



DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 4<sup>TH</sup> DAY OF AUGUST, 2021

*Deirdre L. Webster Cobb*

Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Allison Chris Myers  
Director  
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Civil Service Commission  
Unit H  
P. O. Box 312  
Trenton, New Jersey 08625-0312

Attachment



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. CSV 11267-20

AGENCY DKT. NO. 2021-477

**IN THE MATTER OF DANYDSA KELTOS,  
HUDSON COUNTY, DEPARTMENT OF  
CORRECTIONS.**

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**Arnold S. Cohen, Esq.,** for appellant Danydsa Keltos (Oxford Cohen P.C., attorneys)

**John J. Collins,** Assistant County Counsel, for respondent Hudson County (Louis Rosen, Deputy County Counsel)

Record Closed: June 14, 2021

Decided: June 30, 2021

BEFORE **LESLIE Z. CELENTANO, ALJ:**

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

Appellant Danydsa Keltos (appellant or Keltos) appeals the disciplinary action imposed by the Hudson County Department of Corrections (County or respondent) in the form of a ninety-working-day suspension following substantiated charges. Respondent alleges that appellant violated N.J.A.C. 4A:2-2.3(a)(1), incompetency, inefficiency or failure to perform duties; N.J.A.C. 4A:2-2.3(a)(2), insubordination; N.J.A.C. 4A:2-

2.3(a)(6), conduct unbecoming; N.J.A.C. 4A:2-2.3(a)(7), neglect of duty; N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause; and N.J.A.C. Title 13, Law and Public Safety, Chapter 45 Controlled Dangerous Substances. Appellant is also alleged to have violated Hudson County Policies and Procedures 6.3, 6.4, 6.6, 6.7, 6.8, and 6.22, and the Hudson County Department of Corrections and Rehabilitation Non-Custody Rules and Regulations B.I. (p. 3), II. Disciplinary 2. Conduct Unbecoming a County Employee, 4. Incompetent Performance of Duty (p. 8), 15. Misfeasance of Duty, 16. Malfeasance of Duty, 17. Nonfeasance of Duty, C. Insubordination 1.a.D.1.a. Neglect of Duty, E.1. Disobedience 1.a. (p. 10).

On July 31, 2020, respondent served appellant with a Preliminary Notice of Disciplinary Action (PNDA) suspending her on a date to be determined, with pay, and noting the possible disciplinary action of removal. Appellant requested an internal disciplinary hearing, which commenced on September 17, 2020. On October 1, 2020, a Final Notice of Disciplinary Action (FNDA) was issued imposing a ninety-working-day suspension from September 25, 2020, until March 25, 2021. The FNDA sustained the charges of incompetence, inefficiency or failure to perform duties; insubordination; conduct unbecoming a public employee; neglect of duty; and other sufficient cause as set forth in the Preliminary Notice, as well as violations of Hudson County Policies and Procedures 6.3, 6.4, 6.6, 6.7, 6.8, and 6.22, and the Hudson County Department of Corrections and Rehabilitation Non Custody Rules and Regulations B.I. (p. 3), II. Disciplinary 2. Conduct Unbecoming a County Employee, 4. Incompetent Performance of Duty (p. 8), 15. Misfeasance of Duty, 16. Malfeasance of Duty, 17. Nonfeasance of Duty, C. Insubordination 1.a.D.1.a. Neglect of Duty, E.1. Disobedience 1.a. (p. 10). Appellant's suspension was upheld. Appellant requested an appeal on October 7, 2020.

The matter was transmitted to the Office of Administrative Law (OAL) 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, where it was filed on December 2, 2020, and assigned to the undersigned on December 21, 2020. The hearing was scheduled for May 4, 2021, and was held on that date.

## TESTIMONY

What follows is not a verbatim accounting of the testimony, but rather a summary of the testimonial and documentary evidence I found to be relevant to resolving the issue in this matter.

### Lt. Kevin P. Dille

Lieutenant Dille has been employed by the Hudson County Department of Corrections for over twenty-one years. He has served as a lieutenant and supervisor for three years. Prior to that he was a sergeant, and before that served as a correction officer. He also serves as the medical custody liaison. His responsibilities include supervising staff and maintaining the security and safety of officers, inmates, and the facility.

