STATE OF NEW JERSEY

In the Matter of Shanda LaBerth
Hunterdon Developmental Center,
Department of Human Services

CSC DKT. NO. 2019-1880
OAL DKT. NO. CSV 01721-19

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

ISSUED: SEPTEMBER 25, 2019 BW

The appeal of Shanda LaBerth, Human Services Assistant, Hunterdon Developmental Center, Department of Human Services, removal effective January 8, 2019, on charges, was heard by Administrative Law Judge David M. Fritch, who rendered his initial decision on August 21, 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, at its meeting on September 25, 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 the removal of Shanda LaBerth.

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 25TH 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
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Attachment

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION
GRANTING
MOTION FOR
SUMMARY DECISION
OAL DKT. NO. CSV 01721-19
AGENCY DKT. NO. 2019-1880

IN THE MATTER OF SHANDA LABERTH, NEW JERSEY DEPARTMENT OF HUMAN SERVICES, HUNTERDON DEVELOPMENTAL CENTER.

John F. McDonnell, Esq. for appellant, Shanda LaBerth (McDonnel Artigliere, attorneys)

Dipti Vaid Dedhia, Deputy Attorney General, for respondent (Gurbir S. Grewal, Attorney General of New Jersey, attorney)

Record Closed: July 22, 2019 Decided: August 21, 2019

BEFORE **DAVID M. FRITCH,** ALJ

STATEMENT OF THE CASE

Shanda LaBerth, Human Services Assistant (appellant), appeals the decision of her employer, the New Jersey Department of Human Services (DHS) Hunterdon Developmental Center (HDC or respondent) on a disciplinary action imposing a removal from employment on charges of chronic or excessive absenteeism, conduct unbecoming a public employee, and other sufficient cause. The charges arise out of the appellant calling out sick from work fifteen times between January 1, 2018, and June 30, 2018, exhausting her available sick days, and continuing to call out sick on additional days in July and October 2018, despite having already exhausted her available sick leave. Appellant argues that she had a medical condition relating to the absences on these dates and was entitled to additional sick leave under the Family and Medical Leave Act and the New Jersey Law Against Discrimination. She challenges the penalty of removal for the charges, and contends that the matter cannot be determined on a motion for summary decision because a hearing is required to permit her to present the "totality of the circumstances" regarding this action.

PROCEDURAL HISTORY

On October 31, 2018, the appellant, an employee with HDC, was charged in a Preliminary Notice of Disciplinary Action (PNDA) with charges of chronic or excessive absenteeism (N.J.A.C. 4A:2-2.3(a)4), conduct unbecoming a public employee (4A:2-2.3(a)6), and other sufficient cause (4A:2-2.3(a)12) for violation of New Jersey Department of Human Services Administrative Order 4:08 (DHSAO) A.4 (chronic or excessive absenteeism). (Resp. Br. at Ex. J.) The appellant requested a hearing which was held before a hearing officer on December 6, 2018. The hearing officer sustained the charges in a Final Notice of Disciplinary Action (FNDA) which ordered the appellant removed from her employment with DHS effective January 8, 2019. The appellant filed an appeal with the Civil Service Commission and it was transferred to the Office of Administrative Law (OAL) as a contested case where it was filed on January 31, 2019. N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13. On May 29, 2019, the respondent moved for summary decision to affirm the charges and dismissal. The

appellant filed a responsive brief on June 10, 2019. Oral argument on the motion was held on July 22, 2019, and the record on the motion closed on that date.

FACTUAL FINDINGS

Neither the appellant's nor the respondent's submissions were accompanied with a Statement of Undisputed Facts for consideration, see R. 4:46-2, so this tribunal must rely on the following facts discerned from the parties' briefings for the purposes of this motion. The respondent set forth the following facts in their brief, and these facts were not contested by the appellant in their response. Accordingly, I **FIND** the following facts:

- The appellant was employed as a Human Services Specialist for HDC since November 18, 2002. (Resp. Br. at Ex. A.)
- Prior to the present matter, the appellant has previously sustained violations of DHSAO A.4, chronic/excessive absenteeism, on the following dates:
    - On May 14, 2003, the appellant was issued a written warning charging her with a violation of DHSAO A.4 for being absent seventeen days in a three-month period. (Id. at Ex. C.)
    - On October 31, 2003, the appellant was issued a Notice of Official Reprimand for a second violation of DHSAO A.4 due to chronic/excessive absences between May and October 2003. (Id. at Ex. D.)
    - On October 9, 2004, the appellant was issued a PNDA for taking an additional thirteen-day absence from work after being served her October 2003 Notice of Official Reprimand for chronic/excessive absenteeism. (Id. at Ex. E.) The penalty sought by this PNDA was a ten-day suspension. (Id.) The parties, however, entered into a settlement agreement dated February 15, 2005, reducing the appellant's penalty to a six-day suspension. (Id.)

- On February 4, 2004, the appellant was charged with a fourth violation of DHSAO A.4, seeking a thirty-day suspension. (Id. at Ex. F.) These charges were resolved in a settlement agreement imposing a twenty-day suspension. (Id.)
- On January 10, 2006, the appellant was served with a PNDA charging her with a fifth violation of DHSAO A.4, seeking a forty-five-day suspension. (Id. at Ex. G.) These charges were resolved in a settlement agreement which imposed a thirty-day suspension. (Id.) The written settlement agreement between the parties in this matter stated that the discipline was being approved "with the stipulation that the next offense will be for removal." (Id.)
- On January 6, 2014, the appellant was served with a PNDA for her sixth violation of DHSAO A.4, for being absent five times in three months without pay. (Id. at Ex. H.) Although the PNDA sought removal, the parties resolved the matter in a settlement agreement which reduced the penalty to a forty-five-day suspension. (Id.)
- On May 11, 2017, the appellant was served with an FNDA for her seventh violation of DHSAO A.4. (Id. at Ex. I.) The FNDA sought removal, however, the parties resolved the matter in a settlement agreement reducing the penalty to a four-month suspension. (Id.) The executed settlement agreement between the parties stated, in pertinent part, that "[the appellant] agrees that this is a LAST CHANCE AGREEMENT; any future charge of chronic or excessive absenteeism from work without pay will result in her immediate removal." (Id. (emphasis in original).)

