



STATE OF NEW JERSEY

In the Matter of Yolande Dubuisson
Woodbridge Developmental Center,
Department of Human Services

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC DKT. NO. 2015-2706 (2013-819
& 2013-820 on Remand)
OAL DKT. NO. CSV 08857-15
(CSV 13878-12 & 13879-12 on
Remand)

ISSUED: NOVEMBER 23, 2018 BW

The appeals of Yolande Dubuisson, Cottage Training Technician, Woodbridge Developmental Center, Department of Human Services, two removals effective September 14, 2012, on charges, were heard by Administrative Law Judge Leslie Z. Celentano, who rendered her initial decision on October 22, 2018. 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 November 21, 2018, 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 appeals of Yolande Dubuisson.

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 21ST DAY OF NOVEMBER, 2018



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 08857-15
(CSV 13878-12 & CSV 13879-12
On Remand)
AGENCY DKT. NO. 2015-2706

**IN THE MATTER OF YOLANDE DUBUISSON,
DEPARTMENT OF HUMAN SERVICES,
WOODBIDGE DEVELOPMENTAL CENTER.**

Edward A. Berger, Esq., for appellant Yolande Dubuisson

Christopher Weber, Deputy Attorney General, for respondent Department of Human Services, Woodbridge Developmental Center (Gurbir S. Grewal, Attorney General of New Jersey, attorney)

Record Closed: October 9, 2018

Decided: October 22, 2018

BEFORE LESLIE Z. CELENTANO, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Appellant, Yolande Dubuisson, appeals the decision of respondent Department of Human Services (DHS), Woodbridge Developmental Center (Woodbridge), terminating her for violating DHS and Woodbridge policies against sleeping on duty on July 23, 2011, and March 26, 2012, and removing her effective September 14, 2012. Her appeals of

her two removals were dismissed for failure to appear, but were reinstated following an appeal. See In re Dubuissou, Dep't of Human Servs., No. A-1898-13T2 (App. Div. April 2, 2015), <https://njlaw.rutgers.edu/collections/courts/>.

By way of background, appellant and her attorney failed to appear at a settlement conference at the Office of Administrative Law (OAL) on December 11, 2012. By notice dated December 13, 2012, they were notified that they had failed to appear and that the matter was being returned to the transmitting agency. The Failure to Appear Notice also instructed that if appellant still wished to have a hearing, she was required to explain in writing to the Civil Service Commission (Commission) why she did not appear, and do so within thirteen days of the notice.

Eight months later, on August 14, 2013, appellant appealed to the Commission, claiming that she had sent letters to the OAL requesting that the matter be rescheduled, but had not received a reply. Appellant's counsel claimed he had mistakenly sent his December 2012 request to reschedule the matter to the OAL, and not to the Commission as required. He provided an unsigned letter and blank certified-mail receipt. Appellant also claimed that they did not appear because neither she nor her attorney received notice of the settlement conference. The Commission denied the appeal, noting that the appeal ultimately filed was dated more than five months after the dismissal of the matter.

The matter was appealed to the Appellate Division, and appellant's counsel presented a signed return receipt for the 2012 letter, which had originally not been provided. The Appellate Division determined to grant his request to "supplement the record," and reversed the Commission's decision, remanding the matter to "reconsider the appellant's request in light of the new evidence." On remand, appellant reiterated that no notice had been received of the hearing and that, in any event, she should not be penalized for the errors of her attorney. The appointing authority, in turn, maintained that although counsel received the Failure to Appear Notice, there was no compliance with the instructions to send the request to the Commission. Moreover, the request was nearly eight months late, and a signed certified-mail receipt not offered until more than two years after the December 2012 letter is claimed to have been sent. The Commission also urged that it had been substantially prejudiced by the delay, especially in that Woodbridge

Developmental Center had closed; files and documents are in storage; and a witness has retired and moved out of state.

Thereafter, the Appellate Division determined to reverse the Commission's decision, and the matter was remanded for hearing as a contested case.

By Preliminary Notice of Disciplinary Action (PNDA) dated October 25, 2011, respondent advised appellant of the charges and specifications as follows:

Charges:

B.3 Sleeping while on duty.

