STATE OF NEW JERSEY

In the Matter of Rhonda Crawley New Jersey Veterans Memorial Home, Paramus, Department of Military and Veterans Affairs	:	**FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION**
CSC DKT. NO. 2019-1567 OAL DKT. NO. CSR 06061-20 (ON REMAND CSV 18387-18)	:	

ISSUED: DECEMBER 16, 2020 BW

The appeal of Rhonda Crawley, Recreation Assistant, New Jersey Veterans Memorial Home, Paramus, Department of Military and Veterans Affairs, removal effective November 29, 2018, on charges, was heard by Administrative Law Judge Susana E. Guerrero, who rendered her initial decision on November 20, 2020. No exceptions were filed.

Having considered the record and the Administrative Law Judge's initial decisions, and having made an independent evaluation of the record, the exceptions filed by the appointing authority to the original initial decision, the Civil Service Commission (Commission), at its meeting of December 16, 2020, accepted and adopted the Findings of Fact and Conclusion as contained in the attached Administrative Law Judge's initial decisions.

ORDER

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

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 16TH DAY OF DECEMBER, 2020

Deirdré L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION
OAL DKT. NO. CSV 06061-20
AGENCY DKT. NO. 2019-1567
(**ON REMAND** CSV 18387-18)

IN THE MATTER OF RHONDA CRAWLEY, NEW JERSEY VETERANS MEMORIAL HOME, PARAMUS, DEPARTMENT OF MILITARY AND VETERANS AFFAIRS.

Rhonda Crawley, appellant, pro se

Alexis F. Fedorchak, Deputy Attorney General, for respondent New Jersey Veterans Memorial Home (Gurbir S. Grewal, Attorney General of New Jersey, attorney)

Record Closed: October 21, 2020 Decided: November 20, 2020

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

STATEMENT OF THE CASE

Appellant, Rhonda Crawley (Crawley or appellant), appeals her removal from her position as a Recreation Assistant with the Department of Military and Veterans Affairs' (DMAVA) Veterans Memorial Home in Paramus (the Veterans Home), for conduct that

respondent asserts violated the New Jersey State Policy Prohibiting Discrimination in the Workplace and constituted unbecoming conduct of a public employee.

PROCEDURAL HISTORY AND ISSUE TO BE DECIDED

On or around June 7, 2018, the respondent served Crawley with a Preliminary Notice of Disciplinary Action (PNDA) which informed her of the charges made against her, including: violations of Departmental Directive (230.05) pertaining to acts of sexual harassment, conduct unbecoming a public employee, and other sufficient cause. Crawley was served with a Final Notice of Disciplinary Action (FNDA) dated November 29, 2018, and an Amended FNDA dated June 18, 2019, which sustained the charges set forth in the PNDA.

According to the June 18, 2019 Amended FNDA, Crawley was charged with violating provisions of the Departmental Directive Number 230.05 (230.05) relating to sexual harassment; and the provisions of N.J.A.C. 4A:2-2.3 relating to conduct unbecoming a public employee, and other sufficient cause, as a result of Crawley's actions which allegedly constitute a violation of the New Jersey Policy Prohibiting Discrimination in the Workplace (the State Policy).

The New Jersey Civil Service Commission (the Commission) transmitted the matter to the Office of Administrative Law (OAL), where it was filed on December 31, 2018, 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. A hearing took place on October 31, 2019, and respondent submitted post-hearing summations. The record closed on February 7, 2020, after appellant was given an extension to submit summations by this date, per her request, but then failed to do so.

