



**STATE OF NEW JERSEY**

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

In the Matter of Shatisha Williams,  
Newark

CSC Docket No. 2018-2878

Request for Interim Relief

**ISSUED: NOVEMBER 2, 2018** (SLK)

Shatisha Williams, a Police Officer with Newark, represented by Anthony J. Fusco, Jr., Esq., petitions the Civil Service Commission (Commission) for interim relief regarding her immediate and indefinite suspension without pay commencing on February 20, 2018.

By way of background, on February 20, 2018, the petitioner was issued a Preliminary Notice of Disciplinary Action (PNDA) charging her with various violations of administrative policies and conduct unbecoming a public employee. Specifically, the appointing authority indicated that the petitioner assaulted her boyfriend with her service weapon and subsequently lied to her superiors following the assault, which ultimately led to her arrest. A departmental hearing was held on March 14, 2018 and the appointing authority issued a Final Notice of Disciplinary Action (FNDA) on that same date adopting the Hearing Officer's recommendations that the indefinite suspension without pay was to continue. Thereafter, the petitioner appealed and in an April 19, 2018 letter, the Division of Appeals and Regulatory Affairs (DARA) advised the parties that this matter would be decided based on the written record and each party would have five days to respond. Subsequently, in a June 27, 2018 letter, the petitioner replied requesting that this matter be transmitted to the Office of Administrative Law (OAL) for a hearing. In response, in a June 29, 2018 letter, DARA advised the petitioner that *N.J.A.C. 4A:2-2.5(a)2* and *N.J.A.C. 4A:2-2.2.7* set the standards for an immediate and indefinite suspension and the Commission can generally determine this issue based on reviewing the written record and the applicable standards. The letter

further advised that if after reviewing the written record, if the Commission determines that a hearing is necessary, one would be granted.

In a submission dated September 26, 2018, the appointing authority, represented by Courtney Durham, Assistant Corporation Counsel, explains the circumstances that led to the petitioner's immediate and indefinite suspension without pay. Further, it presents that the petitioner was indicted by the Essex County Prosecutor's Officer for assault under *N.J.S.A. 2C:12-1*, possession of a weapon<sup>1</sup> and unlawful possession of weapons under *N.J.S.A. 2C:39-5*. Therefore, it argues that the petitioner's immediate and indefinite suspension without pay was appropriate.

Although given the opportunity, the petitioner has not provided any argument or evidence to support her claim that her immediate and indefinite suspension without pay was inappropriate.

## CONCLUSION

*N.J.A.C. 4A:2-1.2(c)* provides the following factors for consideration in evaluating petitions for interim relief:

1. Clear likelihood of success on the merits by the petitioner;
2. Danger of immediate or irreparable harm;
3. Absence of substantial injury to other parties; and
4. The public interest.

*N.J.A.C. 4A:2-2.5(a)2* provides that an employee may be suspended immediately when the employee is formally charged with a crime of the first, second or third degree, or a crime of the fourth on the job or directly related to the job.

*N.J.A.C. 4A:2-2.7(a)* provides that when an appointing authority suspends an employee pending criminal complaint or indictment a hearing shall be limited to the issue of whether the public interest would be best served by suspending the employee until the disposition of the criminal complaint or indictment. The standard for determining that issue shall be whether the employee is unfit for duty or is a hazard to any person or permitted to remain on the job, or that an immediate suspension is necessary to maintain safety, health, order, or effective direction of public services. The appointing authority may impose an indefinite suspension to extend beyond six months where an employee is subject to criminal charges set forth in *N.J.A.C. 4A:2-2.5(a)2*, but not beyond the disposition of the criminal complaint or indictment.

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<sup>1</sup> Although the appointing authority did not cite the specific statute for this charge, it would appear that the petitioner was charged with either possession of weapons for unlawful purposes under *N.J.S.A. 2C:39-4* or unlawful possession of weapons under *N.J.S.A. 2C:39-5*.

In reviewing this matter, it is not necessary to address the merits of the charges against the petitioner. Rather, the issue to be determined is whether the appointing authority had a valid reason for the petitioner to be immediately and indefinitely suspended without pay. Moreover, for the reasons set forth below, a hearing is not necessary in this matter.

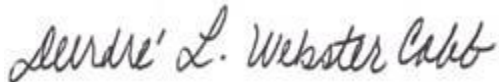
In this matter, the appointing authority's immediate and indefinite suspension of the petitioner without pay was appropriate. Specifically, the appointing authority presents that the petitioner was indicted by the Essex County Prosecutor's Office for assault, possession of a weapon and possession of a weapon for an unlawful purpose. Further, these are serious charges that relate to the petitioner's fitness as a Police Officer and, therefore, the standards for an immediate and indefinite suspension without pay are met. Additionally, as these criminal complaints are still pending, it is appropriate that the suspension continue until the disposition of the charges. Moreover, the petitioner has not presented any argument or evidence for the Commission to consider that would indicate that the appointing authority's actions were inappropriate. Finally, it is clearly in the public interest to have a Police Officer facing such serious criminal charges not on the job pending the disposition of those charges.

### ORDER

Therefore, it is ordered that the petitioner's request for interim relief is 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 31<sup>st</sup> DAY OF OCTOBER, 2018

A handwritten signature in cursive script, reading "Deirdre L. Webster Cobb".

Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

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and  
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