E.1 Violation of a policy and/or procedures. Second Infraction.

Specifications:

On July 23, 2011, at approximately 4:00 a.m. during rounds the CTS, Lessie Anderson and Stephen Long, HCTS observed you sleeping. You were sitting in a chair with your head bent down and your back was to the entrance of dorm A. Upon entering the dorm area, they observed that your eyes were closed and you remained unaware of their presence until they called your name to awaken you.

By Final Notice of Disciplinary Action (FNDA) dated September 14, 2012, appellant was removed effective September 24, 2012.

By PNDA dated May 8, 2012, respondent advised appellant of the additional charges and specifications as follows:

Charges:

B.3 Sleeping while on duty. 3rd Infraction.

E.1 Violation of a rule, regulation, policy, procedure, order.
3rd infraction.

Specifications:

On March 26, 2012, Mrs. Alexander (ASRL) made rounds in C/16. At approximately 3:15 a.m. she entered dorm B and observed what appeared to be Ms. Dubuisson sleeping.

By Final Notice of Disciplinary Action dated September 14, 2012, appellant was removed effective September 14, 2012.

A disciplinary hearing was scheduled for August 30, 2012, at which time the charges were sustained. The decisions were appealed, and the matter was transmitted to the Office of Administrative Law (OAL) on June 17, 2015, for determination as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13. The hearing was held over three days, and following receipt of post-hearing submissions and copies of all exhibits, the record closed.

TESTIMONY

Stephen J. Long

Mr. Long testified that he is employed by the DHS at the New Lisbon Developmental Center. He has been employed by the DHS for twenty-three years in various positions, including human services assistant (HSA); cottage training technician (CTT); resident service worker; cottage training supervisor (CTS); and head cottage training supervisor (HCTS), which is his current position. He was the HCTS at Cottage 16 at Woodbridge at the time of the incidents in the within matter. He oversees the entire building and supervises CTs.

In Cottage 16 there were six CTs. He worked various shifts, often 3:00 pm to 11:00 p.m. or the midnight shift, which he did every week. His normal hours were 8:00 a.m. to 4:30 p.m. He testified that sometimes he came in later and stayed into the night.

The CTSs were accountable for all staff and patients on their shifts, and each individual resident has staff assigned to them. CTTs worked directly with individuals and helped train HSAs and new employees, and worked one-to-one with individuals to bathe them, help them get dressed, take them to programs, and assist with meals and oral hygiene. CTTs also worked overnight shifts to keep an eye on residents and make sure they were sleeping and not soiled, and help them with the bathroom overnight if needed. They also were required to check on everyone periodically overnight.

The residents were developmentally disabled, and some had obsessive-compulsive or self-injurious behavior. Restraints were not used, so the individuals often needed redirection or physical prompting. Some were autistic and some had dementia; half were verbal and the other half were not. Some residents were incontinent. Some residents would at times try to leave their area without permission if not closely supervised, and others were aggressive towards others and needed to be watched. Staff was there to prevent and address these behaviors.

On July 23, 2011, Mr. Long arrived at approximately 4:15 a.m. to Cottage 16. He testified that he went in the front entrance, put his things down in the office, and then went to the CTS office to see who was on duty. He then did his rounds to check and make sure staff was in place and individuals were all accounted for. His tour took him down to the dorm area and through the hallway.

On the date in question he met with Ms. Anderson, a CTS, who was in her office. Ms. Anderson made his rounds with him, and as they entered the door into the dorm area, they observed appellant at a table with her back facing them and her head down. She was unresponsive and did not notice them walk in or stand next to her. Mr. Long testified that appellant did not respond at all when he asked Ms. Anderson for the sleep log, and when Ms. Anderson retrieved it and showed it to him, he saw that it was all filled in. (R-4.)

He noted his findings in the midnight-shift cottage log (R-5) that rounds had been made and that appellant was observed sleeping with her head down and not moving, and that this had also been observed by the CTS. The notation was made at 4:03 a.m., and

all of the sleep logs were current when he saw appellant sleeping. Ms. Anderson then called appellant's name and received no response. She then called her name again and appellant woke up and reached for the sleep log.

