STATE OF NEW JERSEY

In the Matter of Shannon Thomas, Essex County, Department of Citizen Services	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
CSC Docket No. 2022-30 OAL Docket No. CSV 07370-21	

ISSUED: MARCH 15, 2023

The appeal of Shannon Thomas, Family Service Worker, Essex County, Department of Citizen Services, removal, effective May 21, 2021, on charges, was heard by Administrative Law Judge Gail M. Cookson (ALJ), who rendered her initial decision on January 30, 2023. Exceptions were filed on behalf of the appellant and a reply to exceptions was filed on behalf of the appointing authority.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, including a thorough review of the exceptions and reply, the Civil Service Commission (Commission), at its meeting on March 15, 2023, adopted the ALJ's Findings of Facts and Conclusion and her recommendation to uphold the removal.

Upon its *de novo* review of the ALJ's thorough and well-reasoned initial decision as well as the entire record, including the exceptions filed by the appellant, the Commission agrees with the ALJ's determinations regarding the charges, which were substantially based on her assessment of the credibility of the witnesses. In this regard, the Commission acknowledges that the ALJ, who has the benefit of hearing and seeing the witnesses, is generally in a better position to determine the credibility and veracity of the witnesses. *See Matter of J.W.D.*, 149 *N.J.* 108 (1997). "[T]rial courts' credibility findings . . . are often influenced by matters such as observations of the character and demeanor of the witnesses and common human experience that are not transmitted by the record." *See also, In re Taylor,* 158 *N.J.* 644 (1999) (quoting *State v. Locurto,* 157 *N.J.* 463, 474 (1999)). Additionally, such credibility findings need not be explicitly enunciated if the record as a whole makes the findings clear. *Id.* at 659 (citing *Locurto, supra).* The Commission appropriately gives due deference to such determinations. However, in its *de novo* review of the

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 her findings and conclusions based on those determinations, were arbitrary, capricious or unreasonable. Specifically, the ALJ found the appellant's testimony not credible, stating:

> In sum, appellant had numerous excuses for why doing her job was hard, unsupported, made difficult by others, whether before or after Covid; she had excuses for not showing up or responding to supervisory warnings or the five-letter, or filing proper medical documentation. Yet, she found it easy to get Dr. Galea to scribble out a prescription excuse for months at a time. I **FIND** appellant to have been a witness without credibility or sincerity. She did what was convenient for her personal agenda without concern or consideration for the requirements of her employment. This pattern and practice started months before Covid and continued throughout.

The Commission finds nothing in the record to question this determination or the findings and conclusions made therefrom.

Similar to its review of the underlying charges, the Commission's review of the penalty is *de novo.* In addition to its consideration of the seriousness of the underlying incident in determining the proper penalty, the Commission also utilizes, when appropriate, the concept of progressive discipline. *West New York v. Bock,* 38 *N.J.* 500 (1962). In determining the propriety of the penalty, several factors must be considered, including the nature of the appellant's offense, the concept of progressive discipline, and the employee's prior record. *George v. North Princeton Developmental Center,* 96 *N.J.A.R. 2d* (CSV) 463.

In this matter, the Commission agrees with the ALJ's recommendation to uphold the removal. While the appellant argues in her exceptions that progressive discipline should be applied, the Commission disagrees. In this matter, the appellant did not return to work after being specifically notified to do so for a period of more than five-days without authorization, essentially abandoning her job. *See N.J.A.C.* 4A:2-6.2(b). Under such a circumstance, the tenets of progressive discipline may be bypassed as the initial responsibility of any employee is to actually show up to work during periods they are able to do so. Progressive discipline is utilized, in part, to inform employees that further misconduct may lead to greater disciplinary penalties. When that misconduct is a failure to attend work as required, without valid reason, the purpose of progressive discipline would be rendered ineffective. In this matter, the Commission agrees with the ALJ, who stated that "She just stopped showing up.