At the October 31, 2019 hearing, the first issue that was to be decided was whether the respondent established by the preponderance of the credible evidence that Crawley: (1) told other employees at the Veterans Home that co-worker C.L.[1] was seen kissing

[1] Initials will be used when referring to the complainant and witnesses to maintain their confidentiality.

another employee; and (2) referred to C.L. as a "b!*ch" and a "whore" to other co-workers. Had the respondent met its burden, the second issue that was to be decided was whether Crawley's actions violated the State Policy, or constituted unbecoming conduct or a violation of the aforementioned Departmental Directives listed in the Amended FNDA. In my March 17, 2020 Initial Decision, I determined that the evidence was inconclusive that Crawley called C.L. those derogatory names, and I therefore concluded that the respondent failed to establish by a preponderance of the credible evidence that Crawley violated the State Policy and the other charges in the Amended FNDA for referring to C.L. as a "b!*ch" or a "whore."[2]

The Commission issued a decision dated May 1, 2020 in which it notes that the Commission "cannot make a determination as to the credibility of the appointing authority's investigatory process of suspected State Policy violations because the ALJ did not have the benefit of reviewing the underlying EEO investigation report, witness statements or testimony from any other witnesses who claimed that they heard the appellant make the derogatory remarks . . . . Therefore, the Commission finds that it needs more information before it can decide this matter. Specifically, the ALJ should permit the appointing authority the opportunity to present the underlying EEO investigation report, and **at least** one witness to testify regarding the conversations where the appellant allegedly used language in violation of the State Policy." The Commission therefore remanded the matter to the OAL for further proceedings to accept additional testimony concerning the alleged derogatory statements made by Crawley, and to provide the respondent another opportunity to move the EEO investigation report into evidence.[3]

Upon receipt of the Commission's Decision to remand, I permitted the appointing authority another opportunity to present the underlying investigation report, and an opportunity to present witnesses to testify on the issue subject to the remand. The

[2] Although I found that Crawley told three co-workers that C.L. had kissed a co-worker in the mouth, I also concluded that this did not constitute a violation of the State Policy. Consequently, I concluded that respondent failed to demonstrate by a preponderance of the credible evidence that appellant's conduct constituted a violation of any of the charges listed in the Amended FNDA, and I ordered that the disciplinary action of the respondent in removing Crawley from her position for these actions be reversed.

[3] The Commission, however, noted that it agreed with my determination that Crawley's comments concerning C.L. kissing a co-worker did not violate the State Policy.

hearing took place on October 21, 2020, and the record closed at the conclusion of the hearing.

FACTUAL DISCUSSION

I will not restate the entirety of the Factual Discussion from the Initial Decision decided on March 17, 2020. The following background facts from the prior record relate to the issue on remand, and are uncontroverted, and I, therefore, **FIND**:

Crawley was employed by the Paramus Veterans Home as a Recreation Assistant prior to her removal effective November 29, 2018.

In the summer of 2017, C.L., an employee of the Veterans Home, complained of Crawley's conduct to the Director of Nursing. C.L. prepared a handwritten "harassment complaint against Rhonda Crawley" recounting alleged exchanges with Crawley and with . . . [C.C.], her husband who also works at the Home, dating back to 2013. On July 2, 2017, C.L. prepared a second complaint in which she alleges that Crawley had been "spreading malicious gossip and rumors" about her in the workplace.

C.L.'s complaints were submitted to DMAVA's Equal Employment Opportunity (EEO) Officer, James Fallon (Fallon), who initiated an investigation. Fallon reviewed C.L.'s complaints and conducted several interviews, including those of C.L., Crawley, and DMAVA employees C.C., A.B., Ms. M.M., Mr. M.M., S.D., and L.W. These witnesses each made statements to Fallon which he memorialized in a Confidential EEO Final Investigation Report. (R-9.) The written statements were signed by the witnesses at the conclusion of the interviews. Fallon concluded that the investigation "found sufficient corroborating evidence to substantiate the allegations of [C.L.] against Crawley. There are four independent witnesses who stated that Ms. Crawley had uttered inappropriate comments about C.L. specifically referring to C.L. as a 'b!*ch' and 'whore.'" Fallon concludes in his report that Crawley's verbal characterization of C.L. as "b!*ch" and "whore" violate the State Policy, and he referred the matter to the Division of EEO/AA.