Lieutenant Dille testified that some nurses at the facility are employed by the County, and others by Wellpath, a medical service provider, which supervises and manages medical service and staff. Appellant is a County employee, and so under the County's supervision, and also Wellpath's supervision.

The PNDA (R-1) was prepared by Sarah Van Vorst, the health services administrator, and signed by Captain Geoghan (now retired). Lieutenant Dille took part in the investigation and was informed by Ms. Van Vorst that some inmate medications had been left unattended in the pharmacy area. The process for securing inmate medications after the medications are taken in by medical staff requires first securing them in the pharmacy (R-3). Some medications, identified as narcotics or controlled dangerous substances (CDS), are stored in a double-locked box. Here, it was a CDS that had been taken in by appellant, and it should have been secured by her, and countersigned by another nurse. Appellant was responsible here to accept the medications, and needed another RN to sign the log (R-4) as well.

When the investigation was concluded, Ms. Van Vorst submitted a memorandum to Lieutenant Dille (R-2).

Elizabeth Ward

Ms. Ward is the director of nursing for Hudson County. She works for Wellpath, a subcontractor for the County, and supervises appellant, whom she described as an employee of the County and also supervised by Wellpath. She is familiar with the PDNA drafted by Ms. Van Vorst and has firsthand knowledge of the incident giving rise to the PNDA.

On April 30, 2020, appellant was the intake nurse. Policy requires that if an inmate has medications, a receipt for those medications needs to be filled out and the medications inventoried in the controlled-medication log book. The inmate signs the document, and the charge nurse, who has the keys, is to be notified. CDSs are stored in a double-locked box and entered into the usage log, and both nurses sign the acknowledgement. On this date, an inmate arrived with medications and appellant failed to notify the charge nurse. She filled out the form, had it signed by the inmate, took the form and the medications, which were in an unmarked manila envelope, and left it all on a counter in the pharmacy area. She never called the charge nurse, who would've met appellant at the pharmacy to ensure that the medications were locked up. Ms. Ward testified that anyone could have taken that envelope, as multiple people have access to the pharmacy, and it is critically important that such medications go into the double-locked wall cabinet.

She added that the pharmacy technician plays no role whatsoever with regard to inmate medications, stating that under no circumstances can medications ever be given to the pharmacy tech to give to the nurse.

Appellant violated multiple County policies and procedures: HCD-100\_D-01, Pharmaceutical Operations—Hudson, including 6.3, 6.4, 6.7 and 6.8, as well as 6.22.2. (R-5.) She also violated the non-custody-staff rules and regulations. The security of the facility was also jeopardized by her actions. Nurses are responsible for adhering to these policies.

Danydsa Keltos

Ms. Keltos began working for the County in December 2010 as a registered nurse. She is the intake nurse, and her duties include receiving and assessing new inmates, and taking their history and their medications.

She testified that the procedures for medications include counting everything, preparing a receipt for them, and having the inmate sign the receipt. When the inmate leaves the facility they sign the form again indicating what was returned to them. She testified that the next step is to give the medications to the pharmacy technician, who separates narcotics from non-narcotics and then calls the charge nurse. She added that if the pharmacy tech is not there, then the intake nurse takes the medications to the charge nurse. She indicated she "wouldn't just leave things in the pharmacy."

Appellant testified she walked the envelope to the pharmacy after being given the manila envelope from the officer, and that the pharmacy tech, Kelly, was there. She entered the key code, went into the pharmacy, and told Kelly there was Colace, Narcan nasal spray, and a box of 30 Suboxone 8/2 mg. films, plus a prescription for thirty days of Suboxone in it. She stated that Kelly told her to leave it on the counter, saying, "I'll handle it," and that Kelly always takes care of the medications and calls the charge nurse. Appellant says this is the procedure she has always followed, and it is what she did on the date in question.