I **CONCLUDE** that she abandoned her job as a FSW with Essex County." Moreover, given this circumstance, the Commission finds the penalty of removal neither disproportionate nor shocking to the conscious.

ORDER

The Civil Service Commission finds that the action of the appointing authority in removing the appellant was justified. The Commission therefore upholds that action and dismisses the appeal of Shannon Thomas.

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 15TH DAY OF MARCH, 2023

Allison Chris Myers

Allison Chris Myers
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
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 07370-21
AGENCY REF. NO. 2022-30

IN THE MATTER OF SHANNON THOMAS, ESSEX COUNTY, DEPARTMENT OF CITIZEN SERVICES.

Christopher C. Roberts, Esq., for appellant Shannon Thomas (Law Offices of Christopher C. Roberts, attorneys)

Sylvia Hall, Esq., for respondent Essex County (Office of County Counsel, attorneys)

Record Closed: December 15, 2022 Decided: January 30, 2023

BEFORE **GAIL M. COOKSON,** ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Shannon Thomas (appellant) contests the decision by Essex County, Department of Citizen Services (County) to remove her from position as a Family Service Worker for chronic and excessive absenteeism, conduct unbecoming a public employee, and other related charges, as set forth in the Final Notice of Disciplinary Action dated May 24, 2021. Appellant requested a hearing from the disciplinary action. The matter was transmitted

to the Office of Administrative Law (OAL) on August 31, 2021, for hearing 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.

This case was assigned to the undersigned. Case management conferences were held periodically beginning September 13, 2021. Hearing dates have been scheduled and then adjourned, with waiver of back pay by appellant for the intervening periods, in order to allow her the opportunity to enlist legal representation from either the labor union or an attorney. The plenary hearings were finally held on August 23 and September 22, 2022. The parties were allowed the opportunity to file written summations following receipt of the transcripts. The record closed on December 15, 2022, upon receipt of the final brief.

FACTUAL DISCUSSION

Based upon due consideration of the testimonial and documentary evidence presented at the hearing, and having had the opportunity to observe the demeanor of the witnesses and assess their credibility, I **FIND** the following **FACTS**:

Bryan Crawley (B. Crawley) is the ADA[1] Coordinator and Pension Officer for the County. He has held the former position since 2017 and the latter was added to his responsibilities in May 2022. B. Crawley has worked for the County since 2013. As ADA Coordinator, he coordinates paperwork with and between employees, their supervisors, and their doctors. ADA leaves or accommodations can kick in after FMLA is exhausted, or that criteria have not been met. He reviews about 150 ADA applications a year. B. Crawley explained the general procedures, policies, and paperwork, which were not challenged herein.

[1] There are several types of leave that an employee can utilize during a period of illness or injury: accrued paid sick, personal and/or vacation leave, Family Medical Leave Act (FMLA) or Americans with Disabilities Act (ADA) continuous or intermittent leave requests, and unpaid sick leave. FMLA time protects an employee's position during periods of extended medical absences and can be granted for up to twelve weeks during a twelve-month period. If the employee has accrued paid sick leave, s/he can receive pay during the FMLA period. When the paid leave is exhausted, the FMLA continues without pay but still with protection of the employee's position.

B. Crawley went on to layout the various periods of absences authorized for and/or taken by appellant (which I have summarized below). After an unauthorized period of absence by appellant between October and December 2019, B. Crawley called appellant and advised her to apply for ADA leave if she felt she needed it. In early December, appellant sought additional accommodations for her mental health condition of anxiety and depression, but the approval had not been granted yet. She stated that she wanted a transfer to a different unit and supervisor because she felt harassed where she was stationed. Appellant expressed a desire to work with Aaron Crawley[2] at the offices at 50 South Clinton Street. She expressed interest in some other positions as well but the high volume work was counter-indicated for her medical condition.

