



to such determinations. However, in its *de novo* review of the record, the Commission has the authority to reverse or modify an ALJ's decision if it is not supported by sufficient credible evidence or was otherwise arbitrary. See *N.J.S.A. 52:14B-10(c); Cavalieri u. Public Employees Retirement System*, 368 *N.J. Super.* 527 (App. Div. 2004). In this matter, the exceptions filed by the appellant are not persuasive in demonstrating that the ALJ's credibility determinations, or his findings and conclusions based on those determinations, were arbitrary, capricious or unreasonable. As such, the Commission has no reason to question those determinations or the findings and conclusions made therefrom.

Additionally, the Commission agrees with the ALJ that, pursuant to the settlement agreement entered into by the appellant and appointing authority, the uncovered infractions warrant removal from employment as to find otherwise would be to ignore the agreement of the parties as well as the fact that the appellant was found to have committed the identified transgressions.

### 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 Nasheeda Singleton.

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 12<sup>TH</sup> DAY OF OCTOBER, 2022

*Deirdre' L. Webster Cobb*

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Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
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Nicholas F. Angiulo  
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Trenton, New Jersey 08625-0312

Attachment



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

**INITIAL DECISION**

OAL DKT. NO. CSR 08066-20

**IN THE MATTER OF NASHEEDA SINGLETON,  
NORTHERN STATE PRISON.**

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**Michael DeRose, Esq.**, for appellant Nasheeda Singleton (Crivelli, Barbati & DeRose, LLC)

**Kathryn Moynihan**, Deputy Attorney General, and **Andrew J. Sarrol**, Deputy Attorneys General, on the brief (Matthew J. Platkin, Acting Attorney General for the State of New Jersey, attorney)

Record Closed: July 12, 2022

Decided: August 25, 2022

**BEFORE JUDE-ANTHONY TISCORNIA, ALJ:**

**STATEMENT OF THE CASE**

Nasheeda Singleton, appellant (Singleton or appellant) appeals her removal by the New Jersey Department of Corrections, respondent (Department or respondent) based on charges stemming from her alleged breach of the terms of a settlement agreement dated August 19, 2019 (2019 Settlement Agreement).

**ISSUE**

Did Singleton violate the terms of the 2019 Settlement Agreement and, if so, do her actions constitute grounds for removal from her position as a correction officer?

**PROCEDURAL HISTORY**

The Department issued a Preliminary Notice of Disciplinary Action (PNDA) dated August 3, 2020, seeking appellant's removal, and subsequently issued a Final Notice of Disciplinary Action (FNDA) dated August 5, 2020, sustaining appellant's removal, for violation of 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, specifically, violation of Human Resources Bulletin (HRB) 84-17, C(11), conduct unbecoming an employee, and E(1), violation of a rule, regulation, policy, procedure, order, or administrative decision, based on appellant's failure to comply with the terms of the 2019 Settlement Agreement. (R-2; R-3.) On August 18, 2020, appellant appealed the determination directly to the Office of Administrative Law (N.J.S.A. 40A:14-202(d)), and the hearing was held via Zoom on the earliest agreed-upon dates, January 13 and 14, 2022. Final submissions were received by the undersigned on July 12, 2022, at which point the record was closed.

**FACTUAL FINDINGS**

I **FIND** the following to be the facts of the case:

On March 27, 2016, Singleton was arrested on six counts of N.J.S.A. 2C:24-4(a)(2), endangering the welfare of a child. These charges were later amended to a fourth-degree crime and ultimately dismissed following her completion of pretrial intervention. On March 27, 2016, Singleton was also arrested and charged with violating the following statutes: (1) N.J.S.A. 39:4-50, driving while intoxicated; (2) N.J.S.A. 39:4-50.2, refusal to submit to chemical breath testing; and (3) N.J.S.A. 39:4-50.15(b), driving under the influence with a minor in the vehicle. (R-11.)

