



## STATE OF NEW JERSEY

In the Matter of Dawn Harrison,  
Essex County, Department of Health  
and Rehabilitation

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2023-2725  
OAL Docket No. CSV 05315-23

ISSUED: JANUARY 15, 2025

The appeal of Dawn Harrison, Clerk 4, Essex County, Department of Health and Rehabilitation, removal, effective June 2, 2023, on charges, was heard by Administrative Law Judge Nanci G. Stokes (ALJ), who rendered her initial decision on December 18, 2024. Exceptions were filed by the appellant, *pro se*, and a reply 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 which do not merit extended discussion, the Civil Service Commission (Commission), at its meeting on January 15, 2025, adopted the ALJ's Findings of Facts and Conclusions of Law and her recommendation to uphold the removal.

The Commission makes the following comment. The ALJ's initial decision was thorough and comprehensive regarding both the charges and the penalty imposed. In this regard, the Commission agrees with the ALJ's determinations regarding the charges, including those that were not sustained. The Commission notes that the ALJ based these determinations on her assessment of the testimony 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

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). The Commission finds no persuasive evidence in the record to demonstrate that the ALJ's findings and conclusions based on her assessment of the credible evidence in the record, were arbitrary, capricious or unreasonable.

Regarding the penalty, 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. However, it is well established that where the underlying conduct is of an egregious nature, the imposition of a penalty up to and including removal is appropriate, regardless of an individual's disciplinary history. See *Henry v. Rahway State Prison*, 81 *N.J.* 571 (1980). It is settled that the theory of progressive discipline is not a "fixed and immutable rule to be followed without question." Rather, it is recognized that some disciplinary infractions are so serious that removal is appropriate notwithstanding a largely unblemished prior record. See *Carter v. Bordentown*, 191 *N.J.* 474 (2007).

In this matter, the Commission agrees with the ALJ that removal is the only appropriate penalty. While the Commission notes that the appellant was a long term employee at the time of her removal, it cannot be ignored that she had a substantial history of disciplinary action, including some for similar misconduct. Moreover, her record included three major disciplinary actions, with the most recent being a 50 working day suspension in 2022. Given this history and in light of the misconduct presented in this matter, the application of progressive discipline supports the appellant's removal from employment.

### 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 Dawn Harrison.

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 15<sup>TH</sup> DAY OF JANUARY, 2025

*Allison Chris Myers*

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Allison Chris Myers  
Chairperson  
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Attachment



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

**INITIAL DECISION**

OAL DKT. NO. CSV 05315-23

AGENCY DKT. NO. 2023-2725

**IN THE MATTER OF DAWN HARRISON, ESSEX  
COUNTY DEPARTMENT OF HEALTH.**

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**Curtiss T. Jameson, Esq.**, on behalf of appellant Dawn Harrison (Jameson,  
Esq., LLC, attorneys)

**Heather Testa**, Assistant County Counsel, on behalf of respondent Essex County  
Department of Health (Jerome St. John, Essex County Counsel, attorney)

Record Closed: November 18, 2024

Decided: December 18, 2024

BEFORE **Nanci G. Stokes, ALJ**:

**STATEMENT OF THE CASE**

During 2021 and 2022, Dawn Harrison, a keyboarding clerk at the Essex County Hospital Center (EHC), frequently engaged in disruptive, harassing, and unsettling behaviors with many of her co-workers. Given that this action is the fourth major disciplinary matter in six years involving Harrison's misconduct, should she be terminated? Yes. An employee's prior disciplinary record is inherently relevant to

determining an appropriate penalty for subsequent offenses. In re Carter, 191 N.J. 474, 483 (2007).