- On October 31, 2018, the appellant was served with a PNDA charging her with an eighth violation of DHSAO A.4. (Id. at Ex. J.) The penalty being sought was removal.
  - In addition to charging the appellant with a violation of DHSAO A.4, the October 31, 2018, PNDA also charged the appellant with chronic or excessive absenteeism, in violation of N.J.A.C. 4A:2-

2.23(a)(4), conduct unbecoming an employee, in violation of N.J.A.C. 4A:2-2.23(a)(6), and other sufficient cause, in violation of N.J.A.C. 4A:2-2.23(a)(12). (Id.)

- This PNDA details the charges as follows:

  > Between January 1, 2018 and June 30, 2018 you called off from work due to illness on 15 occasions (1/18/18, 1/30/18, 2/15/18, 3/8/18, 3/21/18, 3/22/18, 4/3/18, 4/12/18, 4/15/18, 4/16/18, 4/17/18, 4/29/18, 4/30/18, 6/6/18). Then on 7/25/18 and 7/26/18 you called off from work due to illness and did not have sufficient sick time to cover your absences, resulting in unpaid absences. You also left early on 8/2/18 resulting in four (4) hours of unpaid time.
  >
  > In addition, on 10/7/18 you called off from work due to illness requesting alternative time (vacation).
  >
  > [Resp. Br. at Ex. J.]

- The charges in the October 31, 2018, PNDA, were affirmed in a subsequent FNDA after a hearing before a hearing officer on December 6, 2018. These charges are the subject of the present appeal.

- The appellant, in her certification, asserts that "[m]ost of my absences identified in the [FNDA] were covered by sick time," noting that only those absences identified from July through October 2018 exceeded her available sick time. (LaBerth Cert. at ¶ 5.)

- The appellant's certification also contends that the absences at issue are "all related to various health issues." (Id. at ¶ 3.) Beyond this statement, the appellant has provided no specific explanation or documentation for her fifteen absences from work between January 1, 2018, and June 6, 2018.

  - The appellant states that her absences on July 25 and 26, 2018, were due to "a severe burn I suffered on 7/24/18" and her certification includes medical documentation indicating that she was at the emergency room the evening of July 24, 2018 with a burn on her right arm. (Id. at ¶ 6. See also Id. at Ex. C.) She was

discharged that same day, and her certification also includes an "Excuse from Work" letter stating she needed to be excused from work from July 25–27, 2018. (Id. at Ex. C.)

- The appellant claims that, although her available sick time was exhausted by June 2018, her employer "had an obligation to reasonably accommodate my medical conditions in the form of a short medical leave of absence after my sick time was exhausted." (Id.) The appellant does not, however, allege that she ever made a request for such accommodation from her employer, and it is factually uncontested that no such request was made.
- She further states that her absence on October 7, 2018, was "for migraine headaches I believe to have been triggered by my back condition" (LaBerth Cert. at ¶ 7), but has provided no documentation to support this claim.
- The appellant also stated that she was with her daughter on November 7, 2018, after her daughter was admitted to the hospital for "major depressive disorder" and she was staying with her daughter at the hospital on this date. (Id. at ¶ 8.) The appellant's absence on this date, however, is not part of the present disciplinary proceeding under appeal.

- The appellant applied for leave under the Family and Medical Leave Act (FMLA) on December 6, 2018, due to her "serious health condition." (Id. at Ex. A.) This FMLA leave granted the appellant leave two times per week for eight hours per episode starting December 6, 2018, continuing to December 5, 2019. (Id.)
  - Although the appellant acknowledges that this FMLA leave was not granted until "after the absences in this matter," she stated that her underlying health condition is related to a prior surgery to her spine which causes "severe and continuous pain and depression" (LaBerth Cert. at ¶ 4), which is the reason for her absences from work. (See App. Br. at 1 (noting appellant "previously suffered a

significant cervical back injury at work" which "continues to cause her significant pain, migraine headaches and depression").)

- The appellant claims that she had "been attempting to have [her] doctors complete the FMLA paperwork for months prior to July 2018. Unfortunately, [she] was unable to obtain the completed FMLA paperwork from my doctors before December 2018." (Id. at ¶ 9.) She also reported that she had been to three different doctors regarding her migraine headaches before getting a doctor to sign off on her FMLA paperwork. (LaBerth Cert. at ¶ 7.)
- The appellant does not allege that she provided notice to her employer that she required FMLA leave to cover any of the absences between January 2018 and October 2018 at issue in this appeal prior to her filing for FMLA leave in December 2018.

LEGAL ANALYSIS

Summary Decision Standard

N.J.A.C. 1:1-15.5 provides that summary decision should be granted "if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law." This language is substantially similar to summary judgment under New Jersey Court Rule 4:46-2(c). Though not required to do so, the OAL uses the standards for summary judgment, as set forth by the New Jersey Supreme Court, as our standards for summary decision. "[S]ince there are pronounced similarities in the exercise of judicial and 'quasi-judicial' powers, . . . court fashioned doctrines for the handling of litigation do in fact have some genuine utility and relevance in administrative proceedings." City of Hackensack v. Winner, 82 N.J. 1, 29 (1980). It is recognized that the OAL performs many "quasi-judicial" or adjudicative functions and that, in doing so, "[j]udicial rules of procedure and practice are transferable to [the OAL] when these are conducive to ensuring fairness, independence, integrity, and efficiency

in administrative adjudications." Matter of Tenure Hearing of Onorevole, 103 N.J. 548, 554-55 (1986).

