Officers at the District are trained once a year and are required to read the Security Department Manual (Manual) which contains the District's policy prohibiting the use of alcohol or illegal drugs by Security Officers while on duty and before reporting for duty. Rivera was given the Manual when it was revised in 2015/2016 and all Security Guards are expected to be familiar with the policy addressing drug and alcohol consumption. (R-13)

At approximately 8:00 a.m. on March 15, 2018, McGoy received a call from Benjamin informing her that Rivera was not acting like himself, that he was belligerent and yelling, and that he smelled like alcohol. McGoy then contacted Youmans, the Director of Security, who instructed her to contact Zahlten to meet with Rivera. McGoy called Zahlten and asked him to see Rivera and to ask Rivera to go to Concentra if he suspected that he was under the influence. Concentra is used by the District for drug and alcohol testing.

McGoy received Rivera's results from Concentra via email that same day. The Breath Alcohol Testing Form received confirmed the presence of alcohol. She gave

these results to Youmans, Human Resources and Legal. She believed that a urine specimen was also collected but was not aware of these results.

After Rivera returned from Concentra, he was taken to the District's Central Office where he met with Youmans. McGoy was present at the meeting, which took place at about 1:00 p.m., after the results had been received. Youmans spoke with Rivera and gave him a letter informing him of his suspension. McGoy did not smell alcohol on Rivera that afternoon.

While McGoy was not trained to interpret Intoximeter results, the results that she received from Concentra by email led her to believe that Rivera underwent three different administrations of the breathalyzer and that the first result was 0.128 at 8:39, for the Screening; and the second result was 0.123 8:56, for confirmation. (R-5) She understood this to mean that Rivera was under the influence of alcohol that morning.

Jennifer Benjamin (Benjamin): Benjamin worked as a Security Guard at Renaissance with Rivera. On March 15, 2018, she had the 7:00 a.m. to 3:10 p.m. shift. Her post was at the front desk. She testified that she had a good working relationship with Rivera.

Benjamin testified that on March 15, 2018, Rivera came in early, at about 7:30 a.m. He went to the Security Office and asked her if the Security Guard assigned to start his shift at 7:30 a.m. had come in. When Benjamin informed Rivera that he was not in, Rivera became visibly upset, loud and was cursing. Rivera left the building briefly and returned with a Snapple. While Benjamin was at the Security desk speaking with Ms. Sivo, Rivera began yelling and interrupting them, which according to Benjamin was out of character and caught her attention. Benjamin went to the Principal's office and asked that they speak with Rivera in response to his behavior. She also called McGoy, her Supervisor, and reported that Rivera appeared to be intoxicated.

Zahlten, who is not only the Security Supervisor for Renaissance but the Security Officers' Union Representative, responded to Renaissance in response to Benjamin's

call. Troy Smith (Smith), the Vice Principal at Renaissance, and Zahlten met with Rivera in the Principal's office for about five minutes. Zahlten and Rivera were leaving the building together when Rivera told Benjamin "I'm going to get you." She filed a police report in response, and also wrote an Incident Report immediately following the incident. (R-4)

Benjamin testified credibly that Rivera appeared intoxicated and smelled of alcohol on the morning of March 15, 2018 and on one other occasion. She described that he was acting uncharacteristically by speaking loudly, slurring his words, yelling and cursing.

Troy Smith (Smith): Smith has been the Vice Principal at Renaissance since November 2017. He is the only School Administrator in the building and supervises all staff in the building, including security staff members.

Troy described Renaissance as a credit-recovery high school where students who have "fallen off track" are trying to "get back on track" and graduate with their peers. The school has a zero-tolerance program for students who commit acts that cause them to be removed from their regular setting, usually for behavioral issues. He agrees that Renaissance houses a vulnerable student population.

On the morning of March 15, 2018, Smith heard yelling outside his office. He called Rivera on the P.A. System and met with Rivera and Zahlten. He testified that when Smith shut the office door, Rivera "reeked of alcohol." He asked Rivera if he had been drinking and Rivera denied it. Smith also asked Rivera if he needed help and Rivera said that he did not. If Rivera had said that he needed help, Zahlten would have ensured that he received substance abuse support. Zahlten, who had acted as Rivera's Union Representative in the past, asked Rivera to turn in his radio and they left the building to go to Concentra.

Smith reported the incident of May 15, 2018 to the District by preparing an Incident Report once Rivera and Zahlten left the building. (R-12) In the Incident Report,

he wrote that Rivera "appeared to be intoxicated" and "smelled of alcohol." The Incident Report was consistent with Smith's testimony.