On cross-examination, appellant confirmed that she is familiar with the policies and procedures, and agrees that 6.22.2 indicates that nurses are responsible for the security of all medications, yet says she has done things the same way for ten years (as she did them on April 30, 2020). She agreed she did not call the charge nurse, and did not secure the narcotics in a double-locked box, while acknowledging that is the policy. She left them on the counter because the pharmacy tech was there.<sup>1</sup>

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<sup>1</sup> Thus, she did "just leave things in the pharmacy."

## DISCUSSION

### Credibility determinations

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 Lieutenant Dille and Elizabeth Ward 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 Lieutenant Dille and Elizabeth Ward as **FACT**.

I also **FIND** the following additional **FACTS**:

1. Appellant Danydsa Keltos, R.N., has been employed by the respondent as a nurse for the County Department of Corrections since December 2010.
2. On April 30, 2020, appellant was the intake nurse and completed a medical screening of an inmate, C.I., and took possession of medications that had been prescribed for C.I. Those medications included Colace, Narcan nasal



spray, and 30 Suboxone 8/2 mg. films, along with a prescription for an additional thirty-day supply of Suboxone.

3. Appellant completed a Wellpath Receipt for Medication (R-3) and then left the medications in an unlabeled manila envelope on the pharmacy counter. She did not call the charge nurse and did not secure the medications as required. The medications were never placed into the double-locked box as required by the County policies and procedures.
4. Appellant's conduct violated the training she had received as well as the Rules and Regulations Manual and the Policies and Procedures, which she acknowledged she was aware of. Appellant also acknowledged that she has handled medications the same way she did on April 30, 2020, for her entire tenure with the County, and that she has continued to do so following her return from suspension.
5. Appellant's failure to follow the policies and procedures constituted an extreme safety and security concern; a risk to the safety and security of the building, the staff and the inmates; and a violation of the policies and procedures and the rules and regulations.
6. Responsibilities are significantly heightened in a correction facility.

### **LEGAL ANALYSIS AND CONCLUSIONS OF LAW**

The New Jersey Civil Service Law protects classified employees from arbitrary dismissal and other onerous sanctions. Prosecutor's Detectives & Investigators Ass'n v. Hudson Cty. Bd. of Freeholders, 130 N.J. Super. 30, 41 (App. Div. 1974); Scancarella v. Dep't of Civil Serv., 24 N.J. Super. 65, 70 (App. Div. 1952). The law provides relief to civil-service employees from public employers who may attempt to deprive them of their rights. Prosecutor's, 130 N.J. Super. at 41. To this end, the law is liberally construed. Mastrobattista v. Essex Cty. Park Comm'n, 46 N.J. 138, 147 (1965). Consistent with this policy of civil-service law, there is a requirement that in order for a public employee to be

fined, suspended, or removed, the employer must show just cause for its proposed action. The Civil Service Commission is charged with the duty of ensuring that the reasons supporting disciplinary action are sufficient and not arbitrary, frivolous, or "likely to subvert the basic aims of the civil service program." Prosecutor's, 130 N.J. Super. at 42 (quoting Kennedy v. Newark, 29 N.J. 178, 189–90 (1959)).

Public employees' rights and duties are governed and protected by the provisions of the Civil Service Act, N.J.S.A. 11A:1-1 to 12-6, and the regulations promulgated pursuant thereto, N.J.A.C. 4A:1-1.1 to 4A: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). If sufficient cause is established, then a determination must be made on what is a reasonable penalty.

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 officer and lodge the charges. See Coleman v. E. Jersey State Prison, CSV 1571-03, Initial Decision (February 25, 2004) (citations omitted), adopted, Merit Sys. Bd. (April 13, 2004), <http://njlaw.rutgers.edu/collections/oal/>; see also N.J.S.A. 11A:2-21; N.J.A.C. 4A:2-1.4(a); Atkinson v. Parsekian, 37 N.J. 143 (1962); In re Polk, 90 N.J. 550, 560 (1982); In re Darcy, 114 N.J. Super. 454, 458 (App. Div. 1971); N.J.S.A. 11A:2-6(a)(2), -21; N.J.A.C. 1:1-2.1, "burden of proof"; N.J.A.C. 4A:2-1.4. Evidence is found to preponderate if it establishes the reasonable probability of the fact alleged and generates a reliable belief that the tendered hypothesis, in all human likelihood, is true. See Loew v. Union Beach, 56 N.J. Super. 93, 104 (App. Div. 1959), overruled on other grounds, Dwyer v. Ford Motor Co., 36 N.J. 487 (1962).