Mr. Long completed a Sleeping on Duty Form on July 23, 2011, at 4:03 a.m. (R-6) and signed the form. This document is used when someone is observed sleeping on duty. Appellant did not hear them come in; did not hear them talking; and did not hear them take the sleep log and discuss it. In fact, she was not aware of their presence until they called her name twice. Appellant could not see the residents from where she was sitting. Appellant was responsible for only one patient, H.H., who had 1:1 care. Patients on 1:1 care have their own paperwork and their own book, and the log is kept with the employee responsible for that patient.

Emrice-Carla Alexander

Ms. Alexander is employed by Amazon as an associate and works in the sort center. She testified that she has been there for eight weeks, after being employed by the Department for twenty-three years, eleven months, and thirteen days. She testified that she was bumped at the end of June 2014, and her last day was July 8, 2014.

She worked at Woodbridge for her entire time with the Department, and was an HSA in 1993. In 1994 or 1995 she became a CTT. In 1999 she became a CTS, and in 2005 an HCTS. She supervised an entire building, including all staff and supervisors under her and all three shifts. In 2010 she became an assistant supervisor for residential living (ASRL), and that was her position in 2012.

The variety of patients at Woodbridge ranged from mildly autistic and high-functioning patients that went to school, to patients in wheelchairs or requiring total care or with physical deformities. As an ASRL her responsibilities included all three shifts, and she also worked from midnight to 8:00 a.m. There were no supervisors working that shift, so she had to go around the buildings and make sure all patients were properly cared for, and that staff was awake and aware and keeping track of patients, and performing their job functions. She was called every hour regarding the status of the buildings and was

responsible for all paperwork. Anything that happened in the buildings was her responsibility, and she was required to report on incidents and had complete oversight. She reported to her supervisor or to Mary Jo Kurtiak, who was the CEO of the Center.

Ms. Alexander made rounds every night and went to each building, speaking to staff, checking on patients, and taking care of anything that needed doing. She testified that CTTs had to do a physical check of all patients every day when they came in, and were required to check the log book and see the status of each patient. They also had to do a proper body check of the patients. A discreet body check is done when a patient is in bed, but the next morning a full body check is done once they are awake and getting washed up and dressed for the day. There is a body-check book which indicates all details, including a "BM" book where bowel movements are documented, and everything is in binders. They also had to check on the patients every fifteen minutes and make sure they were breathing, and make entries in the sleep logs. Some patients had to be turned every two hours in bed, and some had to be elevated due to feeding tubes, and that was done with the aid of a nurse, to prevent choking when sleeping. Some individuals awoke at different times overnight, and some had seizures or outbursts of behavior and would become combative and could hurt others. Some patients were also somewhat independent and could go to the bathroom by themselves; however, some would try and leave the building.

She recalled an incident involving appellant in March 2012 while making her rounds, which she did typically around 3:00 a.m. The buildings are in a circle, and so she would walk from the building in the center where her office is, up the hill, and then go around to the different cottages shaped like a hexagon. She went in the front door of building 18 and then out the back, and then in the back door of the next and out the front, etc. There were two dorms per cottage, dorm A and dorm B, and four rooms in each dorm, with four beds per room.

On the day in question she entered through the laundry-room door of building 16. Full capacity of each dorm is thirty-two patients; however, the facility was transitioning, so it was not full, and some patients had been transferred elsewhere. The dorms were on the left side of the building, and there was a nurse's station, a CTS office, a dining room,

and a classroom on the right side. In the middle were bathrooms and showers. She went in the laundry-room door, went to the left approximately twenty-five steps and into dorm B through the double doors,¹ then said "good morning" out loud. She testified that the buildings were cinder block and noise echoed, and no public-address system was needed because when she said good morning it echoed through the building. She received no response to her greeting. On that date appellant was to her left, asleep. She stood there for a few seconds because she could not believe her eyes. She testified that she went to the CTS office to get CTS Jackson and asked him to walk with her to dorm B, and asked, "what are we going to do about this," to which Jackson shook his head. CTS Jackson went to appellant and tapped her, and she opened her eyes and said, "what?" CTS Jackson then said, "you were sleeping." Alexander testified that appellant was facing her, as was another staff member, and she could see that her eyes were closed, and her head was leaning against the doorframe. Appellant had her back to the bedroom door, and Alexander went to get CTS Jackson because she wanted a witness to see what she saw. Ms. Alexander prepared a report and copied the CEO, and her supervisor, and the head cottage supervisor Mr. Long, and Ms. Holmes, the unit manager (ASPRS). (R-9.)