On March 28, 2016, the Department filed two Preliminary Notices of Disciplinary Action against Singleton stemming from Singleton's arrest and charges. PNDA 16-010 sought removal for violation of N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee, as well as violations of Human Resources Bulletin (HRB) 84-17. PNDA 16-011 sought an indefinite suspension for violations of N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee; N.J.A.C. 4A:2-2.7, actions involving criminal matters—charged with N.J.S.A. 2C:24-4, child endangerment, second degree; and violations of HRB 84-17. (R-1 at ¶1.)

On August 19, 2019, the Department entered into a Settlement Agreement with Singleton, whereby she received a 120-working-day suspension instead of removal. (R-1 at ¶5.) Instead of an indefinite suspension for PNDA 16-011, the Department withdrew the charges. (R-1 at ¶4.)

To retain her employment, the 2019 Settlement Agreement required that Singleton

successfully complete [the] CSTA [Correctional Staff Training Academy] reinstatement process and . . . complete any retraining deemed appropriate by the Correctional Staff Training Academy and Albert C. Wagner Youth Correctional Facility's Administration. Failure to do so will result in a Final Notice of Disciplinary Action being generated for removal.

[R-1 at ¶6.]

In accordance with the terms of the 2019 Settlement Agreement, on September 7, 2019, Singleton filled out an application entitled "State of New Jersey Department of Corrections Application for Employment, Law Enforcement Positions Background Investigation Questionnaire," hereinafter referred to as the "2019 Application." (R-5.) Beginning on page two of the 2019 Application, the Department provided a list of "Criteria for Removal from the Eligible List." The Department reserved the right to remove any candidate from the application process if the

[c]andidate has demonstrated a history of conduct or behavior in his or her personal and/or work life that is inconsistent with the standards expected of a law enforcement officer including conduct or behavior which would serve to undermine public confidence in law enforcement.

[R-5.]

On September 9, 2019, Singleton reported to the Department's Custody Recruitment Unit (CRU) for processing pursuant to the terms of the 2019 Settlement Agreement. (See R-11.)

According to the CRU's Law Enforcement Applicant Investigation Report, dated December 31, 2019, the CRU determined that there were three transgressions contained within Singleton's application. (R-11 at 2.) First, it was determined that Singleton failed to inform the Department about multiple driver's-license suspensions during her employment from 2005 to 2016. Upon further review, it appeared that her driver's license had been suspended over the following timeframes: from January 5, 2008, through January 8, 2008; August 12, 2008, through December 2, 2008; and May 20, 2014, through July 29, 2014. Ibid.

Second, while reviewing a conversation Singleton had conducted with an acquaintance over social media, the CRU determined that Singleton had engaged in the personal use of prohibited substances. It also appeared that Singleton had inquired into a means of circumventing drug-testing procedures. Specifically, on July 18, 2018, over Facebook, Singleton asked her acquaintance, M.S., "do u know anything about those mouth swab test? i gotta take a drug test for a job tomorrow and i smoked yesterday . . . lol." Ibid. In another Facebook message, Singleton informed another acquaintance, K.W., "I smoked a little something earlier in the month . . . I was all goofy acting . . . lol." (R-11 at 2; R-9.)

Third, Singleton failed to inform the Department that Owens Campbell, the father of her child, had managed to obtain her Department uniform without her knowledge and wear the uniform in public. (R-11 at 2; R-7.)

As a result of these issues, the CRU determined that Singleton did not meet the criteria for employment with the Department. Lt. Anthony Foster, a supervisor stationed at the Correctional Staff Training Academy and assigned to the CRU, did not recommend her for employment. (R-11 at 1.)