### **PROCEDURAL HISTORY**

On May 30, 2023, the Essex County Department of Health and Rehabilitation (Essex) issued a Final Notice of Disciplinary Action (FNDA) sustaining charges outlined in the December 20, 2022, Preliminary Notice of Disciplinary Action (PNDA) against keyboarding clerk Dawn Harrison that removed her from employment effective June 2, 2023. Specifically, Essex noted that Harrison worked at the Essex County Hospital Center (EHC) and had a history of inappropriate and unprofessional behavior resulting in prior discipline. On November 28, 2022, Essex concluded an investigation that found that Harrison violated Essex's zero-tolerance policies against workplace violence, discrimination, and harassment. Harrison exhibited "undesirable conduct by being loud, disruptive, and harassing." Essex also specifies that Harrison irrationally acted when questioning employees about what took place during meetings and conversations. Further, fellow employees observed Harrison trying to overhear her supervisor's private conversations.

For this conduct, Essex charged Harrison with violations of 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 a public employee; and N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause, including violations of Essex County's policies and procedures.

Following departmental hearings, Essex sustained Harrison's misconduct as charged and concluded that her termination was necessary to maintain the safe and efficient operation of her workplace. She was terminated effective June 2, 2023.

On June 3, 2023, Harrison appealed her termination to the Civil Service Commission (Commission).

On June 12, 2023, the Commission transmitted her case to the Office of Administrative Law (OAL), under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the OAL, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6. The OAL filed the case on June 14, 2023.

Although I scheduled hearings for May 20 and May 29, 2024, I adjourned these dates to address discovery issues and a motion in limine. On June 4, 2024, I issued an Order on Essex's motion.

I conducted in-person hearings on August 5, 28, and September 3, 2024. The parties filed post-hearing briefs on November 18, 2024, and I closed the record.

### **DISCUSSION AND FINDINGS OF FACT**

Jacqueline Campoverde, Casey McMahon, Susan Lynch, Jacqueline Shashaty, and Frank Del Gaudio testified for Essex at these proceedings. Marlon Brown, Chris Taylor, Renee Ligenza, Harrison, Terry DeLorenzo, Dr. John Kelly, and Dana Mangrella testified for Harrison. Harrison also called McMahon to testify through a subpoena, which I did not quash over Essex's objection.

Based upon the testimony provided, and my assessment of its credibility, together with the documents submitted and my evaluation of their sufficiency, I make the following **FINDINGS of FACT**:

#### **Background**

Harrison began employment with Essex on December 18, 2000, in the Division of Training and Employment. Harrison passed the civil service test for a clerk level four, which led to her transfer to the ECHC in August 2012. She first worked in the medical services unit. A-101. In 2013, Harrison began working in the business office. A-100.

The business office is rectangular, with seven offices surrounding a cubicle area and a reception area upon entry through glass doors. R-15; A-81. A six-foot divider separated open cubicles on one side from the cubicles on the other side. Ibid. Harrison sat at the last cubicle on the left as you entered the office, across from the office of Jacqueline Campoverde, her supervisor since 2015 and the ECHC business manager. Maria Cortez was in the office beside Campoverde's office on the left side. Previously, Campoverde was in Cortez's office location until 2021. In other words, Campoverde was near Harrison since she began as the business manager.

When Harrison started in the business office, she handled physician billing and Medicare A and B claims. Later, ECHC added more responsibilities, including daily census reports, out-of-county billing, processing court orders, and month-end reporting.

Harrison's performance evaluations were typically "excellent." However, from March through December 2013, Harrison received an excellent rating in all categories, but for her "unsatisfactory" attendance, she scored at zero, making her overall rating "good." In 2015, Harrison mainly received excellent ratings but a reduced score relating to behavior that led to discipline, and she filed a grievance. In 2021, Harrison again received an overall rating of "good" because she did not complete newer responsibilities promptly. No party supplied a 2022 evaluation.

Although Essex charged Harrison with failing to perform her duties, Essex clarified that such failure does not mean that Harrison cannot or did not perform her duties. Instead, Essex seeks to sustain this charge because Harrison was not performing her job responsibilities while she engaged in the alleged frequent inappropriate conduct. In other words, when Harrison was acting up, if proven, she was not working.