By letter dated May 24, 2018, the Division of EEO/AA of the Civil Service Commission informed Crawley that as a result of the investigation the Division substantiated that she violated the State Policy. The May 24, 2018 letter indicates that the allegation(s) investigated were: "Ms. Crawley, in a Department facility, is alleged to have made disparaging comments to and about ...[C.L. to] other employees."

On June 7, 2018, the Veterans Home issued Crawley a PNDA, and on November 29, 2018, she was issued a FNDA, removing her from employment effective that day. On June 18, 2019, the Veterans Home issued an Amended FNDA, sustaining the following charges:

> DD230.05(E)1: Violation of a rule, regulation, policy, procedure, order, or administrative decision;
> DD230.05(F)3: Unwelcome sexual advances, requests for sexual favors and/or other verbal or physical conduct, based on the gender of the employee, has been used for the purpose of or has had the affect [sic.] of unreasonably interfering with the targeted employee's work performance or created an unreasonably intimidating, hostile or offensive working environment, which includes a. through f.[4]
> N.J.A.C. 4A:2-2.2(a)6: Conduct unbecoming a public employee
> N.J.A.C. 4A:2-2.3(a)12: Other sufficient cause

The Amended FNDA lists the Incident(s) giving rise to the above charges as follows:

> On or about May 24, 2019, the Division of Equal Employment Opportunity and Affirmative Action substantiated that you violated the New Jersey State Policy Prohibiting Discrimination in the Workplace State Policy. As a Recreation Assistant, you are expected to maintain a professional demeanor at all times. Your actions were unbecoming and further warrant your dismissal from State service.

In or around July 26, 2011, Crawley entered into a Last Chance Agreement with DMAVA which states in relevant part that Crawley "has been cited with the third infraction

[4] A-F refers to the following: a. Generalized gender based remarks and behavior; b. Inappropriate unwanted, offensive physical, or verbal sexual advances and comments; c. Solicitation of sexual activity or other sex linked behavior by promise of reward; d. Coercion of sexual activity by threat of punishment; e. Gross sexual imposition such as touching, fondling, grabbing, or assault; f. Other conduct.

for discourtesy to public; threatening intimidating or interfering with fellow employees on State property; fighting or creating a disturbance on State property, and violation of a rule regulation policy procedure order or administrative decision . . . ." The Last Chance Agreement required that Crawley's "conduct shall be civil and courteous [sic] at all times," and that she "refrain from disruptive, combative, disobedient, disrespectful, or insubordinate behavior with others." The Last Chance Agreement states that any breach of the agreement which causes her to be negligent "shall result in Ms. Crawley being subject to progressive discipline, seeking her removal from State service." This Last Chance Agreement was the result of a Settlement Agreement entered into between Crawley and DMAVA as a result of disciplinary charges that had previously been filed against her.

Testimony on Remand

Fallon, the EEO Officer for DMAVA who conducted the underlying investigation testified again on remand. He prepared the EEO Final Investigation Report that was entered into evidence. (R-9.) Fallon testified that as part of his investigation, he interviewed several witnesses, including Crawley and several co-workers, including Mr. M.M., Ms. M.M., A.B., S.D., L.W. and C.C. He testified that as part of his investigatory process, Fallon asks the witnesses questions, memorializes their responses in a report while they are still in his presence, and has the witnesses review and sign each page of their typed statement. Every witness here signed each page of his or her respective statement, confirming that they reviewed and approved their statement summary. Fallon testified that he might make edits to the document while the witness is still in the room with him, but that once the witness signs off on the statement, he makes no changes to the document. He denied making any changes to the typed statements here after they were signed by the witnesses.