Summary decision is granted if, after considering the evidence presented in the light most favorable to the non-moving party, there exists no genuine issue of material fact. Brill v. Guardian Life Ins. Co. of America, 142 N.J. 520, 523 (1995). The essential question is "whether the evidence presents a sufficient disagreement to require [a hearing] or whether it is so one sided that one party must prevail as a matter of law." Id. at 533. "Bare conclusions in the pleadings, without factual support in tendered affidavits, will not defeat a meritorious application for summary judgment." United States Pipe & Foundry Co. v. American Arbitration Ass'n, 67 N.J.Super. 384, 399-400 (App.Div. 1961). The Brill Court recognized that this necessarily involves the judge in the process of weighing the evidence presented. Brill, 142 N.J. at 523. When determining whether a genuine issue of material fact exists, "the court should be guided by the same evidentiary standard of proof . . . that would apply" at a hearing. Id. This weighing differs from the weighing the judge would perform after a hearing in that "on a motion for summary [decision] the court must grant all the favorable inferences to the non-movant." Id. at 536.

"When a motion for summary decision is made and supported, an adverse party in order to prevail must by responding affidavit set forth specific facts showing that there is a genuine issue which can only be determined in an evidentiary proceeding." N.J.A.C. 1:1-12.5(b). "If an adverse party does not so respond, a summary decision, if appropriate, shall be entered." Id.

The appellant asserts that the respondent cannot seek the relief of removal by way of a motion for summary decision, and a hearing is necessary to present the "totality of the circumstances" in considering the charges and the applicable sanction. (App. Br. at 2 (citing In the Matter of Robros Recycling Corp., 226 N.J.Super. 343, 356 (App.Div. 1988).) A plenary administrative hearing is required, however, only if the proposed action is based on "disputed adjudicatory facts." Community Medical Center v. New Jersey Department of Health and Senior Services, 2007 N.J.Super.Unpub.

LEXIS 1072 at *52 (App.Div. April 12, 2007) (quoting Contini v. Board of Education of Newark, 286 N.J.Super. 106, 120 (App.Div. 1995) (citations omitted)). It is only the presence of disputed facts which require "the protection of formal trial procedure" and the non-moving party must proffer "specific facts demonstrating that there is a genuine issue of material fact which requires a hearing." Id. The appellant has not proffered any specific material facts to which there is a genuine dispute that would forego the issuance of a summary decision in this matter.

While the appellant challenges that the respondent has not "cite[d] to any authority to support the proposition that the relief of removal can be obtained by way of a motion for summary decision" (App. Br. at 2), such authority certainly exists. See, e.g., In re Winters, 2010 N.J.Super.Unpub. LEXIS 2365, *15-16 (App.Div. September 28, 2010) (upholding ALJ decision to grant summary decision removing civil servant from public employment); In the Matter of Peter Hoydich, New Jersey Department of Children and Families, CSV-05820-18, Initial Decision, (March 21, 2019), adopted Civil Service Commission (June 8, 2019) http://lawlibrary.rutgers.edu/oal/search.html (granting summary decision supporting civil service employee's dismissal for disciplinary infractions); In the Matter of Randy Butler, Department of Human Services, Woodbine Developmental Center, CSV-00268, 00269-18, and 00270-18, Initial Decision, (December 31, 2018), adopted, Civil Service Commission (February 8, 2019) http://lawlibrary.rutgers.edu/oal/search.html (granting summary decision supporting public employee's removal for excessive absenteeism); In the Matter of Queen McRae, Jersey City Public Schools, CSV 20178-15, Initial Decision, (May 10, 2016), adopted, Civil Service Commission (August 8, 2016) http://lawlibrary.rutgers.edu/oal/search.html (granting summary decision supporting public employee's removal for excessive absenteeism). The appellant's filings in response to the respondent's motion in this matter fail to raise any genuine issues of disputed material facts related to the appellant's termination and the underlying facts supporting same. Where the undisputed material facts, as developed on motion or otherwise, indicate that a particular disposition is required as a matter of law, the contested matter may be summarily disposed of without a plenary hearing. N.J.S.A. 52:14B-2(b); N.J.A.C. 1:1-12.5(a).

I **CONCLUDE** that, under the Brill standards, this matter is appropriate for summary disposition. The respondent's allegations are supported by tangible, undisputed evidence, and the factual basis for these allegations is largely undisputed. The certification of Shanda LaBerth seeking a hearing to permit her to present an otherwise unspecified "totality of the circumstances" regarding her absences without identifying any material facts which remain in dispute in this matter is inadequate grounds upon which to preclude the granting of a summary decision. In the absence of any adjudicatory facts which remain in dispute, this matter is appropriate for summary disposition. See Housel for Housel v. Theodoris, 314 N.J.Super. 597, 604 (App.Div. 1998) (to defeat summary judgment, the nonmovant has the burden of setting forth specific facts showing there is a genuine issue for trial); LoRusso v. State-Operated Sch. Dist. Of Jersey City, Essex County, 97 N.J.A.R. 2d (EDU) 505, 506 (citing Borough of Franklin Lakes v. Mutzberg, 226 N.J.Super. 46, 57 (App. Div. 1988)).

Appellant's claim she was entitled to medical leave under the New Jersey Law Against Discrimination

In her response to the respondent's motion for summary decision, the appellant claims that she "possessed a right to temporary medical leave of absence as a form of reasonable accommodation under the New Jersey Law Against Discrimination" and that she "cannot be terminated for exceeding the number of available sick days if a legitimate medical condition exists causing them to miss work as such a leave of absence is a reasonable accommodation under the [NJ]LAD." (App. Br. at 1.) Although matters involving wrongful discharge and failure to accommodate under NJLAD can be referred to the OAL, see, e.g., Nichelle Tate-Minawar v. Family Based Services of NJ, CRT 15882-2016, Initial Decision, (June 30, 2017) http://lawlibrary.rutgers.edu/oal/search.html; Leonard Gorson v. Department of Human Services, CRT-2380-2008, Initial Decision, (October 19, 2009), adopted, Director (November 30, 2009), http://lawlibrary.rutgers.edu/oal/search.html, the OAL only acquires jurisdiction over a matter "after it has been determined to be a contested case by an agency head and has been filed with the [OAL] or as otherwise authorized by

law." N.J.A.C. 1:1-3.2. The appellant did not file a discrimination claim under NJLAD with the Division of Civil Rights (DCR), and no such claim has been referred to the OAL for a hearing. In general, until and unless the OAL acquires jurisdiction over a matter, it shall not "receive, hear or consider any pleadings, motion papers, or documents of any kind" relating to the matter. Id.