B. Crawley testified that appellant was granted intermittent leave, which requires a call-out process when the employee needs to use a day, retroactive to January 15, 2020. The unauthorized period in the fall of 2019 could not be retroactively approved. B. Crawley stated that he had trouble reaching appellant in January. By February, appellant had been reassigned to the intake kiosk window as an ADA accommodation, but her attendance records indicate that she never worked at all during January through May 2020. [Exhibit C-23.] February 3 through May 3, 2020, were considered leave without authorization and without pay.

On May 27, 2020, appellant's treating physician, Dr. Marina Galea, cleared her to return to work premised upon the job description for the new ADA kiosk position. [Exhibits C-18, 18a.] Appellant did not return to work. By the end of July, B. Crawley was requesting additional medical documentation from appellant. Appellant submitted a simple prescription from Dr. Galea, dated July 30, 2020, stating that she would be out of work for medical reasons from July 17, 2020, to October 17, 2020. When B. Crawley explained that such was insufficient and produced the correct form, he never received anything else from her. [Exhibit C-19, 20, 20a.]

As we all know, the Covid-19 pandemic closed schools and government offices in mid-March 2020. Accommodations and pay were arranged for those employees,

[2] Bryan Crawley and Aaron Crawley are brothers.

including appellant, who were home being schooled remotely due to the pandemic. By May 2020, due to Covid-19 concerns for employees but also wanting to serve the needy public, the County was on a staggered office attendance policy with intermittent remote work from home, including an electronic attendance system.

On cross-examination, B. Crawley could not recall hearing of any periods of hospitalizations by appellant. He did recall doing paperwork for her for several temporary disability insurance applications. The paperwork that he was asked to sign on July 31, 2020, from TransAmerica confirmed that the last day she worked for pay was January 7, 2020. [Exhibit A-26.] He did not inform TransAmerica that she had been absent without leave since May 31, 2020. B. Crawley stated that he was not familiar with whether appellant had gotten Covid-19. The prescription he was shown at the hearing dated May 31, 2021, was as simple as the one the year earlier, and this one was post-dated to excuse appellant apparently from July 17, 2020, through May 31, 2021.

A. Crawley testified next for the County. He has been employed with the Division since 1990, in various positions he detailed. He also described his responsibilities in his position as Administrative Supervising FSW, the general work load which increased after Covid. He also confirmed that appellant was transferred to the drop-off kiosk window under her supervision in February 2020 as an ADA accommodation. However, appellant never showed up which A. Crawley explained impacts the office's productivity as well as adds a burden to the employees who are at work.

On August 26, 2020, A. Crawley sent via certified mail a "five-day" letter to appellant, who had not been at work for the entire calendar year to date. Her lack of response to this warning left her status as an unapproved absence. When A. Crawley was asked on cross-examination why he recommended appellant for termination, he responded that he had never seen her; she just never showed up.

Leslie Porter-Hankerson also was presented as a witness by the County. She testified generally to the workloads of FSW workers employed in the walk-in and intake processes. She recalled seeing appellant only on August 8, 2019, and detailed the attendance records for appellant during that period. On cross-examination, Porter-

Hankerson stated that it was her responsibility to report absences of more than five days to Employee Services, but it was not her job to reach out to appellant to provide warnings or advice.

Casey McMahon (McMahon) testified from the Office of Inspector General for the County. She is now a Senior Investigator and has served in that position for eleven years, after being an investigator in various divisions. She is responsible for the conduct of internal employee investigations as assigned, which is often in teams. McMahon described the general investigation protocol of interviews, summaries of interviews, and then a final report which is presented to the Inspector General for decision on the appropriate action.

McMahon had been assigned to investigate allegations of workplace harassment or supervisory misconduct filed by appellant. Appellant had claimed that she was being harassed due to her disability of anxiety and insomnia, her related approved use of medical marijuana, and her use of intermittent leave time. As a result of her interviews with appellant's supervisors, McMahon determined that the supervisory actions that appellant claimed harassed her were broad and general instructions to the entire office. She also was told that appellant came in late and did not use the proper call-out procedures. McMahon's report with the Inspector General's approval was forwarded to the DFAB Division Head on March 9, 2020. The report concluded that there was insufficient evidence to support the allegations against appellant's supervisors. It also noted that the allegations pre-dated when appellant was approved for intermittent ADA leave. [Exhibit C-33.]