Fallon testified that Mr. M.M. and other witnesses confirmed during their interviews that they heard Crawley refer to C.L. as a "b!*ch" and a "whore." These witnesses include Ms. M.M., who was present when Crawley complained of C.L. bumping into her also in the presence of Mr. M.M., A.B., and S.D. Although Crawley denied that this occurred, Fallon testified that these other witnesses, and not Crawley, "seemed to be telling the

truth." He testified that based on the number of witnesses who confirmed that Crawley made these statements, he felt that his investigation confirmed by a preponderance of the evidence that Crawley made these disparaging remarks. Fallon also testified that Crawley's statements referring to C.L. as a "b!*ch" and "whore" violate the State Policy because the State Policy bans references to gender-related sexually disparaging terms. He testified that Crawley's use of these terms when referring to C.L. constitutes sex-based or gender-based harassment in violation of the State Policy.

Mr. M.M. testified on behalf of the respondent. He is an employee of the Veterans Home, where he once worked with Crawley in the same department. He confirmed that he provided Fallon with a statement concerning Crawley, that Fallon memorialized his statement, and that the written statement was accurate. Mr. M.M. testified that Crawley stated to him, in the presence of C.C. and Ms. M.M.,[5] that C.L. is "a f**king b!*ch" and a "f**king whore." During that exchange, Crawley also indicated that C.L. had bumped into her and that she had complained to the administration about that. He also testified that Crawley stated that C.L. wants C.C.'s "D." [expletive]. Mr. M.M. testified that he is distantly related to C.L. and that he had no knowledge of conflict between C.L. and Crawley until Crawley approached him on the day she made these statements.

L.W., a CNA employed at the Veterans Home, also testified on behalf of respondent. L.W. works in the same unit with C.L. L.W. was interviewed by Fallon and signed a written statement as part of the investigation. L.W. testified that she never heard Crawley refer to C.L. as a "b!*ch" or a "whore," only that she heard from others that Crawley calls C.L. derogatory names.

C.C., appellant's husband who works at the Veterans Home, denied that Crawley used derogatory terms to refer to C.L. He testified that he was present when Crawley spoke with Mr. M.M., but denied that she used those terms when referring to C.L.

Crawley testified on her own behalf. She denies referring to C.L. as a "b!*ch" or a "whore" to her co-workers. She testified that Fallon altered her typed statement after she

[5] There is no known familial relationship between Mr. M.M. and Ms. M.M. They simply share the same initials.

signed it, but provided no evidence to substantiate this allegation. She also accused Fallon of manipulating the typed statements taken from the other witnesses, and accused the witnesses of lying about hearing Crawley refer to C.L. as a "b!*tch" and a "whore."

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

Here, Fallon testified credibly concerning his investigation and his findings. Specifically, he testified credibly that as part of his investigation, several witnesses confirmed that Crawley referred to C.L. using derogatory terms, and specifically referred to her as a "b!*ch" and a "whore." His testimony was consistent with what appeared in his investigation report. The statements contained in his report reflect that Crawley referred to C.L. as a "b!*ch" in Ms. M.M.'s presence; that A.B. heard Crawley refer to C.L. as a "whore"; and that S.D. also heard Crawley refer to C.L. as a "whore" and a "b!*ch" on a separate occasion. Mr. M.M. appeared to be testifying truthfully and with certainty concerning his encounter with Crawley and her referring to C.L. as a "f***ing b!*ch" and a "f***king whore." His testimony was also consistent with Fallon's report and the statement that he provided as part of the investigation.

On the other hand, Crawley was not credible in denying that she ever referred to C.L. using these derogatory terms. She accused Fallon of manipulating the witness statements, including her own, without offering any evidence to support this claim. I also afford little weight to C.C.'s testimony as he is naturally biased in favor of his wife.

Based upon my review of the evidence presented, including the additional evidence presented on remand, and having had the opportunity to observe the demeanor of the witnesses, I now **FIND** as **FACT** that Crawley referred to co-worker C.L. as a "b!*ch" and a "whore" to her co-workers while working at the Veterans' Home. This modifies my finding in the March 17, 2020 Initial Decision in which I initially found that the evidence was inconclusive that Crawley called C.L. these derogatory names. The other findings of fact in the March 17, 2020 Initial Decision remain unmodified. I also **FIND** that there is no evidence to support Crawley's assertion that Fallon improperly manipulated or falsified Crawley's statement, or any other witnesses' statement, as part of his investigation.