Wellpath Hudson County Correctional Facility Policies & Procedures

The Hudson County Wellpath Policies & Procedures manual states, in part:

6. Procedure

....

6.3 Medications are inventoried by appropriate health care staff when they are received. A Medication Administration Record (MAR) is kept to record each dose as it is administered. MARs will be filed into the patient's health record at the end of each month, when the patient is released from the facility, and/or when the patient's full course of treatment is completed.

....

6.4 Medications are stored under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation and security. Antiseptics, other medications for external use, and disinfectants are stores separately from internal and injectable medications.

....

6.6 The facility maintains records as necessary to ensure adequate control of and accountability for all medications, except those that may be purchased over the counter.

6.7 Needles, syringes [sic], anther [sic] high-risk items are stored in locked areas and signed out to the individual patient when they are used. Sharps that are received in to [sic] the facility are inventoried upon receipt and at each change of shift. The inventory is documented on the sharps count log and signed by the incoming Charge Nurse. Bulk supplies are kept separate and inventoried weekly or when accessed.

6.8 Controlled medications are kept in a double locked cabinet, separate from non-controlled medications. Records are maintained to ensure adequate control.

....

6.22. Security of Medication

....

6.22.2 Nurses are responsible for ensuring that all medications are kept secure.

The Hudson County Non-Custody Staff Rules and Regulations Manual provides, in part:

**Standards of Conduct**

**I.B. Prohibited Acts:**

Each HCDOC&R<sup>(2)</sup> support staff member shall report to a supervisor, or appropriate personnel, any rule or policy violation or breach of professional conduct involving the public, staff, or inmate, under the jurisdiction of the HCDOC&R.

1. Any act that jeopardizes the security of the correctional facility, any act that jeopardizes the health, safety and/or welfare of the public, staff or inmates.

**Disciplinary**

**II. Persons subject to disciplinary action:**

- A. Any staff member of the HCDOC&R who does not adhere to, but not limited to, the following may be subject to disciplinary action:

....

2. Conduct Unbecoming a County Employee—Infractions of rules and regulations and/or policy and procedures of the HCDOC&R.

....

4. Incompetent Performance of Duty—Neglect for the duties and responsibilities of a County employee.

....

- C. Any staff member of the HCDOC&R who commits an act of insubordination

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<sup>2</sup> Hudson County Department of Corrections & Rehabilitation.

1. Insubordination may include, but shall not be limited to, the following:

a. Failure to obey lawful orders or commands from a supervisor.

....

D. Any staff member of the HCDOC&R guilty of neglect of duty

....

2. Neglect of duty may include, but shall not be limited to, the following:

a. Failure to comply with:

1. HCDOC&R Rules and Regulations
2. HCDOC&R Orders
3. HCDOC&R Directives
4. HCDOC&R Policy and Procedures

....

E. Any staff member of the HCDOC&R guilty of disobedience

3. Disobedience of orders may include, but shall not be limited to, the following:

a. Failure to follow HCDOC&R policy and procedures and/or support staff rules and regulations . . . .

In the within matter, respondent asserts, and I agree, that appellant violated the HCDOC&R policies, procedures, and standards of conduct.

Appellant was well aware of the procedures for securing medications, especially narcotic substances, and failed to adhere to those on April 30, 2020. Indeed, appellant testified that she has done things the same way she did on that date for her entire tenure at the County, including after she returned from her suspension. She candidly admitted to disregarding the rules that day and for eleven years. Appellant had training that included the required protocols for securing medications, and yet justified her conduct by saying, "this is how it's done." She agreed that she did not call the charge nurse, and did

not secure the narcotics in a double-locked box, even though she agreed that was the policy. She conceded that she left the medications on the pharmacy counter, but to her that was sufficient, in complete disregard of the policy which she was fully familiar with, because "the pharmacy tech was there."