On cross-examination, McMahon stated that she had memoranda and attendance records at her disposal to review. She was unaware of appellant's disciplinary action.

Valentina Richardson Green (Green) testified as well for the respondent. She is the County Division Director for DFAB. She detailed her work history with the Division, beginning with her employment as an FSW in 2003. She generally testified to the size of the Division and the organization. Green was responsible for the issuance of the PNDA and Supplemental PNDA against appellant. [Exhibits C-1, 2.] She reviewed the

attendance records and other documented issues with appellant's attendance. Green also detailed that appellant had been given an ADA accommodation position of a transfer to quality control in the document imaging unit, but she declined that as she felt it was "beneath her." Green also confirmed how Covid-19 impacted employees through the remote work, remote school, testing protocols etc.

On cross-examination, Green explained that she was authorized to sign the PNDA in the absence of the Director. She also reiterated that appellant had been absent without leave since January 8, 2020. She admitted that the spring of 2020 might have been either ADA or Covid approved for appellant, but that same would not have changed her decision with respect to removal because of the long history here.

Nadirah Brown (Brown) presented testimony on behalf of appellant. Brown has been employed by the agency since 2006. She did not work with or supervise appellant but knows almost everyone in DFAB. In about February to March 2020, before Covid shutdowns began and a pre-planned move of DFAB to University Street, Brown reached out to appellant because she saw a box of things and other belongings by the door to appellant's desk. Appellant's desk was cleared off. Brown took a photo and texted it to appellant to inquire if it was hers. Brown was empathetic because she had had some personal items thrown out way back when she was out on leave.

Lastly, Shannon Thomas testified on her own behalf. She began her employment with the County on May 16, 2016, on the 10th Floor of 18 Rector Street offices. Appellant described how her anxiety began sometime in 2017 when she was receiving harder cases without proper support. She filed grievances at that time. At some point, she was moved from the 10th Floor to the 2nd Floor at her request, to the Intake unit. There, she met with Green weekly. At some indefinite period of time, appellant began to feel harassed, profiled, and gossiped about. She started seeing Dr. Galea and was prescribed anti-depressants and anti-anxiety medications. She believes that she went into an Intensive Outpatient Program at Overlook sometime in 2020. Appellant confirmed that she had never been hospitalized.

Appellant described the procedures as she understood them for intermittent leave and the call-out requirements. Intermittent leave means that she could work some hours without working a complete day. One could leave a voice message in lieu of the call-out program. She reiterated that she felt continuously belittled and harassed. Appellant felt that she could have done her job but for the atmosphere in the office. She filed numerous grievances, but their local union would not assist her. B. Crawley did assist her and helped her complete leave requests.

During Covid, appellant stated that she was not being offered a partial remote schedule or support for her special needs daughter who needed to be part of virtual learning. Appellant wanted to work from home five days per week. She detailed periods when she applied and received unemployment or temporary disability instead of pay, including when the schools were closed and during July. For some unspecified period of time in June 2020 while she was hoping for more extended leave because of the schools, appellant went to Florida to visit family. She returned on July 2, 2020, and several days later informed an administrator that she had been exposed to Covid and needed to quarantine for 14 days.[3] [Exhibit A-24.]

On cross-examination, appellant repeated that she felt a high level of harassment in the Intake unit, but did not recall even being transferred to the SNAP kiosk in February 2020. She said she never reported there because she was on unpaid leave, even though she never asked for ADA leave to be unpaid. After she was certified as able to return to work by Dr. Galea, appellant stated that she could not because of virtual school for her child. She asserted that she was never offered even three days off, let alone the five days she needed to be home. Appellant stated that she had a meltdown in the middle of June 2020, presumably just prior to the trip to Florida.