Alexander testified that a log is kept in every cottage, recording any and all incidents, even things like someone stubbing their toe or cutting themselves, and when staff has lunch and breaks. Absolutely everything is logged. She also kept a log and wrote entries in black if they were related to staff and in red if related to a resident. Staff was required to keep patient sleep logs; they are supposed to check patients every fifteen minutes and make an entry with initials as to the status of the patient, to be sure that they are checked on often. Alexander testified that she checked the sleep log after Jackson woke appellant, and the books were all filled in, one up to 3:30 a.m. and appellant's up to 5:00 a.m., and this was at 3:10 or 3:15 a.m., when she was making her rounds.

Ms. Alexander was transferred to the New Lisbon Developmental Center when Woodbridge closed, and was an ASRL there too. Ultimately it was too far to travel so she retired.

¹ Alexander testified in great detail about the cottages, the cottage numbers, the layout, and even where the closets were located. She had tremendous recall of the details.

Steve Jackson

Steve Jackson is employed at Hunterdon Developmental Center (Hunterdon) and is a CTS. He has been with the Department for twenty years and has held multiple positions.

He was at Woodbridge for approximately thirteen years. During that time, he supervised, at various times, Cottages 10, 11, 12, 15 and 16, and in 2012 was supervisor of Cottage 16. He was responsible for making rounds every fifteen or thirty minutes and was responsible for the well-being of the staff and residents. The direct-care staff was responsible for getting residents dressed, helping with their teeth, choosing their clothes, and dealing with all of their needs. Jackson testified that he worked primarily the midnight shift, and at times the 3:00-p.m. shift. Rounds are done to check up on everyone and periodic calls are made to the office to confirm that everything is okay. If a supervisor is out of the building, the CTTs can take charge. They need to make sure that individuals do not leave out a window or door and make sure that everyone is sleeping at night, and need to enter information into a log.

Mr. Jackson testified that in March 2012 he was a supervisor in Cottage 16. He knows appellant, and recalls a disciplinary incident involving appellant that came to his attention. The ASPRS was making rounds and came to him and indicated that two staff members were sleeping. He then walked over with Ms. Alexander and observed appellant and another staff member asleep. Each was sitting at the end of a table asleep, ten feet from him. The lights were on, and appellant's head was leaned over to the side and her eyes were closed. This was the case with the other individual also. He woke up the male staff member by tapping on his shoulder, and then woke appellant by tapping on her shoulder. Ms. Alexander informed him that she wanted a statement prepared that day, and he did so and sent it to her directly.

Jackson testified that both he and the direct-care staff monitor residents' sleep in a sleep log every fifteen to thirty minutes. Notations must be made as to whether a resident is awake or asleep. Jackson testified that he checked the sleep logs at the time, and the sleep log for Cottage 16, dorm B (R-13) had already been filled in.

Jackson testified that he has a great memory of the incident because there is constant training, and this was the only incident like this he experienced.

Theresa Holmes

Theresa Holmes works at the Green Brook Regional Center and is the assistant supervisor of professional residential services (ASPRS). She has worked for the Department for thirty-nine years and has been at Green Brook since September 2015. Prior to that she was at Hunterdon for one month, and prior to that at Woodbridge from 1979 until February 2015. She was a direct-care staff member, then a supervisor, then an OD (ASRL), and then the ASPRS. Her responsibilities included staff safety, client safety, client care, and making sure the staff was doing their jobs and the building was safe. She supervised OD's, head supervisors, and CTTs, and was an ASRL at Woodbridge when she left.