LEGAL ANALYSIS AND CONCLUSIONS

Respondent terminated appellant based on Fallon's assessment of the witnesses' statements, and his application of the facts, as he found them, to the State Policy. Ultimately, Fallon determined that Crawley violated the State Policy in part because she referred to C.L. as a "b!*ch" and a "whore" to other employees.

Public employees' rights and duties are governed and protected by the provisions of the Civil Service Act, N.J.S.A. 11A:1-1 to 12-6, and the regulations promulgated pursuant thereto, N.J.A.C. 4A:1-1.1 to 10-3.2. However, public employees may be disciplined for a variety of offenses involving their employment, including the general causes for discipline as set forth in N.J.A.C. 4A:2-2.3(a). An appointing authority may discipline an employee for sufficient cause, including failure to obey laws, rules, and regulations of the appointing authority. N.J.A.C. 4A:2-2.3(a)(12).

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

New Jersey State Policy Prohibiting Discrimination in the Workplace

Crawley's termination was based at least in part on the Division of EEO/AA's substantiation that she violated the State Policy by referring to C.L. using derogatory terms to other employees, which are considered sexual and gender-related remarks that constituted harassment. These derogatory comments include referring to C.L. as a "b!*ch" and a "whore" to other co-workers.

The State Policy lists several forms of Prohibited Conduct and states that it is a violation of the Policy "to use derogatory or demeaning references regarding a person's race, gender, age, religion, disability, affectional or sexual orientation, ethnic background, or any other protected category . . . [identified in the State Policy]. A violation of this policy can occur even if there was no intent on the part of an individual to harass or demean another."

The words used by Crawley to describe C.L. were offensive, inappropriate and constituted an attack on C.L.'s character in the workplace. These were derogatory and demeaning references to C.L.'s gender and perceived promiscuity. They are terms used specifically to disparage women, and they were clearly used by the appellant here to demean C.L. among her co-workers. Therefore, I **CONCLUDE** that Crawley's demeaning comments about co-worker C.L. violate the New Jersey State Policy Prohibiting Discrimination in the Workplace.

Sustained Charges

The Amended FNDA list DD230.05(E)1, DD230.05(F)3, N.J.A.C. 4A:2-2.3(a)6 (conduct unbecoming a public employee), and N.J.A.C. 4A:2-2.3(a)12 (other sufficient cause) as sustained charges.

DD230.05(E)1 applies, generally, when there is a "violation of a rule, regulation, policy, procedure, order or administrative decision." DD230.05(F)3 applies when "[u]nwelcome sexual advances, requests for sexual favors and/or other verbal or physical

conduct, based on the gender of the employee, has been used for the purpose of or has had the affect of unreasonably interfering with the targeted employee's work performance or created an unreasonably intimidating, hostile or offensive working environment, which includes: a. Generalized gender based remarks and behavior; b. Inappropriate unwanted, offensive physical, or verbal sexual advances and comments; c. Solicitation of sexual activity or other sex linked behavior by promise of reward; d. Coercion of sexual activity by threat of punishment; e. Gross sexual imposition such as touching, fondling, grabbing, or assault; f. Other conduct."

Here, there is no evidence to suggest that Crawley used unwelcome sexual advances, requests for sexual favors or other conduct based on C.L.'s gender for purposes that interfered with C.L.'s work performance or created a hostile work environment. Consequently, I **CONCLUDE** that the appellant's actions did not violate DD230.05(F)3.

As it has been determined that appellant violated the New Jersey State Policy Prohibiting Discrimination in the Workplace, I **CONCLUDE** that appellant's use of derogatory terms to refer to C.L. to other co-workers constitutes a violation of DD230.05(E)1.