August 3, 2020, PNDA and corresponding August 5, 2020, FNDA

Due to the multiple discrepancies outlined above, Singleton ultimately failed to “successfully complete [the] CSTA reinstatement process,” and, thus, she failed to comply with the terms of the 2019 Settlement Agreement. As a result, the Department initiated removal proceedings. (R-2; R-3.) To carry out the terms of the 2019 Settlement Agreement, the Department filed a PNDA against Singleton, dated August 3, 2020, and a subsequent FNDA, dated August 5, 2020. (R-2; R-3.) The Department now seeks Singleton’s removal for violation of 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. The present FNDA further specifies that Singleton violated HRB 84-17 C(11), conduct unbecoming an employee, and E(1), violation of a rule, regulation, policy, procedure, order, or administrative decision. (R-2; R-3.)

TESTIMONY

Lt. Brian Patrick Boyle

Lt. Brian Patrick Boyle is employed by the State of New Jersey, Department of Corrections. As part of his official duties, he participated in drafting the 2019 Settlement Agreement. Boyle explained that, as part of the settlement, Singleton withdrew her appeal of PNDAs 16-010 and PNDA 16-011, and she accepted a 120-working-day

suspension for PNDA 16-010. The agreement provided that the remaining days up to the start of the rehire process would count as an approved unpaid leave of absence.

Boyle also explained that paragraph six of the 2019 Settlement Agreement required Singleton to complete the CSTA reinstatement process and any retraining deemed appropriate by the CSTA and Albert C. Wagner Youth Correctional Facility administration. Boyle testified that paragraph six indicated that failure to complete the reinstatement process or any retraining would result in an FNDA for removal.

After assessing the demeanor of the witness and content of his testimony, I find Lieutenant Boyle's testimony to be credible.

SCPO Lemuel Christopher Leeper-Tilghman

State correctional police officer (SCPO) Lemuel Christopher Leeper-Tilghman serves as a CRU adjunct background investigator. Leeper-Tilghman conducted the initial processing phase for Singleton's reinstatement process. He explained that the CRU conducts background investigations to determine whether reinstatement candidates like Singleton meet any of the criteria for removal. He further testified that the background investigation includes a search of a candidate's social-media accounts. The CRU uses information gleaned from social media to assess whether a candidate has demonstrated a pattern in their personal or work life that is inconsistent with law enforcement or that would serve to undermine the public's confidence in law enforcement.

While searching Singleton's Facebook account, Leeper-Tilghman discovered a conversation between Singleton and an acquaintance of hers, M.S., wherein Singleton inquired as to whether M.S. knew anything about mouth-swab tests, and informed M.S. that she had to take a mouth-swab test the following day but had "smoked" the day prior. Leeper-Tilghman viewed the content of this conversation as Singleton's attempt to circumvent the hiring process and prevent a positive marijuana test. As a result, he noted the conversation for supervisory review.



Regarding this conversation, Leeper-Tilghman testified that marijuana use within two years of a candidate's application was criteria for removal. He further testified that Singleton's Facebook conversation with M.S. included an original timestamp indicating that it had taken place within two years of her reinstatement application. But he testified that even if the conversation had not taken place within two years, it was still significant because it referred to Singleton's use of prohibited substances.

Leeper-Tilghman also searched Singleton's Gmail account. There he discovered that Singleton had saved images in her Google Photos account of a man wearing her Department-issued sergeant's uniform shirt. Leeper-Tilghman downloaded the images and sent them for supervisory review.

After assessing the demeanor of the witness and content of his testimony, I find Leeper-Tilghman's testimony to be credible.

Lt. Anthony Joseph Foster

Correctional police lieutenant Anthony Joseph Foster, CSTA, CRU, led Singleton's 2019 background investigation. He wrote a report dated December 31, 2019, concluding that Singleton had failed to meet the Department's criteria for employment. (R-11.) Foster testified that this decision was based on the totality of the information obtained from the background investigation.

During his testimony, Foster discussed the following issues that came to light during Singleton's background investigation, each of which contributed to the decision that she had failed to meet the Department's criteria for employment:

1. Singleton's failure to report any of her three prior driver's-license suspensions to the Department

To this point, Foster testified that Singleton failed to report to the Department any of her three prior driver's-license suspensions.