From the documentary records and logs produced by the County, which were not contradicted by any competent evidence, I **FIND** the following with respect to appellant's leave history:

[3] As did the County, I question why she would travel to Florida in the middle of Covid with a special needs child, soon after being cleared to return to work after a long absence.

1) Intermittent FMLA leave June 25, 2018, through July 27, 2018. [Exhibit C-7.]
2) August 22, 2018, ADA job accommodation moving appellant from the 10th Floor to the 2nd Floor at the Intake window kiosk. [Exhibit C-9.]
3) FMLA Leave August 3, 2018, through November 27, 2018, returning to the ADA position. [Exhibit C-8.]
4) Unexcused absence October 1 through December 4, 2019 [Exhibit C-22.]
5) ADA leave from December 5, 2019, through January 21, 2020; changed to intermittent ADA leave through March 5, 2020 [Exhibits A-5, A-8, C-13, C-14.]
6) Extension of ADA Continuous Leave February 3, 2020, through May 5, 2020 [Exhibit C-15.]
7) Appellant's treating physician approved her return to work without restrictions on May 27, 2020. [Exhibit C-18.]
8) Unexcused absence September 4, 2020, through December 31, 2020. [Exhibit C-23.]
9) In July 2020, appellant traveled to Florida to visit family without ever reporting to work or confirming that she had any accrued vacation leave. There, she contracted Covid-19. [Exhibit A-24.]
10) On July 31, 2020, appellant presented a post-dated prescription from Dr. Galea excusing her from work for medical reasons from July 17, 2020[4], through October 17, 2020. [Exhibit C-20, 20a.]

I asked a central fact-finding question to appellant as to whether there was ever a day after June 1, 2020, that you showed up at work at Essex County. Her response was "no." [2T195:18-21.] As far as I am concerned, that's the whole ballgame.

In sum, appellant had numerous excuses for why doing her job was hard, unsupported, made difficult by others, whether before or after Covid; she had excuses for not showing up or responding to supervisory warnings or the five-letter, or filing proper

[4] I note that this picks up right after the 14-day quarantine was expiring.

medical documentation. Yet, she found it easy to get Dr. Galea to scribble out a prescription excuse for months at a time. I **FIND** appellant to have been a witness without credibility or sincerity. She did what was convenient for her personal agenda without concern or consideration for the requirements of her employment. This pattern and practice started months before Covid and continued throughout.

ANALYSIS AND CONCLUSIONS OF LAW

The Civil Service Act, N.J.S.A. 11A:1-1 to -12.6, governs a public employee's rights and duties. The Act is an important inducement to attract qualified personnel to public service and is liberally construed toward attainment of merit appointments and broad tenure protection. Essex Council No. 1, N.J. Civil Serv. Ass'n v. Gibson, 114 N.J. Super. 576 (Law Div. 1971), rev'd on other grounds, 118 N.J. Super. 583 (App. Div. 1972); Mastrobattista v. Essex County Park Comm'n, 46 N.J. 138, 147 (1965). Governmental employers also have delineated rights and obligations. The Act sets forth that it is State policy to provide appropriate appointment, supervisory and other personnel authority to public officials so they may execute properly their constitutional and statutory responsibilities. N.J.S.A. 11A:1-2(b).

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. The issues to be determined at the de novo hearing are whether the appellant is guilty of the charges brought against her and, if so, the appropriate penalty, if any, that should be imposed. See Henry v. Rahway State Prison, 81 N.J. 571 (1980); W. New York v. Bock, 38 N.J. 500 (1962). In this matter, the County bears the burden of proving the charges against appellant by a preponderance of the credible evidence. See In re Matter of Revocation of the License of Polk, 90 N.J. 550 (1982); Atkinson v. Parsekian, 37 N.J. 143 (1962).