Smith testified that Security Guards in the District are the first line of defense at the schools and that they have to be alert and ready to respond to any situation at any time. When a Security Officer is under the influence of alcohol, he is unable to perform his duties and puts the students at risk.

For Appellant

Melvyn Rivera: Rivera was hired by the Board in 2013. In 2016, he suffered a significant head injury but returned to his employment for the 2017-2018 school year. While he testified that his speech is slurred as a result of the injury, it was not slurred at the hearing.

On March 15, 2018, Rivera's shift at Renaissance was from 8:00 a.m. to 4:10 p.m., but he arrived at about 7:30 am. He was assigned to the second floor. When he arrived, he said hello to Benjamin and recognized that he was speaking "a little loud." He was later called down to the office and met with Smith and Zahlten and was asked by Smith if he had been drinking. Rivera denied drinking that day but testified that he had two beers at about 5 p.m. the day before.

Rivera denied being asked by Smith if he needed help. Zahlten took him to Concentra where they arrived at about 8:00 a.m. and he took a breathalyzer. He denied having his urine tested.

Rivera testified that he returned to the District's Central Office after leaving Concentra, and met with Youmans, McGoy and Zahlten. Youmans told Rivera that he was going to suspend him with pay after receiving the results of the breathalyzer.

Rivera's testimony was confusing and contradictory at times. On the one hand, he denied drinking on March 15th, but testified that if somebody had offered him help at

the time, he would have accepted. He initially testified that he needed help at the time and that he had an issue with alcohol. However, he later denied having an issue with alcohol and testified that he would have only accepted alcohol treatment in order to keep his job. Rivera also testified that he stopped drinking all together in July 2018.

Rivera denied ever receiving the results of the breathalyzer and denied that anyone informed him of the results. His signature, however, appears on the Breath Alcohol Testing Form which is dated March 15, 2018. He conceded that he took a breathalyzer at Concentra two times that day after 8:00 a.m. (after his shift would have begun). Rivera also confirmed having received and reviewed the Security Department Manual and policy against consuming alcohol on the job.

ADDITIONAL FINDINGS OF FACT

For testimony to be believed, it must not only come from the mouth of a credible witness, but it also must be credible in itself. It must elicit evidence that is from such common experience and observation that it can be approved as proper under the circumstances. See Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961). A credibility determination requires an overall assessment of the witness's story in light of its rationality, internal consistency and the manner in which it "hangs together" with the other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963). Also, "'[t]he interest, motive, bias, or prejudice of a witness may affect his credibility and justify the [trier of fact], whose province it is to pass upon the credibility of an interested witness, in disbelieving his testimony.'" State v. Salimone, 19 N.J. Super. 600, 608 (App. Div.), certif. denied, 10 N.J. 316 (1952) (citation omitted).

A trier of fact may reject testimony because it is inherently incredible, or because it is inconsistent with other testimony or with common experience, or because it is overborne by other testimony. Congleton v. Pura-Tex Stone Corp., 53 N.J. Super. 282, 287 (App. Div. 1958).

While Rivera denied arriving at Renaissance in an intoxicated state on March 15, 2018, his testimony was at times confusing, contradictory and i.e. lacked credibility overall. Benjamin, on the other hand, testified convincingly that Rivera appeared intoxicated when he reported to Renaissance at or about 7:30 a.m. and both Smith and Benjamin testified credibly and consistently that Rivera smelled of alcohol that morning. Smith and Benjamin's respective Incident Reports, completed that same day, are also consistent with their testimony concerning Rivera's intoxicated appearance that morning. Their observations of Rivera appearing intoxicated that morning is further substantiated with the results of the Breath Alcohol Test that show a screening reading of 0.128 at approximately 8:39 a.m. and a confirmation reading of 0.123 at about 8:40 a.m. (R-5). The confirmation test result of 0.123 was documented on the Breath Alcohol Testing Form, which was signed and certified to by Rivera. The language appearing just above Rivera's signature states: "I certify that I have submitted to the alcohol test, the results of which are accurately recorded on this form. I understand that I must not drive, perform safety-sensitive duties, or operate heavy equipment because the results are 0.02 or greater." Therefore, it is difficult to believe that Rivera was not aware of the breathalyzer results on March 15, 2018.