While the OAL's jurisdiction over claims is limited to those properly transmitted as contested cases by the appropriate agency, N.J.A.C. 1:1-3.2, administrative law judges nonetheless have "ample authority" to hear matters "to the extent the issues arise legitimately in the context of the contested case hearing and are necessary for a complete disposition of any genuine issue in the contested case; subject, of course, to the agency head's authority to make the final decision in the case." Jones v. Department of Community Affairs, Div. of Codes and Standards, Bureau of Rooming and Boarding House Standards, 395 N.J.Super. 632, 637 (App.Div. 2007). To the extent that the appellant implicates facts regarding HDC's failure to provide reasonable accommodations under NJLAD as a necessary part of her case addressing the charges currently under appeal—while an appeal of those underlying NJLAD accommodation issues would not be incorporated in the present appeal—this would not nullify or otherwise restrain her ability to pursue an administrative appeal of her disciplinary action and present relevant facts regarding her seeking necessary and appropriate accommodations from her employer as needed to establish her claims and defenses to the present charges. Here, the appellant contends that she cannot be terminated for exceeding the allowable number of sick days "if a legitimate medical condition exists causing them to miss work" because granting a leave of absence "is a reasonable accommodation under the [NJ]LAD" and her employer had an obligation "to reasonably accommodate those medical conditions in the form of a medical leave of absence." (App. Br. at 1-2.)

Based upon the facts as set forth by the appellant in their filing, her assertions under NJLAD, however, are inadequate to provide viable defense to the charges on appeal. It is well established that, as a prerequisite to raising a claim under NJLAD, an individual has an obligation to first inform their employer of their handicap and request

assistance through an accommodation. Patrick Walsh v. Hudson Vicinage-Judiciary, CSV-01361-02, Initial Decision, (November 19, 2002), modified, Civil Service Commission (January 21, 2002) http://lawlibrary.rutgers.edu/oal/search.html. See also Linton v. L'Oreal USA, 2009 U.S.Dist. LEXIS 25357 *8 (D.N.J. March 27, 2009) ("The burden is first upon the employee to request assistance, and then upon the employer to come up with potential accommodations.") (citing Tynan v. Vicinage 13, 351 N.J.Super. 385, 400 (App.Div. 2002)). Here, the appellant has not put forth facts or even allegations that she met these basic requirements to pursue a claim for relief under NJLAD. The appellant proffers that she "possessed medical conditions that required medical treatment" but has not alleged or provided evidence that she ever informed her employer of these medical conditions or sought a reasonable accommodation for them. (Appellant Br. at 1.) To sustain an NJLAD claim, the appellant would have to demonstrate, in part, that her employer knew of her disability and that she requested accommodations or assistance for her disability. Boles v. Wal-Mart Stores, Inc., 2014 U.S.Dist. LEXIS 41926 at *35 (D.N.J. March 26, 2014). As the Appellate Division has noted, the employee "must make clear that . . . assistance [is desired] for his or her disability." Tynan, 351 N.J.Super. at 400 (quoting Taylor v. Phoenixville School District, 184 F.3d 296, 313 (3d Cir. 1999)). On the record presented there is no evidence, or even the allegation, that the appellant had done so and it is factually uncontested that she did not.

The appellant's claim that, having exhausted her allotment of sick time through prior absences, her employer was obliged "to reasonably accommodate my medical conditions in the form of a short medical leave of absence after my sick time was exhausted" (LaBerth Cert. at ¶ 5) without any action from her to seek a reasonable accommodation from her employer or even inform them of her disability fails as a matter of law. The appellant's claim, as set forth in her papers and reinforced during oral argument on the present motion, improperly seeks to shift the burden to initiate NJLAD's interactive accommodation process to the employer. Linton, 2009 U.S.Dist. LEXIS at *10 ("New Jersey law places the duty on the employee to initiate the request for reasonable accommodation"). "Something more is required of an employee under the NJLAD than merely apprising her employer that she is still injured to start the

interactive process for seeking an accommodation; the employee must at least arguably seek assistance to survive summary judgment." Id. at *16. See also Queen v. City of Bridgeton, 2012 N.J.Super. Unpub. LEXIS 2425 at *16 (App.Div. October 29, 2012) (to sustain a LAD claim, in part "a disabled employee must demonstrate that the employer knew of the disability [and] the employee requested accommodation or assistance") (citing Talyor v. Phoenixville School District, 184 F.3d 296, 315-16 (3d Cir. 1999)). The appellant has not presented any facts on this record to suggest that she notified her employer of her disability or initiated any request of her employer for a reasonable accommodation under NJLAD and it is not factually contested that she did not do so. Accordingly, I **CONCLUDE** that the appellant's claims on this record regarding NJLAD are insufficient to forestall summary decision in this matter as there are no facts presented, disputed or otherwise, which would sustain a claim that the respondent was obliged to grant her medical leave under NJLAD for her dates of non-attendance as a defense to the charges alleged in the FNDA.

Appellant's claim that she was entitled to leave under the Family Leave Act

The Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 (FMLA) was enacted to provide leave for workers whose personal or medical circumstances require that they take time off from work in excess of what their employers are willing or able to provide. Radlinger v. Camden County, 2014 U.S.Dist. LEXIS 146602 at *10 (D.N.J. October 15, 2014) (citing Victorelli v. Shadyside Hosp., 128 F.3d 184, 186 (3d Cir. 1997)). The Act is intended "'to balance the demands of the workplace with the needs of families . . . by establishing a minimum labor standard for leave' that lets employees 'take reasonable leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition.'" Id. (quoting Churchill v. Star. Enters., 183 F.3d 184, 192 (3d Cir. 1999)).