During her employment, Harrison received and reviewed Essex's policies regarding harassment, discrimination, and retaliation in the workplace, workplace violence, and standards of employee conduct. R-31; R-33; R-34. Essex also provided supplemental training regarding these policies, which Harrison completed.

Prior Discipline

On April 14, 2008, while working in the training and employment division, Harrison was suspended for one day for conduct unbecoming an employee. R-29.

On July 2, 2008, Essex suspended Harrison for three days for conduct unbecoming an employee and insubordination. R-28.

On March 2, 2011, Harrison received a three-day suspension for disrespectful gestures towards a manager and unbecoming conduct. R-27.

In March 2015, while at ECHC, Harrison received an oral warning, recommending that Harrison “refrain from elevating the volume of her voice in the office or using abusive verbal language” with Theresa Linfante. R-26. Harrison refused to sign the discipline form.

On August 29, 2016, Harrison received a suspension for thirty-five working days and a probationary period ending in August 2017 for conduct unbecoming an employee in violation of Essex policies and procedures through an FNDA and settlement agreement. R-25. The specifications state that she falsified doctor’s notes from 2014 and 2015, which she submitted to ECHC’s administration. R-24. Further, the charges highlight that Harrison displayed a pattern of loud, inappropriate behavior in the workplace towards other employees, citing four incidents. Ibid.

On May 20, 2019, Harrison received a thirty-seven-working-day suspension and a six-month probationary period for conduct unbecoming, failure to perform duties, chronic absenteeism, and other sufficient cause, including violating Essex’s policies and procedures. R-23. The FNDA and settlement resolved charges seeking a seventy-five-day suspension. Ibid. The March 12, 2019, specifications explain that Harrison excessively used her cell phone during work hours in 2018, neglecting her tasks and responsibilities. R-22. Further, Harrison inappropriately used sick time near or around days off or holidays, with several instances of undocumented sick time. Harrison also inaccurately reported a dog bite to ECHC. Ibid.



On June 8, 2022, Harrison received a fifty-working-day suspension and a six-month probationary period for conduct unbecoming, failure to perform duties, insubordination, chronic absenteeism, misuse of public property, and other sufficient cause, violating Essex's policies and procedures. R-21. The FNDA and settlement agreement resolved charges in PNDAs dated August 6, 2021, and April 5, 2021, that recommended Harrison's termination from employment. R-19; R-20. The charges noted that Harrison again violated the attendance policy by inappropriately linking sick days to days off on thirteen occasions. R-19. The charges further note that Harrison failed to complete her assigned tasks and frequently left her workstation to make private phone calls during work. Ibid. Supplemental charges involved Harrison's failure to properly handle the private health information of a patient and ECHC's confidential information. The six-month probationary period began on May 4, 2022. R-21. Essex spread the suspension days from May 11, 2022, until May 3, 2023.

During the probationary period, Essex expected Harrison to maintain an acceptable standard of performance and abide by certain terms: (a) her conduct would conform to all of Essex's standards of conduct and policies and (b) agreement that Harrison's failure to conform her actions with the county standards and policies during her probation "will result in further disciplinary action, up to and including termination." R-21.

However, Campoverde filed her complaint against Harrison, which led to the current charges within weeks of Harrison's probationary period.

### The Charges

On May 25, 2022, Campoverde filed a complaint with the Director of Human Resources (HR) about Harrison's alleged inappropriate behavior. R-2.

On June 9, 2022, HR forwarded the complaint to the Office of the Inspector General (OIG). Within the OIG, Casey McMahon and Brian Dyer investigated the complaint, conducting ECHC employee interviews of Campoverde, Harrison, Susan Lynch, Maria Cortez, Jacqueline Santos, Theresa Linfante, Dolores Thomas, Ajita

Thampi, Jacqueline Shashaty, and Jean Fremont. Investigations can vary in time depending on the workload of Essex's small investigative unit. The investigation starts with the complainant's interview and then moves on to witnesses to discount, confirm, or add to the complainant's version of the events. Finally, investigators interview the target. Investigators will also review documents, emails, or videos when relevant.