Based upon a review of the documentary evidence and having had the opportunity to listen to the testimony and observe the demeanor of the witnesses, I **FIND** as **FACT** that Rivera reported to the Renaissance school on March 15, 2018, at approximately 7:30 a.m., under the influence of alcohol and remained under the influence after the start of his 8:00 a.m. shift. I also **FIND** that the District's Security Department Manual in effect at the time, which reflects Board policy and procedures, specifically prohibits Security Guards from reporting to work under the influence of alcohol, and that Rivera violated this policy on March 15, 2018.

LEGAL ANALYSIS AND CONCLUSIONS

Public employees' rights and duties are governed and protected by the provisions of the Civil Service Act, N.J.S.A. 11A:1-1 to 12-6, and the regulations promulgated pursuant thereto, N.J.A.C. 4A:1-1.1 to 4A:2-6.2. However, public

employees may be disciplined for a variety of offenses involving their employment, including the general causes for discipline as set forth in N.J.A.C. 4A:2-2.3(a). An appointing authority may discipline an employee for sufficient cause, including failure to obey laws, rules and regulations of the appointing authority. N.J.A.C. 4A:2-2.3(a)(11).

In disciplinary cases, the appointing authority has both the burden of persuasion and production and must demonstrate by a preponderance of the competent, relevant and credible evidence that it had just cause to discipline the employee and lodge the charges. N.J.S.A. 11A:2-21; N.J.A.C. 4A:2-1.4(a); Atkinson v. Parsekian, 37 N.J. 143 (1962). Evidence is said to preponderate "if it establishes the reasonable probability of the fact." Jaeger v. Elizabethtown Consol. Gas Co., 124 N.J.L. 420, 423 (Sup. Ct. 1940) (citation omitted). The evidence must "be such as to lead a reasonably cautious mind to a given conclusion." Bornstein v. Metro. Bottling Co., 26 N.J. 263, 275 (1958).

The first issue in this proceeding is whether a preponderance of the credible evidence establishes that the appellant's actions constitute a violation of the charge set forth in the FNDA, and specifically whether Rivera's actions on March 15, 2018 constituted unbecoming conduct. If so, the second issue is whether the violation warrants his removal or a lesser penalty, if any.

Rivera is charged with Conduct Unbecoming a Public Employee. "Conduct Unbecoming" is an "elastic" phrase that encompasses conduct that "adversely affects the morale or efficiency of a governmental unit . . . [or] which has a tendency to destroy public respect in the delivery of governmental services." Karins v. City of Atl. City, 152 N.J. 532, 554 (1998) (citing In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960)). Such misconduct need not necessarily "be predicated upon the violation of any particular rule or regulation but may 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." Hartmann v. Police Dep't of Ridgewood, 258 N.J. Super. 32, 40 (App. Div. 1992) (quoting Asbury Park v. Dep't of Civil Serv., 17 N.J. 419, 429 (1955)).

Here, it is undisputed that in March 2018 the Board and its Department of Security had policies in effect prohibiting Security Officers from reporting to work under the influence of alcohol. Board Policy 4119.23/4219.23 expressly prohibits the use of alcoholic beverages in school worksites and the District's Security Department Manual, which Rivera received and reviewed, specifically prohibits Security Guards from reporting to work under the influence of alcohol. Rivera's actions on March 15, 2018 not only violated District'a policy concerning alcohol consumption, it reflected poor behavior and a lack of judgment that runs contrary to what one would expect from a school Security Guard. Security Guards are expected to report to work sober and alert, particularly in a school environment where these guards are the first line of defense to any possible safety threat to the students and school staff, and where even the students are subject to a zero-tolerance policy. Moreover, a school Security Guard "holds an important position in the school community" and, "[s]imilar to law enforcement officers, Security Guards inherit a pedestal posture and are held to a higher standard of conduct than others who do not in their profession have a direct responsibility to uphold the law." Alton v. Newark Bd. of Educ., 92 N.J.A.R.2d (CSV) 478, 480. I **CONCLUDE**, therefore, that respondent has demonstrated, by a preponderance of credible evidence, that appellant's conduct on March 15, 2018, when he reported to work under the influence of alcohol, constitutes Conduct Unbecoming of a Public Employee, and that such charge must be **SUSTAINED**.

PENALTY

When dealing with the question of penalty in a de novo review of a disciplinary action against an employee, it is necessary to reevaluate the proofs and "penalty" on appeal based on the charges. N.J.S.A. 11A:2-19; Henry v. Rahway State Prison, 81 N.J. 571 (1980); W.N.Y. v. Bock, 38 N.J. 500 (1962). In determining the appropriateness of a penalty, several factors must be considered, including the nature of the employee's offense, the concept of progressive discipline, and the employee's prior record. George v. N. Princeton Developmental Ctr., 1996 N.J. AGEN LEXIS 467 (April 16, 1996). Pursuant to Bock, concepts of progressive discipline involving penalties of increasing severity are used where appropriate. See In re Parlo, 192 N.J.