The appellant raises two claims regarding her entitlement for FMLA leave. First, the appellant specifically claims that she "possessed the right to care for her daughter during her admission to the East Orange General Hospital in early November 2018 pursuant to the New Jersey Family Leave Act, N.J.S.A. 34:11B-1." (App. Br. at 1.) The

appellant, in her certification, states that her daughter was admitted to the hospital on November 3, 2018 for "major depressive disorder" and she stayed with her daughter on that date. (LaBerth Cert. at ¶ 8. See also App. Br. at 2 (noting that [FMLA] "enables a parent to care for a child who has a serious health condition for up to twelve weeks").) Although the appellant's proffered facts on this point are undisputed, the relevant absences at issue on this appeal were during the period between January and October 2018. (See Resp. Br. at Ex. K.) I **CONCLUDE**, therefore, that the appellant's claim that she was entitled to FMLA leave on November 3, 2018, has no bearing on the charges set forth in the FNDA which are the subject of the current appeal.

In addition, the appellant also submitted documentation to show that she obtained approval for intermittent medical leave under the FMLA in December 2018. (LaBerth Cert. at ¶¶ 3-4. See also App. Br. at Ex. A.) This FMLA leave granted the appellant leave two times per week for eight hours per episode starting December 6, 2018, continuing to December 5, 2019. (Id.) The record, however, documents that the appellant's first sick day identified in the FNDA was in January 2018 and her FMLA leave was not sought or approved until nearly a year later. The appellant's FMLA leave request was not filed until December 6, 2018 (App. Br. at Ex. A), six months after she had exhausted her available sick leave in June 2018 and over a month after the disciplinary charges were initiated and the appellant was served with the PNDA detailing the charges currently on appeal. (See Resp. Br. at Ex. J.)

While the appellant was granted FMLA leave beginning in December 2018, she has not shown that she was entitled to FMLA leave to cover the absences that are the basis for the present disciplinary action.[1] During oral argument on the present motion, appellant's counsel asserted that the December 2018 grant of FMLA demonstrates that

[1] The appellant claims that she had "been to three different doctors about my migraine headaches before the FMLA paperwork was completed" and she had been "attempting to have my doctors complete the FMLA paperwork for months prior to July 2018" but she was "unable to obtain the completed FMLA paperwork from my doctors before December 2018." (LaBerth Cert. at ¶¶ 7 and 9.) The appellant does not explain why, if she had a long-standing medical condition causing her "significant pain, migraine headaches, and depression" for which she was receiving regular medical treatment, she was unable to obtain the necessary FMLA paperwork from her doctors before December 2018. (App. Br. at 1. See LaBerth Cert. at ¶ 7 (claiming to have seen three different doctors about ongoing migraine headaches prior to filing for FMLA); App. Br. at Ex. B.)

the appellant had an underlying medical condition which relates to her earlier work absences that are the subject of the present disciplinary action. To trigger the application of the FMLA, however, "an employee must provide his[/her] employer with notice that leave is necessary." Radlinger, 2014 U.S.Dist. LEXIS at *10. See also Drago v. Communications Workers of America, 2007 N.J.Super.Unpub. LEXIS 565 at *35 (App.Div. January 16, 2007) (FMLA leave entitlement requires employee to advise their employer of their decision to take leave for a permitted reason "'[n]o magic words . . . must be used,' so long as the employer is sufficiently appraised of the employee's request for leave under the [FMLA]") (quoting D'Allia v. Allied-Signal Corp., 260 N.J.Super. 1, 9 (App.Div. 1992)); 29 CFR § 825.301(b) (requiring employees giving notice of need for FMLA leave explain the reasons for the needed leave so as to allow the employer to determine whether the leave qualifies). While the appellant claims she was unable to have her doctors complete her FMLA paperwork before December 2018 (LaBerth Cert. at ¶ 9), she presents no reason for failing to provide notice to her employer that she required FMLA leave during the period she now claims she required FMLA leave for her absences. Instead, the record shows that the appellant utilized her allotment of sick time from January through June 2018, and continued to take additional unpaid absences as sick time once those sick days were exhausted without notifying her employer of a need for FMLA leave until December 2018—six months after she had exhausted her available sick leave and over one month after disciplinary charges were filed for her excessive absences. (Resp. Br. at Ex. J.) See 29 C.F.R. § 825.301(b) (employee using accrued paid leave for FMLA qualified reason must provide sufficient information to establish an FMLA-qualified reason for the leave so the employer is aware that the leave may not be denied and counts against the employee's FMLA leave entitlement).

It remains factually undisputed that, at the time of her absences at issue in this matter, the appellant did not have available or pending FMLA leave and the appellant's claim does not raise a disputed issue of material fact in considering the present motion. The respondent had already begun termination proceedings due to the appellant's excessive absences, and need not now halt those proceedings once started because the appellant wishes to retroactively convert days she was absent from work to

allowable FMLA leave. Id. at *14. Further, the appellant alleges her medical condition is a chronic condition originating from a previous workplace injury sustained to her back which leaves her in "severe and continuous pain and depression" (LaBerth Cert. at ¶ 4), and the absences in question are "related" to her chronic health issues which are documented by her receipt of FMLA in December 2018. (Id. at ¶ 3) The appellant also claims she was receiving regular medical treatments for this underlying medical condition. (See, e.g., LaBerth Cert. at ¶ 7, Id. at Ex. A.) From the record presented, it is clear that the underlying medical need for this leave is not alleged to have onset suddenly or was otherwise unforeseeable. The appellant lacks a viable explanation for her failure to notify her employer of her need for FMLA leave rather than exhausting her available sick leave over the course of six months, and continuing to call out sick after that available leave had been exhausted. It was not until her employer commenced disciplinary proceedings against her that she notified her employer of her desire for FMLA leave for the absences at issue almost a year after the first of these absences were taken and over a month after disciplinary proceedings were initiated.

The appellant has provided no evidence or even an allegation that she provided her employer with adequate notice so that they knew or should have known that the absences at issue between January and October 2018 may qualify for FMLA leave. On this record, I **CONCLUDE** that the appellant did not notify her employer "as soon as practicable" and "with sufficient information" of the need for FMLA leave to cover her absences between January and October 2018 as necessary to establish a viable right to FMLA benefits which would apply to the absences at issue in this matter. Radlinger, 2014 U.S.Dist. LEXIS at *14.