In 2012 she was an SPRS, and her responsibilities included staff discipline, getting statements and reports, and gathering information and investigating. She is familiar with Department policies and procedures, and those of the facility also. Holmes knew appellant and knew of the prior discipline and incidents.² Initially, the head CTT supervisor, Stephen Long, brought the matter to her attention, and once it was reported to her she asked Long for the statements he had and reviewed everything. She determined that discipline was warranted. The CTTs were at Woodbridge to serve the residents, and overnight staff need to be awake and taking care of residents. The Sleeping on Duty Policy (R-2) must be referred to when someone is found asleep. The definition of "sleeping on duty" contained within that policy provides that an employee who is considered to be asleep is guilty of neglect of duty and is subject to major discipline, including termination. An individual can have their eyes closed and not be asleep, but if they do not respond one can assume they are asleep, and an individual does not need to be actually asleep to trigger the policy. Sleeping on duty is a very serious offense, and residents have at times died overnight, and so staff needs to be constantly checking on

² This was the third such incident.

people overnight. The policy was violated, because appellant was asleep or appeared to be.

The Disciplinary Action Program (R-3) provides at page six that for the first infraction the penalty is a minimum of five days' suspension up to a maximum of removal, and the second infraction requires removal. The same policy provides at page 13 that the penalty for a first offense of violating a rule, regulation, policy, or procedure can range from counseling to removal, and the second offense prescribes a penalty of a minimum of a five-day suspension to a maximum of removal. Holmes obtained statements from the staff involved and initially learned about the incident from Ms. Alexander in an email. Employees were all made aware of the seriousness of these policies. Mr. Long also reported the incident to her and provided a write-up.

Yolande Dubuisson

Ms. Dubuisson testified that she lives in Willingboro, New Jersey, and was employed at Woodbridge from 2003 until 2012. She had the 3:00-p.m.-to-11:00-p.m. shift for the first three months of her employment, and after that worked the 11:00-p.m.-to-7:00-a.m. shift. Her shift was switched because one of her daughters has cerebral palsy and needed care during the day. During the evenings her other daughter stayed and watched her sister, so she needed the 11:00-p.m.-to-7:00-a.m. shift.

Dubuisson testified that she was not asleep on March 26, 2012, and that her head was not against the wall. She had been scheduled for her annual CPR training that day but did not go. She stated that when Alexander came back from doing her rounds she was awake; she knew Alexander was there and said nothing to her. She testified that Alexander looked into the rooms, checked the sleep log, and then left.

LEGAL DISCUSSION AND CONCLUSION

The Civil Service Act and regulations promulgated pursuant thereto govern the rights and duties of a civil service employee. N.J.S.A. 11A:1-1 to 11A:12-6; N.J.A.C. 4A:2-1.1 to 4A:2-6.2. A civil service employee who commits a wrongful act related to his or her

duties or who gives other just cause may be subject to major discipline. N.J.S.A. 11A:2-6, -20; N.J.A.C. 4A:2-2.2, -2.3.

In an appeal such as this from a disciplinary action that resulted in the termination of employment, the appointing authority has the burden of proving the charges upon which it relied by a preponderance of the competent, relevant, and credible evidence. N.J.S.A. 11A:2-21; N.J.A.C. 4A:2-1.4(a); In re Polk, 90 N.J. 550 (1982); Atkinson v. Parsekian, 37 N.J. 143 (1962). Precisely what is needed to satisfy the standard must be decided on a case-by-case basis. The evidence must be such as to lead a reasonably cautious mind to the given conclusion. Bornstein v. Metro. Bottling Co., 26 N.J. 263 (1958). Preponderance may also be described as the greater weight of the credible evidence in the case, not necessarily dependent on the number of witnesses, but having the greater convincing power. State v. Lewis, 67 N.J. 47 (1975). Credibility, or, more specifically, credible testimony, in turn, must not only proceed from the mouth of a credible witness, but it must be credible in itself, as well. Spagnuolo v. Bonnet, 16 N.J. 546, 554–55 (1954). Both guilt and penalty are redetermined on appeal from a determination by the appointing authority. Henry v. Rahway State Prison, 81 N.J. 571 (1980); West New York v. Bock, 38 N.J. 500 (1962).

Appellant is charged with violation of the Sleeping on Duty Policy. The definition of "sleeping on duty" within the policy provides:

An employee who is either visibly asleep or who presents as though they may be asleep (as indicated by: eyes being closed for an extended period, relaxed posture, non-recognition that another individual has entered the immediate environment, lack of response when their name is called, heavy respirations or snoring, covered with a blanket or jacket, feet propped on a chair, etc.)[.] When these conditions are confirmed the employee is considered to be asleep, is guilty of neglect of their assigned duties, and is therefore subject to major disciplinary action up to and including termination.