2. Singleton's Facebook conversation with M.S., during which Singleton inquired into methods to circumvent a drug test

To this point, Foster testified that Singleton's Facebook conversation with M.S. (detailed above) was inconsistent with Department standards.

3. Singleton's Facebook conversation with K.W., during which Singleton admitted to using prohibited substances

Foster testified that, during a Facebook conversation with K.W., Singleton stated, "I smoked a little something earlier . . . in the month. I was all goofy acting . . . lol." (See also R-9.) Foster testified that Singleton's Facebook conversation with K.W. factored into his overall decision to remove her from the eligibility list.

4. Singleton's failure to inform the Department that her paramour, Mr. Campbell, had worn her sergeant's uniform in a manner inconsistent with Department policy

Foster testified that he reviewed images that Leeper-Tilghman had downloaded from Singleton's Google Photos account, and that Foster identified the shirt that Campbell was wearing in the images as Singleton's Department-issued sergeant's uniform shirt. (R-7.) He further testified that Department Policy Number CUS.001.007 provides that "[a]t all times, while wearing the uniform of the NJDOC, custody staff shall conduct themselves in a professional manner consistent with their position as a State Law Enforcement Officer and in a manner that reflects dignity upon the Department." The policy goes on to indicate that "[a]t no time shall any portion of the uniform be worn, carried

or treated in a manner of disrespect or degradation.” (R-17.) Foster pointed out that the Law Enforcement Personnel Rules and Regulations, Article V, Section 3, provides: “Officers shall not willfully, carelessly or negligently lose, destroy, spoil, damage, wrongfully dispose of or convert for personal use or for unauthorized use of another: (a) Any property belonging to, or assigned by the Department. . . . Officers shall not use owned or leased Department property or equipment assigned to them or any other officer in an unauthorized manner, or permit others to use in an unauthorized manner, without Competent Authority.” (R-18.) Foster testified that the images of Campbell in public wearing Singleton’s sergeant’s uniform shirt violated these policies since Campbell could have used her uniform in a manner inconsistent with law-enforcement objectives. He stated that even if these images were not publicly available, Singleton was still under an obligation to report the matter to local authorities or the Department.

5. Singleton’s failure to report her November 15, 2010, harassment charge to the Department

To this point, Foster testified that Singleton failed to report to the Department a harassment charge that she had received on November 15, 2010. Foster testified that incidents listed in Singleton’s criminal history (see R-11; R-14) included:

11/15/10—Charged with 2C:33-4C, harassment. Dismissed through mediation on 1/18/11.

3/17/07—Guilty of 18A:38-25, attendance required of child.

10/23/95—Charged with 2C:12-1A, simple assault-bodily injury, a disorderly-persons offense. Dismissed after completion of a diversion program.

Foster testified that there was no record that Singleton ever disclosed her November 15, 2010, harassment charge to the Department at the time of its occurrence.

He further stated that this criminal matter should have been memorialized in custody reports to either the Department's Special Investigations Division (SID) or Singleton's director of custody operations at the time.

6. Singleton's failure to report her March 17, 2007, attendance-required-of-child charge to the Department

To this point, as with the prior charge, Foster testified that there was no record that Singleton ever disclosed this criminal matter to the Department around the time of its occurrence; the charge should have been memorialized in custody reports to SID or to Singleton's director of custody operations. Foster further testified that HRB 84-19 required her to follow up any verbal communications in writing. (See R-13 at II(A)(1)(2).)

7. Singleton's failure to disclose her November 15, 2010, harassment charge and March 17, 2007, attendance-required-of-child charge in her 2019 Application

Foster testified that Singleton failed to disclose both her November 15, 2010, harassment charge and her March 17, 2007, attendance-required-of-child charge in her 2019 Application. The 2019 Application specifically indicated:

It is mandatory that you disclose all charges, whether dismissed, adjudicated, or pending, including expungements, conditional discharges, pre-trial interventions, or any other dismissal as a result of successful completion of a diversionary program, any DUI/DWI convictions, all juvenile matters, and all incidences of domestic violence to which you were a party. Everything must be disclosed on this application regardless of the outcome of such matters.