Charges Outlined in the FNDA

A civil service employee who commits a wrongful act related to his or her duties, or gives other just cause, may be subject to major discipline. N.J.S.A. 11A:2-6; N.J.S.A. 11A:2-20; N.J.A.C. 4A:2-2.2; N.J.A.C. 4A:2-2.3. In an appeal from such discipline, the appointing authority bears 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); Atkinson v. Parsekian, 37 N.J. 143, 149 (1962); In re Polk, 90 N.J. 550, 560 (1982). 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). Preponderance may also be described as the greater weight of 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, 49 (1975). Both guilt and penalty are redetermined on appeal from a determination by the appointing authority. Henry v. Rahway State Prison, 81 N.J. 571, 575-76 (1980).

Here, the appellant has been charged in an FNDA with chronic/excessive absenteeism, N.J.A.C. 4A: 2-2.3(a)4, conduct unbecoming a public employee, N.J.A.C. 4A:2-2.3(a)6, and other sufficient cause, N.J.A.C. 4A: 2-2.3(a)12 for violating DHSAO A.4, chronic or excessive absenteeism.

Under N.J.A.C. 4A:2-2.3(a)4, an employee may be subject to discipline for chronic or excessive absenteeism. While there is no precise number that constitutes "chronic," it is generally understood that chronic conduct is conduct that continues over a long time or recurs frequently. Good v. N. State Prison, 97 N.J.A.R.2d (CSV) 529, 531. Courts have consistently held that excessive absenteeism need not be accommodated, and that attendance is an essential function of most jobs. See, e.g., Muller v. Exxon Research and Eng'g Co., 345 N.J.Super. 595, 605-06 (App.Div. 2001); Svarnas v. AT&T Communications, 326 N.J.Super. 59, 78 (App.Div. 1999) ("[a]n employee who does not come to work cannot perform any of her job functions, essential or otherwise").

In general, employers cannot be expected to find a way to accommodate the unpredictable nature of an employee's sporadic and unscheduled absences. Svarnas, 326 N.J.Super. at 77. As noted by the New Jersey Supreme Court, "just cause for dismissal can be found in habitual tardiness or other similar conduct." West New York v. Bock, 38 N.J. 500, 522 (1962). While a single instance may not be sufficient, "numerous occurrences over a reasonably short space of time, even though sporadic, may evidence an attitude of indifference amounting to neglect of duty." Id. As the

Appellate Division summarized, "[w]e do not expect heroics, but 'being there,' i.e. appearing for work on a regular and timely basis is not asking too much" of an employee. State-Operated School District of Newark v. Gaines, 309 N.J.Super. 327, 333 (App.Div. 1998).

It is undisputed that, between January 1, 2018, and June 30, 2018, the appellant called out sick from work on fifteen occasions. Having exhausted her annual allotment of sick time in the first six months of the year, the appellant continued to call out sick from work three additional times in July and August 2018 without having available sick time to cover these absences. See Jose Gonzalez v. Police Department, City of Passaic, CSV-9559-97, Initial Decision, (August 30, 2000), adopted, Merit System Board (October 23, 2000) http://lawlibrary.rutgers.edu/oal/search.html (finding absences in excess of employee's allotted sick leave for the year to be excessive absenteeism).

The appellant responds that the days she took off in this matter are "all related to various health issues." (LaBerth Cert. at ¶ 3.) The appellant does not support this claim with any documentation, doctor's notes, receipts for treatment, etc. Even accepting the appellant's claim that her absences are related to "various health issues" does not raise a disputed issue of material fact since employees may be subject to discipline for chronic/excessive absenteeism even if that excessive absenteeism is related to an illness or disability. See, e.g., Muller v. Exxon Research and Eng'g Co., 345 N.J.Super. 595, 605-06 (App. Div. 2001) (under the NJLAD, excess absenteeism need not be accommodated even if it is caused by a disability otherwise protected by the Act). An employee who does not show up for work does not satisfy the essential functions of their employment and cannot perform their workplace duties. Svarnas, 326 N.J.Super. at 78. As the Civil Service Commission has previously noted:

> [E]xcessive absenteeism is not necessarily limited to instances of bad faith or lack of justification on the part of the employee who was frequently away from her job. After reasonable consideration is given to an employee by an appointing authority, the employer is left with a serious personnel problem, and a point is reached where the absenteeism must be weighed against the public right to efficient and economic service. An employer is entitled to be

> free of excessive disruption and inefficiency due to an inordinate amount of employee absence.
>
> [Terrell v. Newark Housing Authority, 92 N.J.A.R.2d (CSV) 750, 752.]

See also Frank Bellamy v. Township of Aberdeen, Department of Public Works, 96 N.J.A.R.2d (CSV) 770 (excessive employee absences, even with good cause, impair the work of the political subdivision employer and may justify an employee's removal); Clifford Luckey v. Department of Public Works, Borough of Lindenwold, 96 N.J.A.R.2d(CSV) 266 (sustaining removal of civil service employee for excessive absences even though employee was "debilitated by an occasional illness, and by a continuing addiction to substance abuse" related to absences); Johnny LaBour v. Housing Authority of the City of Paterson, 95 N.J.A.R.2d(CSV) 682 (sustaining removal of civil service employee for excessive absences related to medical and substance abuse problems); Frank Weil v. Atlantic County Department of Public Safety, 97 N.J.A.R.2d(CSV) 413 (removal appropriate for excessive unauthorized absences even if those absences are related to medical condition). The respondent, like any governmental entity, "has the right to expect that its employees will report to work and perform the duties and functions assigned to them." Id. To permit employees to fail to report to work when they are required to do so "would create chaos in carrying out essential government functions and would greatly harm public officials in their attempts to carry out their duties and responsibilities." Id.