There are several charges set forth in the appointing authority's disciplinary action, including conduct unbecoming a public employee and excessive absenteeism. "Conduct unbecoming a public employee" has been described as any conduct which adversely affects the morale or efficiency of a department; conduct which has a tendency to destroy

respect for public employees and their departments; or conduct which destroys confidence in public service. See In re Emmons, 63 N.J. Super. 136, 140-42 (App. Div. 1960); cf. Moorestown Twp. v. Armstrong, 89 N.J. Super. 560, 566 (App. Div. 1965), certif. denied, 47 N.J. 80 (1966). In the circumstances of this case, the charges of job abandonment and excessive absenteeism, if proven, also constitute neglect of duty and conduct unbecoming a public employee by definition.

What constitutes chronic or excessive absenteeism is generally left to the discretion of the appointing authority, and ultimately to the Commission. See N.J.A.C. 4A:2-2.3(a)(4). This case does not present a pattern of abuse, such as stacking sick days before or after holidays, weekends or other paid leave periods, or of excessive lateness. Nevertheless, the undisputed record sets forth that appellant was absent from her office and her duties as a FSW for a long period of paid leave, unpaid protected leave, but also unauthorized leave. She last put in even a partial day of work on January 7, 2020.

On this fact sensitive matter, with little or no dispute about dates or policies, I **CONCLUDE** that appellant was excessively absent with detrimental impact to the County and her co-workers. The public deserves the benefit of the services for which it contracts to pay its servants, as articulated in Terrell v. Newark Housing Auth., 92 N.J.A.R.2d (CSV) 750:

> In addition, excessive absenteeism is not necessarily limited to instances of bad faith or lack of justification on the part of the employee who was frequently away from her job. After reasonable consideration is given to an employee by an appointing authority, the employer is left with a serious personnel problem, and a point is reached where the absenteeism must be weighed against the public right to efficient and economic and inefficiency due to an inordinate amount of employee absence.

Based upon the factual findings entered above, I **CONCLUDE** that appellant is guilty of excessive absenteeism. Appellant plainly did not want to work and found it easier to string the County along with absences, excuses or silence.

Any employer, especially a county governmental agency providing essential social work services to its citizens, has the right to expect that an employee will report to work and perform the duties and functions assigned to him or her. The first duty of employment is showing up.

With respect to the issue of the appropriate sanction, the State utilizes the concept of "progressive discipline," that is, the imposition of penalties of increasing severity. Progressive discipline is considered to be an appropriate analysis for determining the reasonableness of the penalty. See W. New York, supra, 38 N.J. at 523-24. An employee's past disciplinary record may be reviewed to determine the appropriate penalty for the current specific offense. Ibid. In addition to considering an employee's prior disciplinary history when imposing a penalty under the Act, other appropriate factors to consider include the nature of the misconduct, the nature of the employee's job, and the impact of the misconduct on the public interest. Ibid. Here, the County presented evidence of numerous efforts to work with appellant and a pattern and practice of abusing the attendance and leave policies. She just stopped showing up. I **CONCLUDE** that she abandoned her job as a FSW with Essex County.

In this instance, I **CONCLUDE** that removal is the appropriate discipline to impose; after all, appellant effectively removed herself.

ORDER

Accordingly, the charges of excessive absenteeism filed against appellant Shannon Thomas are **AFFIRMED** and the discipline imposed of removal by the respondent Essex County is also **AFFIRMED**. It is so **ORDERED**.

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, 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.

Gail M. Cookson

January 30, 2023
DATE

GAIL M. COOKSON, ALJ

Date Received at Agency: 1/30/23

Mailed to Parties: 1/30/23
id

APPENDIX

LIST OF WITNESSES

For Appellant:

Nadirah Brown

Shannon Thomas

For Respondent:

Bryan Crawley

Aaron Crawley

Leslie Porter-Hankerson

Casey McMahon

Valentina Richardson Green

LIST OF EXHIBITS IN EVIDENCE

For Appellant:

A-1 [not in evidence]

A-2 [not in evidence]

A-3 [not in evidence]