Harrison directly reports to Campoverde, who served as the business manager of ECHC's business office for twelve years. Campoverde oversees payroll, ECHC finances, budget, state aid, various audits, medical billing, and hospital purchasing. Campoverde's complaint and testimony described Harrison's upsetting behavior around the office, citing multiple events.

Although Campoverde's May 25, 2022, discrimination and harassment complaint form list various bases for the complaint, like race, religion, and sexual orientation, Campoverde checked off "other." Instead, she wrote that Harrison's behavior created a hostile work environment and was defamatory, and she sought Harrison's removal from ECHC and transfer elsewhere. However, Essex's Zero Tolerance Discrimination, Harassment, and Intimidation Policy (DHI Policy) requires that a hostile work environment result from harassing behavior based on an identified or protected category. Yet, Campoverde does not suggest that Harrison's behavior had such a basis, nor did ECHC's Director, Frank Del Gaudio.

Regardless, Essex's rules providing protections against workplace violence, which includes non-physical behaviors, like verbal abuse, angry outbursts, intimidation, and obscene gestures, state that Essex has zero tolerance for "all forms of harassment." R-33. Further, Essex's Standards of Conduct (Standards) precludes "[c]onduct that interferes with the operations of the government, discredits the County of Essex, or is offensive to the public or fellow employees." R-34. Essex's Standards provide examples such as "threatening or intimidating management, a supervisor, a member of the public or fellow workers" or "the use of profanity or abusive language."

Campoverde cited Harrison's paranoid behavior as causing significant stress to her and other business office employees. Harrison frequently asked employees whether

Campoverde was talking about her, causing discomfort and multiple complaints to Campoverde. When Campoverde had closed-door meetings with other employees for business reasons, Harrison would ask the employees leaving the meeting if they were talking about her and about the subject of the conversations. Indeed, Harrison admitted to investigators that she asked at least five employees, in addition to Campoverde, whether they were talking about her.

For example, Harrison approached Shashaty after Campoverde and Shashaty had a closed-door conversation in Campoverde's office about payroll classes that she and Campoverde were taking. Shashaty and Campoverde saw Harrison standing by the corner of the door while they talked. Soon after, Harrison walked into Shashaty's office and said she knew that she and Campoverde were talking about her and that she heard her name. Yet, the conversation was about the classes, and Harrison's name only came up after Campoverde and Shashaty noticed Harrison oddly standing by the door. When Harrison continued to press Shashaty, Shashaty asked Harrison to leave her office, expressing that she did not want to be involved in "this drama." Shashaty describes the office without Harrison as more peaceful and productive.

When asked about this incident, Harrison denied eavesdropping at Campoverde's door and testified that all you could hear was mumbling behind closed doors. 3T202:12–15. Yet, she later admitted that she heard her name, and her "intuition" told her they were talking about her. 3T123:10–11; 3T197:8–198:8. In other words, Harrison contradicted herself.

Still, there is a filing cabinet and shredder by Campoverde's office that Harrison uses. Harrison asserts that she was not intentionally listening to Campoverde's conversations but was working. Harrison was undoubtedly outside Campoverde's office on this date and others, but she had a legitimate reason to be there. Thus, I do not **FIND** that a preponderance of the evidence supports that Harrison was routinely and intentionally listening to conversations at Campoverde's door.

Campoverde's complaint also identified a disruptive incident on April 6, 2022, reported and confirmed by Shashaty. Shashaty overheard Harrison yelling in Marlon

Brown's office and walked over to his office across the hall to see what was happening and to check if he was okay. Shashaty did not interrupt their conversation but saw Harrison after leaving Brown's office when she walked past Shashaty's office. She told Harrison she was half deaf and could still hear Harrison yelling. Harrison immediately asked Shashaty if she listened to the conversation with Brown, to which Shashaty replied, "No, but I could hear that you were yelling." Harrison's response was irritated, believing Shashaty was eavesdropping, and she told Shashaty that Campoverde and others talk about her behind closed doors. Shashaty felt the discussion with Harrison was strange as she only tried to let Harrison know that she was loud enough that others might overhear her.