[R-5 at 19.]

8. Singleton's failure to disclose her 1995 simple-assault charge to the Department

Foster testified that in a prior application for employment with the Department that Singleton filled out in 2002, she failed to disclose her 1995 simple-assault charge. As part of that 2002 application, she completed an Affidavit of Understanding, which required disclosure of prior charges. (R-10.) Foster testified that this Affidavit of Understanding contradicted information discovered during Singleton's background investigation because she had been charged with simple assault in 1995.

After assessing the demeanor of the witness and content of his testimony, I find Foster's testimony to be credible.

**Sgt. Thomas Januszkiewicz**

Sergeant Januszkiewicz testified that he is currently the sergeant in charge of the CRU and Lieutenant Foster is his immediate supervisor. Sergeant Januszkiewicz took the Facebook screenshots identified as Exhibit R-9, including the Facebook conversation between Singleton and K.W. Sergeant Januszkiewicz testified that the specific date of Singleton's Facebook conversation was not concerning, but the use of a controlled dangerous substance by someone attempting to return to law enforcement was reason to flag the conversation for a follow up.

After assessing the demeanor of the witness and content of his testimony, I find Sergeant Januszkiewicz's testimony to be credible.

**Investigator Theodis Anthony Ratliff II**

Principal investigator Theodis Anthony Ratliff II currently works at New Jersey State Prison in the Special Investigations Division. Ratliff testified that in 2019, DOC Human Resources referred issues surrounding Singleton's reinstatement to SID for investigation. Ratliff was then assigned to investigate those matters involving Singleton.

Those issues included the use of her duty equipment by her paramour, Mr. Campbell, as well as text conversations.

Ratliff authored a report dated March 31, 2020. (R-20.) With regard to Singleton's Facebook conversation with K.W., Ratliff testified that during Singleton's SID interview, Singleton claimed that she would not typically have these types of conversations with K.W., and that she (Singleton) did not use drugs. According to Ratliff, Singleton told him that Campbell may have accessed her social media to prevent her reinstatement with the Department. Ratliff noted, however, that when Singleton provided her social-media information to the CRU, she never reported that someone else may have accessed her accounts to manipulate her conversations.

As part of the SID investigation, Ratliff also questioned Singleton about her Facebook conversation with M.S. When questioned, Singleton denied participating in that conversation as well, and denied using drugs. Singleton also claimed that Campbell could have accessed her Facebook account with regard to the M.S. conversation. However, she provided no evidence to indicate that Campbell had accessed her social-media accounts and posed as her. She also provided no other examples of Campbell posing as her over social media. During the SID investigation, Ratliff questioned Singleton as to why she retained photographs of Campbell wearing her uniform in public. Singleton responded that she took the pictures "for her own protection." Singleton told Ratliff that in one photo, Campbell was in a vehicle they shared. In another photo, Campbell was drunk outside of an apartment complex where Singleton was working security, and property management had reported the matter to her.

Ratliff testified that his role was limited to reporting Singleton's responses to his questions. He was not required to gather additional evidence about Singleton's social-media conversations or to make any determinations regarding Singleton's truthfulness.

After assessing the demeanor of the witness and content of his testimony, I find Ratliff's testimony to be credible.

**Nasheeda Singleton**

Nasheeda Singleton began working for the DOC in April 2005 as a correction officer. In October 2015 she was promoted to sergeant. Singleton addressed her two driver's-license suspensions in 2008 and the one license suspension in 2014. She claimed that each time her license was suspended, she discovered that it was suspended when she was pulled over by the local police. She said that whenever a municipal police officer informed her that her license was suspended, she reported it to her union representative and Department supervisor. On cross-examination, she could not recall the name of any union representative or Department supervisor to whom she would have reported those suspensions. She also admitted that she never personally documented those license suspensions. Also on cross-examination, Singleton affirmed that HRB 84-19 requires that employees "must follow up the above verbal communication in writing." However, she could not recall any follow-ups in writing.