The County's significant obligations include the need to maintain the safety and security of the facility, for staff and inmates alike. There is credible testimony in the record that multiple people had access to the pharmacy and could have taken the unsecured narcotics, with the potential for an overdose or other severe reaction. Moreover, appellant provided no support for her assertions that securing medications, including narcotics, "has always been done by the pharmacy tech." No coworkers or other witnesses testified that this is the case. No documentation was offered to indicate there have been any policy changes; indeed, appellant agreed that the policy is unchanged since prior to her suspension, yet she resumed doing things the same way once she returned.

Accordingly, there is sufficient evidence in the record to support the charged violations of the HCDOR Rules and Regulations, as well as the violations of the Wellpath Hudson County Correctional Facility Policies & Procedures, and I, therefore, **CONCLUDE** that the charges should be sustained.

#### Conduct Unbecoming a Public Employee

"Conduct unbecoming" a public employee is an elastic phrase that encompasses conduct that adversely affects the morale or efficiency of a governmental unit or that has a tendency to destroy public respect in the delivery of governmental services. Karins v. City of Atl. City, 152 N.J. 532, 554 (1998); see also In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). It is sufficient that the complained-of conduct and its attending circumstances "be such as to offend publicly accepted standards of decency." Karins, 152 N.J. at 555 (quoting In re Zeber, 156 A.2d 821, 825 (Pa. 1959)). Such misconduct need not necessarily "be predicated upon the violation of any particular rule or regulation, but may be based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is

morally and legally correct.” Hartmann v. Police Dep't of Ridgewood, 258 N.J. Super. 32, 40 (App. Div. 1992) (quoting Asbury Park v. Dep't of Civil Serv., 17 N.J. 419, 429 (1955)).

Maintenance of strict discipline is important in military-like settings such as police departments, prisons, and correctional facilities. Rivell v. Civil Serv. Comm'n, 115 N.J. Super. 64, 72 (App. Div.), certif. denied, 59 N.J. 269 (1971); City of Newark v. Massey, 93 N.J. Super. 317 (App. Div. 1967). Refusal to obey orders and disrespect of authority cannot be tolerated. Cosme v. Borough of E. Newark Twp. Comm., 304 N.J. Super. 191, 199 (App. Div. 1997).

Respondent has charged appellant with the willful violation of Hudson County Policies and Procedures by failing to secure narcotic substances, which she left overnight on a pharmacy counter that many individuals had access to. The testimony established that she was well aware of the policies and procedures, yet she acknowledged that she failed to comply with them, asserting that her failures are “how it is done.” I **CONCLUDE** that this conduct supports the charge of conduct unbecoming, N.J.A.C. 4A:2-2.3(a)(6).

#### Neglect of Duty; Incompetency, Inefficiency or Failure to Perform Duties; Insubordination

Neglect of duty has been interpreted to mean that “an employee . . . neglected to perform an act required by his or her job title or was negligent in its discharge.” In re Glenn, CSV 5072-07, Initial Decision (February 5, 2009) (citation omitted), adopted, Civil Serv. Comm'n (March 27, 2009), <http://njlaw.rutgers.edu/collections/oal/>. The term “neglect” means a deviation from the normal standards of conduct. In re Kerlin, 151 N.J. Super. 179, 186 (App. Div. 1977). “Duty” means conformance to “the legal standard of reasonable conduct in the light of the apparent risk.” Wytupeck v. Camden, 25 N.J. 450, 461 (1957) (citation omitted). Neglect of duty can arise from omitting to perform a required duty as well as from misconduct or misdoing. Cf. State v. Dunphy, 19 N.J. 531, 534 (1955). Neglect of duty does not require an intentional or willful act; however, there must be some evidence that the employee somehow breached a duty owed to the performance of the job. In the within matter, however, the testimony established that this was indeed an intentional or willful act. Appellant candidly admitted to a breach of duty; indeed, she asserted that for eleven years she has done things the way she did on April 30, 2020,

despite being aware of the policy. Further, she admitted that she continued to do so following her return from the suspension. Thus, I **CONCLUDE** that the appointing authority has amply proven by a preponderance of the credible evidence the charges of neglect of duty, N.J.A.C. 4A:2-2.3(a)(7), of incompetency, inefficiency or failure to perform duties, N.J.A.C. 4A:2-2.3(a)(1), and of insubordination, N.J.A.C. 4A:2-2.3(a)(2), and all those charges should be sustained.