Del Gaudio also observed Harrison standing in Brown's office, speaking loudly at him the same day Shashaty approached Harrison. Brown told Del Gaudio that it was "just Dawn being Dawn." Because the business center is a small office, employee arguments or disputes are easily overheard, which Del Gaudio believed disrupted the work environment and created a problem with production.

Brown serves as the hospital's HR department liaison. He processes disciplinary paperwork and often has employees vent their feelings in his office. Brown denies that Harrison was in his office yelling at him, as Shashaty reported. He acknowledged that Harrison was occasionally loud and upset in his office and frequently relayed feeling harassed by Campoverde during their discussions. Indeed, Harrison acknowledged that she frequently raised her voice in his office and told Brown that she did not want to work at the business center.

Brown described the business office as a challenging atmosphere, like an episode of "Mean Girls" with a lot of gossip and unkind chatter about others. Although Harrison was polite and friendly to him, Brown also recalled Harrison yelling at another employee, Dolores Thomas. While I **FIND** that Harrison was not arguing with Brown on the day Shashaty and Del Gaudio described, I **FIND** sufficient evidence to support that the conversation was loud enough to disrupt Shashaty.

Shashaty was also distressed when Harrison asked her about an employee on family leave with whom Shashaty did not work. Shashaty felt Harrison was trying to get her in trouble with health privacy laws. Harrison explained that the employee was a friend, and she knew Shashaty often worked on the same floor as the employee and was asking if she had seen her. Although Shashaty would reasonably feel uncomfortable answering such a question, I also **FIND** that insufficient evidence supports that Harrison was inappropriately attempting to gain private health information or get Shashaty in trouble.

Campoverde's complaint also recounted a report by Maria Cortez regarding Cortez's plant in the business office, which Harrison described as a large plant in a barrel-sized planter. Harrison took dirt from Cortez's planter without asking permission, which upset Cortez and led to a heated argument, which Cortez ended by closing her office door. Del Gaudio's assistant asked him to intervene between Cortez and Harrison over the plant incident that was still ongoing after he returned from a meeting outside the office that day. Harrison attempted to apologize to Cortez via text message later that night, which Cortez ignored and reported. A-119. Harrison continued to text Cortez two days later at 3:33 a.m. about the issue. Ibid. However, Harrison's testimony minimized the argument as "just dirt," not being disruptive, and lasting only two minutes, which I **FIND** unpersuasive, given the evidence. 3T170:6–25. Instead, I **FIND** Harrison did not ask Cortez before taking dirt from a planter she knew was not hers, which led to a significant and disruptive argument in the office with lasting effects.

Campoverde also explained the catalyst leading to her filing of the hostile work environment complaint against Harrison. ECHC audited physician billing at the Essex County Department of Health Director's (Director) request. Since Harrison handled that billing, ECHC needed to pull medical bills to conduct the audit. Harrison felt the audit was to find wrongdoing against her and confronted Campoverde and Campoverde's supervisor, Director Frank Del Gaudio, as to the purpose of the audit. Campoverde learned that Harrison also told Del Gaudio that Campoverde was throwing out the bills to set her up. Campoverde asserts that this defamed her character, and she repeatedly told Harrison that the audit was to assess the physician's billing, not Harrison's work. Notably, Campoverde has brought disciplinary matters against other employees in the business office, not just Harrison.