With regard to the Facebook conversation with M.S., Singleton denied typing those statements, and indicated that she believed that Campbell typed those statements using her Facebook profile. Singleton admits to knowing M.S. for twenty-five years, and stated that M.S. knew of Singleton's career in law enforcement. She claimed that M.S. never contacted her to inquire why Singleton was asking questions about drugs. With regard to the Facebook Messenger conversation with K.W., Singleton denied ever having written the following: "I smoked a little something earlier . . . in the month. I was all goofy acting . . . LOL." When asked who may have written it, she replied, "I would say Owens [Campbell] wrote it." (2T at 124:12-20.)

Singleton further stated that she had known K.W. since K.W. was two years old, and that K.W. was nineteen or twenty at the time of the Facebook Messenger conversation. Singleton also acknowledged that K.W. knew that she was a correction officer. Singleton acknowledged that on November 15, 2010, a neighbor filed a counter-complaint of harassment against her. She claimed that she reported the harassment

charge to a union representative and to her supervisor at the time at Northern State Prison. Although she was able to provide the names of two possible union representatives to whom she may have reported the matter, she could not recall any supervisor. When asked if she wrote a report regarding that harassment charge, she replied, "I believe so vaguely or whatever, but I believe I did." She claimed that this report was likely a "Special Investigations Report," but SID never contacted her.

Singleton acknowledged that in 2007 she was charged with violating N.J.S.A. 18A:38-25, attendance required of child. She claimed that this involved her oldest daughter's lateness to school, and that she pled "guilty with an explanation" in East Orange Municipal Court. She admitted that "it would make no sense to say not guilty because I actually was, because she was a minor and I was supposed to make sure she got to school on time." Singleton claimed that she reported this to a union representative and then a supervisor, but she did not recall whether she wrote a report about the charge. Singleton acknowledged that in 1995 she was in a fight in high school, and she claimed that she included it in a prior DOC employment application.

Regarding Owens Campbell's alleged accessing of Singleton's Facebook page and posing as her, Singleton does not actually know whether Campbell made those statements on her Facebook account, and she never asked him whether he had done so. She further admitted that she had never seen Campbell access her social media before, that no one reported to her that he had accessed her social media, and that she could not be sure whether he had ever posted anything on her Facebook account.

Regarding the photos of Campbell wearing Singleton's sergeant's uniform, Singleton explained that she had been providing security services for the Housing Authority. She stated that when she arrived at the housing complex where she lived, she saw Campbell wearing her uniform shirt over surveillance video. As a result, she went home and asked him to take the shirt off. She added that she also asked him, "[W]hy are you doing this[?]" (2T at 131:22.) She claimed that she took pictures of him wearing her uniform, as "backup for myself." (2T at 132:17.) Singleton admitted that she never



reported to the DOC that Campbell had worn her uniform shirt, but she explained that some unidentified local police officers told her that since her shirts were neither lost nor stolen, there was nothing to report.

After assessing the demeanor of the witness and content of her testimony, I find appellant Nasheeda Singleton's testimony to be less than credible. Specifically, Singleton's assertion that Campbell had accessed her Facebook profile and impersonated her in the conversations with M.S. and K.W. lacked credibility, as Singleton subsequently admitted that she did not know whether Campbell actually accessed her Facebook account and she never attempted to confirm whether he had done so. She also testified that she had never seen Campbell access any of her social media at any time, and no one ever reported to her that he had. Thus, her testimony that Campbell was the one who posted the comments in question appears to be based solely on conjecture, or was otherwise fabricated.