### Other Sufficient Cause

Having determined that appellant violated the Hudson County Policies and Procedures as herein described, I **CONCLUDE** that appellant has given other sufficient cause for disciplinary action, and that the appointing authority has demonstrated by a preponderance of the credible evidence that the charge of a violation of N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause, must be sustained.

### PENALTY

In attempting to determine if 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 West New York v. Bock, 38 N.J. 500, 519 (1962). 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.

In the present case, there are several instances of prior disciplinary action against appellant. On July 22, 2011, appellant was suspended for one day.<sup>3</sup> Appellant was also suspended for one day on February 9, 2017, for lateness; for one day on September 9, 2019, also for lateness; for one day on September 23, 2019, for being absent; and for three days effective January 30, 2020, for inattentiveness.

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<sup>3</sup> The disciplinary-history records provided by respondent do not specify the reason for this one-day suspension.



There is ample credible evidence, including her own testimony, that appellant was fully familiar with the policies and procedures regarding securing inmate medications, including narcotics and CDS, and that she disregarded those policies and procedures not only on the date in question, but for her entire time with the County. Thus, a more detailed analysis of the appellant's past disciplinary history is unnecessary since it is clear that the suspension imposed is an appropriate penalty. The safety and security of the facility must be maintained for staff and inmates alike, and the complete and utter lack of judgment displayed by appellant in failing to secure the narcotics as required compromised the safety and security of everyone in the facility.

Accordingly, I **CONCLUDE** that the respondent's action in imposing a ninety-working-day suspension was justified.

### **DECISION AND ORDER**

The appointing authority has proven by a preponderance of the credible evidence the charges against appellant with violations of N.J.A.C. 4A:2-2.3(a)(1), N.J.A.C. 4A:2-2.3(a)(2), N.J.A.C. 4A:2-2.3(a)(6), N.J.A.C. 4A:2-2.3(a)(7), and N.J.A.C. 4A:2-2.3(a)(12), as well as Hudson County Policies and Procedures 6.3, 6.4, 6.6, 6.7, 6.8, and 6.22, and the Hudson County Department of Corrections and Rehabilitation Non Custody Rules and Regulations B.I. (p. 3), II. Disciplinary 2. Conduct Unbecoming a County Employee, 4. Incompetent Performance of Duty (p. 8), 15. Misfeasance of Duty, 16. Malfeasance of Duty, 17. Nonfeasance of Duty, C. Insubordination 1.a.D.1.a. Neglect of Duty, E.1. Disobedience 1.a. (p. 10), and it is **ORDERED** that the charges be and hereby are sustained and the suspension 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.

June 30, 2021  
DATE

  
\_\_\_\_\_  
LESLIE Z. CELENTANO, ALJ

Date Received at Agency:

June 30, 2021

Date Mailed to Parties:  
dr

June 30, 2021

**APPENDIX**

**Witnesses**

For Appellant:

Danydsa Keltos

For Respondent:

Lt. Kevin P. Dille

Elizabeth Ward

**Exhibits**

For Appellant:

None

For Respondent:

- R-1 Preliminary Notice of Disciplinary Action dated July 31, 2020
- R-2 Memorandum to Lieutenant Dille from Sarah B. Van Vorst dated May 12, 2020
- R-3 Receipt for Medication dated April 30, 2020
- R-4 Controlled Substance Usage Log
- R-5 Wellpath Hudson County Correctional Facility Policies & Procedures
- R-6 Non-Custodial Staff Rules and Regulations Manual