In judging whether an employee's absenteeism is chronic or excessive, relevant factors include, among others, the number of absences, the time span between the absences, and the negative impact on the work place. See Harris v. Woodbine Developmental Ctr., CSV 4885-02, Initial Decision, (February 11, 2003), adopted, Comm'r (March 27, 2003) http://njlaw.rutgers.edu/collections/oal/; Hendrix v. City of Asbury, CSV 10042-99, Initial Decision, (April 10, 2001), adopted, Comm'r (June 8, 2001) http://njlaw.rutgers.edu/collections/oal/; Morgan v. Union Cnty. Runnells Specialized Hosp., 97 N.J.A.R.2d (CSV) 295. It is factually undisputed that, between March 1, 2018, and April 30, 2018, the appellant called off from work eleven times in those two months alone. This means that, of the approximately forty-three working

days between March 1, 2018, and April 30, 2018, the appellant was not at her job for nearly 25 percent of those work days.[2] Even after the appellant exhausted her available sick time in the first six months of the year, she continued to take additional sick days. The appellant's employer had a right to expect that she would be present at work as scheduled, willing and able to perform the job for which she had been employed. The respondent is not obligated to continue to employ a person who either cannot or will not perform her job duties on a regular basis. Accordingly, I **CONCLUDE** that the respondent has demonstrated, by a preponderance of credible evidence, that the appellant's conduct constitutes a violation of N.J.A.C. 4A:2-2.3(a) (4) (Chronic and Excessive Absenteeism), and that such charge must be **SUSTAINED.**

The appellant was also charged with conduct unbecoming a public employee. N.J.A.C. 4A:2-2.3(a)(6). "Conduct unbecoming a public employee" is an elastic phrase, which encompasses conduct that adversely affects the morale of efficiency of a governmental unit or that has a tendency to destroy public respect in the delivery of governmental services. Karins v. City of Atlantic City, 152 N.J. 532, 554 (1998). See also In re Emmons, 63 N.J.Super. 136, 140 (App.Div. 1960). It is sufficient that the conduct complained of and its attending circumstances "be such as to offend publicly accepted standards of decency." Karins, 152 N.J. at 555 (quoting In re Zeber, 150 A.2d 821, 825 (1959)). Such misconduct "need not 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 Department of Ridgewood, 258 N.J.Super. 32, 40 (App.Div. 1992) (quoting Asbury Park v. Dep't of Civil Service, 17 N.J. 419, 429 (1955)).

The appellant's attendance record demonstrates numerous absences over a short period of time, demonstrating a pattern of chronic/excessive absenteeism which continued even after the appellant exhausted her available sick days. Such an attendance record evidences "an attitude of indifference amounting to neglect of duty."

[2] At oral argument on the motion, respondent's counsel confirmed that the appellant was employed to work a standard five-day work week schedule.

Bock, 38 N.J. at 522. I **CONCLUDE**, therefore, that the appellant's conduct did rise to a level of conduct unbecoming a public employee, in violation of N.J.A.C. 4A:2-2.3(a)(6) and the respondent has met its burden of proof to sustain this charge. This charge must, therefore, be **SUSTAINED**.

The appellant has further been charged with violating N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause—specifically, a violation of DHSAO A.4, chronic or excessive absenteeism. HDC's administrative procedures define "excessive absenteeism" as "paid or unpaid days away from the job for illness or injury which exceeds six days in any six pay periods." (Resp. Br. at Ex. K.) It is factually uncontested that, in the month of April 2018 alone, the appellant took seven days off from her job for illness or injury.[3] It is also undisputed that, in the first six months of 2018, the appellant called out sick from work due to illness on fifteen occasions—exhausting her allotment of available sick time. She further continued to call out sick from work two more times in July 2018, despite having already exhausted her allotment of sick time. I **CONCLUDE**, therefore, that the respondent has met its burden of proof to sustain this charge and this charge must be **SUSTAINED**.

PENALTY

The Civil Service Commission may increase or decrease the penalty imposed by the appointing authority, though removal cannot be substituted for a lesser penalty. N.J.S.A. 11A:2-19. When determining the appropriate penalty, the Board must utilize the evaluation process set forth in West New York v. Bock, 38 N.J. 500 (1962), and consider the employee's reasonably recent history of promotions, commendations and the like, as well as formally adjudicated disciplinary actions and instances of misconduct informally adjudicated. Since Bock, the concept of progressive discipline has been utilized in two ways when determining the appropriate penalty for present misconduct:

[3] According to the State of New Jersey Payroll Calendar, there were three pay periods covering the period between March 31, 2018, and May 4, 2018. See State of New Jersey, Department of the Treasury, 2018 Payroll Calendar, available at https://www.state.nj.us/treasury/omb/payroll/pdf/calendar2018.pdf. It is factually undisputed that the appellant took seven sick days during these three pay periods alone, calling out sick on April 3, 2018, April 12, 2018, April 15, 2018, April 16, 2018, April 17, 2018, April 29, 2018, and April 30, 2018. (Resp. Br. at Ex. J.)

to support the imposition of a more severe penalty for a public employee who engages in habitual misconduct, and to mitigate the penalty for a current offense. In re Herrmann, 192 N.J. 19, 30–33 (2007).

"Although we recognize that a tribunal may not consider an employee's past record to prove a present charge, West New York v. Bock, 38 N.J. 500, 523 (1962), that past record may be considered when determining the appropriate penalty for the current offense." In re Phillips, 117 N.J. 567, 581 (1990). An employee's poor disciplinary record can "support an appointing authority's decision to rid itself of a problematic employee based on charges that, but for the past record, ordinarily would have resulted in a lesser sanction." In re Anthony Stallworth, 208 N.J. 182, 196 (2011) (quoting In re Herrmann, 192 N.J. at 32). "[T]he concept of progressive discipline can be utilized to 'ratchet up' or support [the] imposition of a more severe penalty for a public employee who engages in habitual misconduct." Stallworth, 208 N.J. at 196 (quoting In re Herrmann, 192 N.J. at 30-33)).