The Amended FNDA also charges Crawley with violating N.J.A.C. 4A:2-2.3(a)6, conduct unbecoming a public employee, and N.J.A.C. 4A:2-2.3(a)12, other sufficient cause. There is no precise definition for conduct unbecoming a public employee, and the question of whether conduct is unbecoming is made on a case-by-case basis. King v. County of Mercer, CSV 2768-02, Initial Decision (February 24, 2003), adopted, Merit Sys. Bd. (April 9, 2003), http://njlaw.rutgers.edu/collections/oal/. In Karins v. City of Atlantic City, 152 N.J. 532 (1998), an off-duty firefighter directed a racial epithet at an on-duty police officer during a traffic stop. The Court noted that the phrase "unbecoming conduct" is an elastic one that includes any conduct that adversely affects morale or efficiency by destroying public respect for municipal employees and confidence in the operation of municipal services." Id. at 554. In Hartmann v. Police Department of Ridgewood, 258 N.J. Super. 32, 40 (App. Div. 1992), the court stated that a finding of 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."

Crawley's derogatory comments, which were made in the workplace to co-workers who also work with C.L., were not only inappropriate, but aggressive, and intended to demean C.L.'s character. I **CONCLUDE**, therefore, that respondent has demonstrated, by a preponderance of the credible evidence, that appellant's miconduct in referring to C.L. as a "b!*ch" and a "whore" in the workplace constituted unbecoming conduct in violation of N.J.A.C. 4A:2-2.3(a)6. Finally, I also **CONCLUDE**, that appellant violated N.J.A.C. 4A:2-2.3(a)12 for having violated the State Policy.

Penalty

In attempting to determine whether a penalty is reasonable, the employee's past record may be reviewed for guidance in determining the appropriate penalty for the current specific offense. The concept of progressive disciplinary action is described in Bock, 38 N.J. at 519. A civil service employee who commits a wrongful act related to his duties may be subject to major discipline. N.J.S.A. 11A:1-2(b), 11A:2-6, 11A:2-20; N.J.A.C. 4A:2-2.2, -2.3(a). Depending upon the incident complained of and the employee's past record, major discipline may include suspension, removal, etc. Bock, 38 N.J. at 522–24. Termination of employment is the penalty of last resort reserved for the most severe infractions or habitual negative conduct unresponsive to intervention. Rotundi v. Dep't of Health & Human Servs., OAL Dkt. No. CSV 385-88, Initial Decision (September 29, 1988).

Here, respondent maintains that pursuant to the Last Chance Agreement between the parties, removal is the appropriate penalty. I agree.

While appellant's misconduct may not appear on its face to be so severe as to warrant termination, Crawley has a history of discipline dating back to 2001 involving similar charges. While her disciplinary history is not very recent, the Settlement Agreement entered into between Crawley and respondent in 2011, following charges that

sought her termination, resulted in a ninety-day suspension and included a Last Chance Agreement. The Agreement states in part that Crawley is to "refrain from disruptive, combative, disobedient, disrespectful, or insubordinate behavior with others," and that respondent will seek removal for any breach of the Agreement. Respondent argues that enforcing a Last Chance Agreement is critical to its purpose, as failing to do so sends a message to the employee that their behavior can continue without fear of reprisal. I agree, and **CONCLUDE** that removal is the appropriate penalty given Crawley's conduct which constituted a violation of the State Policy, was unbecoming, combative and disrespectful, and violated the terms of the Last Chance Agreement.

ORDER

It is **ORDERED** that the disciplinary action of the respondent, Department of Military and Veterans Affairs, NJ Veterans Memorial Home-Paramus, in removing Crawley from her position 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.

November 20, 2020
DATE

SUSANA E. GUERRERO, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

jb

APPENDIX

WITNESSES

For Appellant:

Rhonda Crawley

C.C.

For Respondent:

James Fallon

Mr. M.M.

L.W.

EXHIBITS

For Appellant:

None

For Respondent:

R-1 – R-8 From Original Record

R-9 EEO Final Investigation Report (subject to Protective Order)