A-4 [not in evidence]

A-5 Reasonable Accommodation Reporting Form, dated January 24, 2020

A-6 [not in evidence]

A-7 [not in evidence]

A-8 [not in evidence]

A-9 [not in evidence]

A-10 E-Mail thread, dated February 28, 2020

A-11 [not in evidence]

A-12 [not in evidence]

A-13 [not in evidence]

A-14 [not in evidence]

A-15 [not in evidence]

A-16 E-Mail thread, dated March 18, 2020

A-17 [not in evidence]
A-18 [not in evidence]
A-19 [not in evidence]
A-20 [not in evidence]
A-21 E-Mail thread, dated June 4, 2020
A-22 [not in evidence]
A-23 E-Mail thread, dated June 9, 2020
A-24 E-Mail thread, dated July 6, 2020
A-25 [not in evidence]
A-26 TransAmerica Disability Benefit Employer Statement, dated July 31, 2020
A-27 E-Mail thread, dated July 31, 2020
A-28 [not in evidence]
A-29 [not in evidence]
A-30 [not in evidence]
A-31 [not in evidence]
A-32 [not in evidence]
A-33 [not in evidence]
A-34 E-Mail thread, dated April 27, 2021
A-35 [not in evidence]
A-36 Prescription, Dr. Marina Galea, dated May 31, 2021

For Respondent:

C-1 Preliminary Notice of Disciplinary History, dated February 10, 2021
C-2 Supplemental Preliminary Notice of Disciplinary History, dated March 29, 2021
C-3 Essex County HR Policy – Family Leave
C-4 Essex County HR Policy – Americans with Disabilities Act
C-5 Essex County HR Policy – Leave of Absence for Serious Illness
C-6 Essex County HR Policy – Sick Leave
C-7 CSC Leave, Separations and Transfer Form, dated July 27, 2018
C-8 CSC Leave, Separations and Transfer Form, dated August 3, 2018
C-9 (a) E-Mail thread, dated August 22, 2018
(b) E-Mail thread, dated August 16, 2018

(c) E-Mail thread, dated July 27, 2018

C-10 Essex County Reasonable Accommodation Information Reporting Form, dated December 5, 2019

C-11 Confirmation of Request for Reasonable Accommodation

C-12 Letter from ADA Coordinator B. Crawley to Thomas, dated December 11, 2019

C-13 Essex County Reasonable Accommodation Information Reporting Form (Intermittent Leave), dated December 5, 2019

C-14 E-Mail from Acting Division Director Burnett to B. Crawley, dated January 28, 2020

C-15 Essex County Reasonable Accommodation Information Reporting Form, dated December 23, 2019

C-16 Confirmation of Request for Reasonable Accommodation

C-17 Memo from Acting Division Director Burnett to Thomas re Reassignment, dated February 4, 2020

C-18 Fitness for Duty Return to Work Certification, dated May 27, 2020

(a) Job Description

C-19 E-Mail between Thomas and B. Crawley, dated July 31, 2020

C-20 E-Mail Thomas to B. Crawley, dated July 31, 2020

(a) Prescription, dated July 30, 2020

C-21 Five-Day Letter A. Crawley to Thomas, dated August 26, 2020

C-22 Thomas, Timecard Report, dated August 1, 2019, to December 31, 2019

C-23 Thomas, Timecard Report, dated January 1, 2020, to December 31, 2020

C-24 Letter B. Crawley to Thomas, dated January 11, 2021

C-25 Essex County HR Policy – Time Utilization

C-26 Essex County HR Policy – Attendance and Punctuality

C-27 Essex County HR Policy – Standard of Conduct

C-28 Essex County Employee Handbook

C-29 Essex County HR Policy – Disciplinary Action

C-30 [not in evidence]

C-31 Final Notice of Disciplinary Action, dated May 24, 2021

C-32 [not in evidence]

C-33 Memo from Investigator McMahon to Division Head Burnett, dated March 9, 2020