Del Gaudio confirmed that Harrison approached him about the audit and its purpose, suggesting that Campoverde was directing an audit to find fault with her and that she had concerns that bills were disappearing to set her up. However, Del Gaudio did not recall if Harrison blamed Campoverde for throwing out bills. Del Gaudio similarly explained that the audit was to assess the physicians, not Harrison or her billing responsibilities. Harrison maintains that Del Gaudio misunderstood her when he relayed the conversation to Campoverde; she only pointed out that "anyone" could go into the unlocked filing cabinets and take bills. Still, **I FIND** Campoverde's testimony to be more credible that Harrison tried to inappropriately cast blame on Campoverde because Harrison often voiced her belief to many, including Del Gaudio, that Campoverde was "out to get her," and Campoverde's persuasive explanation that this upsetting accusation caused her to file the complaint.

On occasion, Del Gaudio would overhear arguments in the business center even though his office was not within the business center but outside the glass door entrance down the hall, approximately fifty feet. Other times, employees asked Del Gaudio to intervene or de-escalate situations. In addition to the incident with Cortez's plant, Del Gaudio recalled an incident in 2015 with Harrison and her former supervisor that led to disciplinary action against her. Del Gaudio also de-escalated other situations that did not involve Harrison, which he generally described as personal.

Del Gaudio did daily rounds throughout the hospital center and often observed Harrison on her cell phone at her desk. Harrison would tell Del Gaudio that she was on a break, but Del Gaudio explained that cell phone use during business hours was a frequent issue with her.

Indeed, Campoverde's complaint noted that Harrison often used her cell phone during work hours for personal matters. Harrison highlights that Campoverde emailed her in 2021 to remind her that she should not be using her cell phone for work-related matters and that outside agencies, like Medicare, should not have her cell phone number. A-70. Harrison advised Campoverde that she received calls on her desk phone from individuals seeking to make medical appointments, so she gave her cell phone number to Medicare and other business entities to avoid missing important calls. However,

Harrison agreed not to continue such use once told not to do so. Ibid. However, the charges address Harrison's personal calls during business hours, not using her cell phone to conduct business, and her actions after the 2021 email exchange.

Harrison denied using her cell phone other than when she was on a break after an earlier issue with her cell phone use. She also testified that she went into the hallway or the multipurpose room outside the business office during breaks to use her cell phone for personal use. Still, she kept her cell phone on her desk in case she received an emergency call or text.

Susan Lynch began working part-time at ECHC as a "backup" to aid with payroll and month-end reconciliation. This role required Lynch to participate in cross-training to learn various job tasks, including many performed by Harrison. ECHC's business office started to cross-train most of its employees so that more people could perform multiple responsibilities if assistance or coverage were necessary when the employee generally tasked with the job was unavailable or overburdened.

In February 2022, Susan Lynch complained that Harrison was involved in a heated and loud personal argument on her cell phone about her brother's stolen bike for nearly an hour while at her desk. R-1; R-3; A-15. The conversation was so disruptive that Lynch had to walk away from her desk. Lynch reported the lengthy discussion to another employee, who informed the Director. Ibid.

Employees agreed that personal cell phone use was common despite Essex's policy. Regardless, Lynch's testimony regarding the lengthy cell phone conversation was persuasive. Lynch was straightforward and professional, while Harrison did not discuss the incident at length during her testimony but admitted to investigators that she was on her cell phone during work hours on several personal calls concerning the stolen bike. Further, other employees confirmed this event during the investigation. In other words, contrary to Harrison's testimony that she always went elsewhere to make personal calls, I **FIND** that a preponderance of the evidence exists that Harrison made disruptive personal phone calls at her desk during work hours.

Del Gaudio and Campoverde met with the union representative Chris Taylor, and he advised them to document Harrison's behaviors because without documentation, "it did not happen." After that conversation, Taylor advised Campoverde and Del Gaudio that the issues Campoverde was documenting were childish and not of the nature he intended as they did not impact Harrison's performance. A-56. Indeed, Campoverde alleged that Harrison brushed her teeth in the kitchen sink, which Harrison denies. A-74.