### **Standard of Review**

The burden of persuasion rests with the agency to prove violations of administrative regulations. Cumberland Farms, Inc. v. Moffett, 218 N.J. Super. 331, 341 (App. Div. 1987). The agency must prove its case by a preponderance of the credible evidence, which is the standard in proceedings before an administrative agency. Atkinson v. Parsekian, 37 N.J. 143 (1962). An appeal requires the Office of Administrative Law to conduct a de novo hearing and to determine the appellant's guilt or innocence, as well as the appropriate penalty, if necessary. In re Morrison, 216 N.J. Super. 143 (App. Div. 1987); Cliff v. Morris Cnty. Bd. of Soc. Servs., 197 N.J. Super. 307 (App. Div. 1984).

### **LEGAL ANALYSIS AND CONCLUSIONS**

The Civil Service Act and its associated regulations govern the rights and duties of a civil service employee. N.J.S.A. 11A:1-1 to 11A:12-6; N.J.A.C. 4A:1-1.1, et seq. 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. Among the causes for major discipline are conviction of a crime and conduct unbecoming a public employee. N.J.A.C. 4A:2-2.3(a)(5), (6).

The issues to be determined at the de novo hearing are whether the employee is guilty of the charges brought against him/her and, if so, the appropriate penalty, if any, that should be imposed. Henry v. Rahway State Prison, 81 N.J. 571 (1980); West New York v. Bock, 38 N.J. 500 (1962).

This case is particularly sensitive because it involves a law-enforcement official.

[A] police officer is a special kind of public employee. His primary duty is to enforce and uphold the law. He carries a service revolver on his person and is constantly called upon to exercise tact, restraint and good judgment in his relationship with the public. He represents law and order to the citizenry and must present an image of personal integrity and dependability in order to have the respect of the public . . . .

[Moorestown v. Armstrong, 89 N.J. Super. 560, 566 (App. Div. 1965).]

Even more troubling is the fact that illicit drugs may be involved. "Every police officer understands that an officer who uses or sells drugs is a threat to the public." Rawlings v. Police Dep't of Jersey City, 133 N.J. 182, 189 (1993).

While Singleton argues that many of the events were minor infractions or are too far back in time to constitute grounds for removal, it should be noted, as outlined above, that Singleton's status as a correction officer subjects her to a higher standard of conduct than other public employees. See In re Phillips, 117 N.J. 567, 576-77 (1990). 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. 1971); City of Newark v. Massey, 93 N.J. Super. 317 (App. Div. 1967).

Singleton further argues that the principles of progressive discipline preclude the Department from seeking her removal in this matter, while the Department argues that Singleton's misconduct is so egregious that progressive discipline need not apply.

In assessing the propriety of the penalty in any civil service disciplinary action, the primary concern is the public good. George v. N. Princeton Dev'l Ctr., 96 N.J.A.R.2d 463, 465 (CSV). Factors to be considered are the nature of the offense, the concept of progressive discipline, and the employee's prior record. Ibid. Progressive discipline is required in those cases where an employee is guilty of a series of offenses, none of which is sufficient to justify removal. Harris v. N. Jersey Dev'l Ctr., 94 N.J.A.R.2d 483 (CSV). Progressive discipline does not apply, however, where the offense committed is, in itself, sufficient to warrant removal. Ibid.

In the case at bar, Singleton voluntarily entered into a Settlement Agreement on August 19, 2019, to regain her position within the Department and avoid termination after having been served with an FNDA regarding criminal charges. Thus, I **CONCLUDE** that progressive discipline does not apply, because (1) Singleton faced criminal charges, which are, in and of themselves, sufficient to warrant removal; (2) Singleton was never exonerated of said charges; and (3) Singleton voluntarily entered into an agreement with the Department, and, as part of that agreement, Singleton agreed to subject herself to a new application process.