While the proposed sanction of removal in this matter is harsh, this sanction must be viewed in light of the appellant's prior history of discipline. It is undisputed that this incident is the eighth time the appellant has been subject to discipline for chronic/excessive absenteeism. (See Resp. Br. at Ex. C through I.) Each of these prior disciplinary actions employed escalating penalties for the appellant's conduct ranging from written reprimand to a four-month suspension. (Id.) The appellant's most recent discipline for chronic/excessive absenteeism was on March 28, 2017, imposing a four-month suspension without pay for her seventh disciplinary charge for chronic/excessive absenteeism. (Id. at Ex. I.) DHSAO guidelines list an escalating range of penalties for violations of A.4 (chronic/excessive absenteeism) ranging from counselling or written warning on the first violation to removal on the fourth violation. (Id. at Ex. B.) The petitioner, having already received punishments less than removal for her fourth, fifth, sixth, and seventh violation of DHSAO A.4 has already repeatedly benefitted from multiple punishments below the standard guidelines for her last four violations.

A further aggravating factor present in this matter is that the settlement agreement the appellant executed with the respondent to resolve her seventh disciplinary charge for chronic/excessive absenteeism on March 28, 2017, contained the express acknowledgement that the appellant understood that it was a "LAST CHANCE AGREEMENT." (Id. (emphasis in original).) That agreement states in clear and unambiguous terms, that "any future charge of chronic or excessive absenteeism from work without pay will result in her immediate removal." (Id.) A Last Chance Agreement (LCA) such as this can be used as a significant factor, along with the appellant's prior disciplinary history, in determining the appropriate penalty in an appeal. These agreements are construed in favor of the appointing authority because to do so otherwise would "discourage their use by making their terms meaningless." Watson v. City of E. Orange, 175 N.J. 442, 445 (2003) (citing Golson-El v. Runyon, 812 F.Supp. 558, 561 (E.D.Pa.)). In Watson, the New Jersey Supreme Court found that where an employee "simply did not perform as contemplated by the parties" in a clearly written and executed LCA, their discharge is warranted. Id.

Here, the appellant was a party to a clearly written and executed LCA in which she acknowledged that she "understands the seriousness of these attendance disciplinary charges" and that she knows that "reporting to work as scheduled is paramount to maintaining her employment." (App. Br. at Ex. I.) She further agreed, as part of this LCA, that "any future charge of chronic or excessive absenteeism from work without pay will result in her immediate removal." (Id.) Less than a year after this agreement was executed, the appellant called out sick for nearly one quarter of her scheduled working days in March and April 2018. The appellant further exceeded her allotted number of sick days, when she called out sick on July 25 and 26, 2018 and left work early on August 2, 2018, without having sufficient sick time to cover her absences, resulting in multiple unpaid absences. Such an attendance record was not the type of attendance performance "contemplated by the parties" and expected of the appellant in executing the LCA signed by the appellant on March 28, 2017.

An additional aggravating factor in evaluating the appellant's present conduct is the fact that the settlement agreement she executed with the petitioner on March 28,

2017, was not the first time she was allowed to enter into a negotiated settlement with the respondent over charges of chronic/excessive absenteeism which gave her what was supposed to be a "last chance" to rehabilitate her conduct before her employer would seek her removal. On May 9, 2006, the respondent and the appellant entered into a settlement agreement to settle the appellant's fifth disciplinary action charging her with chronic/excessive absenteeism. (See App. Br. at Ex. G.) The parties agreed to amend the appellant's disciplinary action from a proposed penalty of a forty-five-day suspension to a thirty-day suspension. (Id.) The written agreement between the parties contained the written stipulation that "the next offense will be for removal." (Id.) Although the next disciplinary action taken against the appellant for her sixth charge of chronic/excessive absenteeism in April 2014 sought removal, those charges were settled between the parties and the penalty was modified to a forty-five-day suspension. (Id. at Ex. H.) This additional opportunity to rehabilitate her conduct led to the appellant's seventh disciplinary action for chronic/excessive absenteeism and a second "last chance" which was given to her in March 2017, resulting in a four-month suspension in lieu of removal to give the appellant another opportunity to continue her employment. (See Id. at Ex. I.)

Based upon a consideration of the totality of the evidence, and with due consideration of appellant's prior disciplinary record, I **CONCLUDE** that sufficient cause was established by the respondent to warrant the appellant's removal from her position with DHS.

ORDER

Based upon the foregoing, the respondent's motion for summary decision is hereby **GRANTED** and the appellant's appeal from the FDNA is **DISMISSED** and the penalty of removal **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 order 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.

August 21, 2019
DATE

DAVID M. FRITCH, ALJ

Date Received at Agency: 8/21/19

Date Mailed to Parties: 8/21/19

/dw

APPENDIX

For Appellant

Certification of Shonda LaBerth – Exhibits:

A FMLA Designation Notice, December 21, 2018

B Montclair Radiology Report, November 17, 2018

C Saint Barnabas Medical Center, Clinical Summary, July 24, 2018

For Respondent

Respondent's Brief – Exhibits:

A New Jersey Department of Personnel, Inactive Employee Master Inquiry, March 8, 2019

B New Jersey Department of Human Resources, Disciplinary Action Program

C Woodbridge Developmental Center Written Warning, March 7, 2003

D New Jersey Department of Human Services, Notice of Official Reprimand, October 31, 2003

E New Jersey Department of Human Services, Disciplinary Action Appeal Settlement Agreement, February 15, 2005

F New Jersey Department of Human Services, Disciplinary Action Appeal Settlement Agreement, February 15, 2005

G New Jersey Department of Human Services, Disciplinary Action Appeal Settlement Agreement, May 4, 2006

H New Jersey Department of Human Services, Disciplinary Action Appeal Settlement Agreement, April 16, 2014

I In the Matter of Shanda LaBerth, Hunterdon Developmental Center, Department of Human Services, CSV 01784-17, Final Administrative Action of the Civil Service Commission, May 3, 2017

J Preliminary Notice of Disciplinary Action, October 31, 2018

K Hunterdon Developmental Center, Administrative Procedure, Time Away From Work for Illness or Injury (Sick Leave), December 1, 2014

L Shanda LaBerth, Corrective/Disciplinary Action History