Super. 247 (App. Div. 1983). Depending upon the incident complained of and the employee's past record, major discipline may include suspension, removal, etc. Bock, 38 N.J. at 522-24.

Here, respondent maintains that removal is the appropriate penalty based on the egregious nature of the offense. In the 2017-2018 school year, Rivera received two written warnings: one for his absenteeism and the other for his failure to exercise professional judgment. On March 15, 2018, Rivera presented to school drunk. Respondent argues that while there is an absence of any major disciplinary history with the District, progressive discipline need not apply since Rivera's reporting to work while inebriated was so egregious.

The principle of progressive or incremental discipline is not a "fixed and immutable rule" that must be applied in every disciplinary setting. In re Hermann, 192 N.J. 19, 33 (2007), In re Carter, 191 N.J. 474, 484 (2007). Rather, "some disciplinary infractions are so serious that removal is appropriate notwithstanding a largely unblemished prior record." Carter, 191 N.J. at 484. "Progressive discipline has been bypassed when an employee engages in severe misconduct, especially when the employee's position involves public safety and the misconduct causes risk of harm to persons or property." Hermann, 192 N.J. at 33.

Here, although Rivera does not have a record of major discipline and this may be the only time Rivera presented to work drunk, it does not mitigate the seriousness of his actions on March 15, 2018. Appellant's conduct not only violated District policy, it was inappropriate, irresponsible and dangerous. As a Security Guard in a high school, Rivera was responsible for protecting the safety and security of the students, the staff, and any member of the public entering the facility. This requires arriving to work sober and alert. On March 15, Rivera failed those who he was responsible for protecting. Security Guards are the first line of defense to any possible safety threat on school grounds and they must be alert and ready to respond at a moment's notice. Had Rivera not been removed from his post that morning, he could have placed the safety and security of the students and staff at Renaissance in grave jeopardy. The

appellant's failure to exercise sound judgment on March 15, coupled with his refusal or inability to recognize his error calls into question his ability to function competently, and with any degree of confidence, as a school Security Guard.

While appellant has insisted that he was not drunk that morning and did not have a problem with alcohol, he suggested that he should have been afforded an opportunity to undergo substance abuse treatment before being terminated. While Smith testified that Rivera was in fact offered and declined help, there is nothing in the record to suggest that the Board was under any obligation to even offer such an accommodation to appellant.

Based on the totality of the circumstances, I **CONCLUDE** that the appellant's unbecoming conduct was sufficiently egregious in nature to warrant his termination, and that the Board acted appropriately by removing appellant from his position.

ORDER

It is **ORDERED** that the charge of Conduct Unbecoming a Public Employee in connection with the March 15, 2018 incident is **SUSTAINED**. It is further **ORDERED** that appellant be and hereby is removed from his employment as a Security Guard with the District.

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. 52:14B-10.

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.

Susana E. Guerrero

August 2, 2019

DATE

SUSANA E. GUERRERO, ALJ

Date Received at Agency: August 2, 2019

Date Mailed to Parties:

jb/sej

APPENDIX

WITNESSES

For Appellant:

Melvyn Rivera, appellant

For Respondent:

Lakeisha McGoy

Jennifer Benjamin

Troy Smith

EXHIBITS

Joint:

J-1[2] 3/14/18 Letter form Arthur J. Youmans to Rivera

J-2 PNDA

J-3 FNDA

J-4 School Policy 4119.23/4219.23

For Appellant:

None.

For Respondent:

R-1 not in evidence

R-2 not in evidence

R-3 3/15/18 email from McGoy to Williams regarding removal

R-4 3/15/18 Security Dept. Incident Report by Benjamin

R-5 3/15/18 Custody Control Form and Breath Alcohol Testing Form

R-6 not in evidence

[2] J-1 is also identified as J-A; J-2 is also identified as J-B; J-3 is also identified as J-C and J-4 is identified as J-D.

R-7 4/23/18 Attendance Warning (not in evidence)

R-8 not in evidence

R-9 Letter from Superintendent to Rivera (not in evidence)

R-10 not in evidence

R-11 email from Velasquez to McGoy regarding Rivera

R-12 3/15/18 Incident Report Request 1205

R-13 Security Guard Employee Manual

R-14 document concerning urinalysis (not in evidence)