As part of this application process, Singleton was scrutinized regarding her character and fitness for the position. To this end, the Department ultimately determined, after an investigation, that Singleton had displayed a pattern of conduct that constituted a 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," as articulated in Hartmann v. Ridgewood, 258 N.J. Super. 32, 39–40 (App. Div. 1992); see also In re

Tuch, 159 N.J. Super. 219 (App. Div. 1978); City of Asbury Park v. Civil Serv., 17 N.J. 419, 429 (1955). Based on these findings, the Department determined that Singleton failed to satisfy the terms of the Settlement Agreement, and, thus, should be removed from the application process, and served with an FNDA calling for her removal.

Singleton entered into a Settlement Agreement with the Department, an agreement that contemplated a re-application process, and thus, re-evaluation of her character and fitness for the position of correction officer. In doing so, she exposed herself to the possibility of not being rehired if her character and fitness were not deemed satisfactory by the Department. Upon investigation and review, a number of transgressions that had not previously been known to the Department were revealed, and Singleton was deemed to not meet the criteria for a rehire as a correction officer. I agree.

Based on the foregoing, I **CONCLUDE** that the Department has proven by a preponderance of the credible evidence that Singleton failed to meet the character and fitness requirements for employment as a correction officer, and that its determination to remove appellant was appropriate.

### **ORDER**

Accordingly, it is **ORDERED** that the disciplinary action entered in the Final Notice of Disciplinary Action of the New Jersey Department of Corrections removing appellant Nasheeda Singleton from her position of correction officer is hereby **AFFIRMED**.

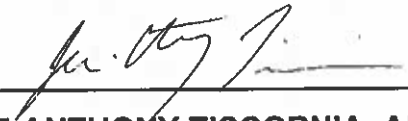
I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

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, MERIT SYSTEM PRACTICES AND LABOR RELATIONS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, P.O. 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 25, 2022  
DATE

  
\_\_\_\_\_  
JUDE-ANTHONY TISCORNIA, ALJ

Date Received at Agency:

8/25/22

Mailed to Parties:

8/25/22

id

**APPENDIX**

**LIST OF WITNESSES**

**For Appellant:**

Nasheeda Singleton

**For Respondent:**

Lieutenant Brian Patrick Boyle

Officer Lemuel Christopher Leeper-Tilghman

Lieutenant Anthony Joseph Foster

Sergeant Thomas Januszkiewicz's

Investigator Theodis Anthony Ratliff II

**LIST OF EXHIBITS IN EVIDENCE**

**For Appellant:**

None

**For Respondent:**

- R-1 Settlement Agreement, signed 8/19/2019
- R-2 PNDA dated 8/3/2020
- R-3 FNDA dated 8/5/2020
- R-4 Work History
- R-5 DOC Application for Employment, completed 9/7/2019
- R-6 DOC Custody Recruitment Unit Affirmation and Authorization to Release Social Networking Accounts and Emails
- R-7 Photographs of Owens Campbell
- R-8 Facebook messages between Nasheeda Singleton and M.S.

- R-9 Facebook messages between Nasheeda Singleton and K.W.
- R-10 DOC Interview Questionnaire, signed 8/14/2002
- R-11 Law Enforcement Applicant Investigation Report dated 12/31/2019
- R-12 Certified Driver Abstract, dated 9/9/2019
- R-13 DOC Human Resources Bulletin 84-19
- R-14 NJ Automated Complaint System Search Results, dated 9/9/2019
- R-15 DOC Office of Human Resources New-Hire Orientation Index
- R-16 DOC HR Bulletin 99-01, Drug Testing Policy
- R-17 NJ DOC Custody Staff Uniforms, Policy No. CUS.001.007
- R-18 Law Enforcement Personnel Rules and Regulations
- R-19 DOC Human Resources Bulletin 84-17
- R-20 SID Administrative Investigation Report, dated 3/31/20
- R-21 Weingarten Administrative Rights, signed 2/25/20
- R-22 DVD of Singleton's SID Interview on 2/25/20
- R-23 Email from Singleton to CRU Custody, dated 9/11/2019