The trier of fact must weigh the witnesses' credibility in order to make factual findings. Credibility is the value that the fact finder gives to testimony of a witness and

contemplates an overall assessment of the witness's story in light of its rationality, internal consistency, and manner in which it "hangs together" with other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963). Credible testimony must proceed from the mouth of a credible witness and must be such as common experience, knowledge, and common observation can accept as probable under the circumstances. State v. Taylor, 38 N.J. Super. 6, 24 (App. Div. 1955); Gilson v. Gilson, 116 N.J. Eq. 556, 560 (E. & A. 1934). A fact finder is expected to base credibility decisions on his or her common sense and life experiences. State v. Daniels, 182 N.J. 80, 99 (2004). Credibility is not dependent on the number of witnesses who appeared, State v. Thompson, 59 N.J. 396, 411 (1971), and the finder of fact is not bound to believe the testimony of any witness, In re Perrone, 5 N.J. 514, 521-22 (1950).

I found Stephen J. Long, Emrice-Carla Alexander, Steve Jackson, and Theresa Holmes to be extremely credible witnesses, offering truthful testimony. Each testified clearly and concisely as to how each was involved in this matter and the steps taken to investigate this matter, and no competent evidence was presented to dispute any of their testimony. Accordingly, I **FIND** and adopt the entirety of the testimony of Stephen J. Long, Emrice-Carla Alexander, Steve Jackson, and Theresa Holmes as **FACT**.

In the within matter, respondent asserts, and I agree, that appellant violated the Sleeping on Duty Policy. The testimony of respondent's witnesses was extremely clear, credible, detailed, and consistent and their testimony was entitled to more weight than the denials of appellant regarding her conduct on July 23, 2011, and March 26, 2012. The observations of respondent's witnesses amply confirm that appellant was found sleeping on duty not once, but twice. Their strong testimony was further corroborated by documentary evidence. Sleeping while on duty is an extremely serious offense because of the safety threat to vulnerable patients, as well as to staff. Respondent's witnesses testified at length as to the need to be vigilant with the care of patients with significant health concerns. The administrative policy requires removal after the second infraction, and these two incidents constitute the second and third infractions of sleeping while on duty.

Based upon all of the foregoing, I **CONCLUDE** that respondent has amply met its burden of proof by a preponderance of the credible evidence as to the charges in this matter and that the penalty imposed was appropriate, indeed it was required, under the circumstances.

ORDER

It is therefore **ORDERED** that all the charges are sustained and the appellant's removal from her employment is **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. 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.

October 22, 2018
DATE


LESLIE Z. CELENTANO, ALJ

Date Received at Agency:

October 23, 2018

Date Mailed to Parties:

October 23, 2018

dr

APPENDIX

Witnesses

For Appellant:

Yolande Dubuisson

For Respondent:

Stephen J. Long

Emrice-Carla Alexander

Steve Jackson

Theresa Holmes

Exhibits

Joint:

J-1 Drawing by Ms. Alexander

For Appellant:

P-1 Sleeping on Duty Form (marked for identification)

P-2 Statement of Mr. Jackson (marked for identification)

P-3 Drawing by Mr. Jackson (marked for identification)

For Respondent:

R-1 A. PNDA dated 10/25/11

B. FNDA dated 9/14/12

C. PNDA dated 5/8/12

D. FNDA dated 9/14/12

R-2 Sleeping on Duty Policy

R-3 Disciplinary Action Program AO:408

R-4 Weekly Sleep Log, HH 7/23/11

R-5 Cottage Log 7/23/11

R-6 Sleeping on Duty Form 7/23/11

- R-7 Cottage Log 3/26/12 (marked for identification)
- R-8 Sleeping on Duty Form 3/26/12
- R-9 Alexander to Holmes email dated 3/26/12
- R-10 Memo by Steven Jackson (marked for identification)
- R-11 ASRL Rounds dated 3/26/12
- R-12 Disciplinary History
- R-13 Sleep Logs