Del Gaudio was involved in an incident regarding Harrison taking a COVID-19 test after being at work with symptoms for a few days. ECHC employees were essential personnel. Thus, beyond a week or so after the pandemic started, they came to work every day, had to wear masks, and were required to undergo weekly testing, with other testing available if an employee felt unwell. Typically, results were not immediately available but received after midnight on the testing date.

Harrison felt Campoverde first told her to take the test and then became upset with her for taking the test. A-72; A-106.<sup>1</sup> Yet, it was Del Gaudio who wanted Harrison tested. He recalled that Campoverde was upset because Harrison refused to take a test earlier, not because she took a test. Campoverde similarly testified that her frustration was caused by Harrison not testing sooner after complaining to co-workers that she did not feel well.

Still, Harrison emailed Campoverde that she felt she was "being framed" or "set-up." A-72; A-106. Harrison also denied that she was not well for days, but only that one day. Around 11:30 a.m. on December 8, 2021, Harrison voiced that she was feeling unwell. Harrison maintains that Campoverde overheard her statement. When Harrison left for lunch, Campoverde told her to go get a COVID test available at ECHC. However, when she returned, Campoverde asked her whether she got the test and why, which Harrison stated was ridiculous. Campoverde told Harrison to leave work, but she did not.

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<sup>1</sup> A-106 duplicates Harrison's response email to Campoverde in A-72. Yet, A-106 includes Campoverde's December 9, 2021, 7:56 a.m. email to Harrison that led to Harrison's email response later that day.



Harrison asserts that Campoverde was upset and told her she could suspend her immediately, which Harrison took to mean that Campoverde was trying to implement a rule where she could discipline employees for coming to work knowingly sick. However, ECHC implemented no such rule. Notably, an email from Campoverde to Harrison the following morning explained that other employees informed Campoverde that Harrison reported feeling unwell while at work over the past few days. A-106. Harrison asserts that she sneezed due to allergies, like others in the office, was taking Cipro for unrelated reasons, and had a sore throat unrelated to COVID. Still, she maintains that these specifics were protected health information she was not obliged to share. A-72; A-106. In sum, I **FIND** that Harrison's view of these events, that she was being "set up," made little sense, but that she acknowledged voicing health issues to co-workers the days before the COVID test request and did not leave work when asked to by Campoverde.

Other issues with COVID arose where Harrison felt unfairly scrutinized. Campoverde emailed Harrison that it was brought to her attention that Harrison was not wearing a mask upon entering the building as required of employees. A-66. Although Harrison maintained that she always wore a mask, she also admitted that there were "probably a few times" she did not when she was rushing into the building. 3T139:16–22.

Harrison felt ECHC hired Lynch so that Essex could fire her and asked Lynch if that was what Essex intended, which made Lynch very uncomfortable. 3T260:18–261:23. Lynch also described Harrison's odd and alarming behavior concerning her belief that Campoverde was out to get her and that people were always discussing her.

Harrison frequently left and returned a few minutes later, which Lynch felt was Harrison's attempt to determine if co-workers were talking about her. Harrison explains that she might have returned if she forgot something, but she was not trying to catch people talking about her. Regardless, I **FIND** Lynch's belief that Harrison purposely tried to catch people talking about her to be speculative.

Still, Harrison went as far as asking her fellow employees about their testimony at the departmental hearing concerning this discipline. Both Lynch and Shashaty told Harrison that this behavior was inappropriate and asked her to stop.

Part of cross-training with Harrison involved learning how to do physician billing. In early 2022, Lynch was supposed to do physician billing for several months, and the task would return to Harrison. R-11; 1T179:19–180:4.

During the training, Lynch repeatedly reminded Harrison that bills were accumulating, and that Lynch had no access to the Ability computer system to do the billing. Lynch understood that Harrison had to contact IT to get her access to the program, which did not happen. When Campoverde realized considerable billing was unprocessed, she asked Harrison about it. In response, Harrison blamed Lynch for not doing the work and holding onto bills, which was untrue. Harrison also asserts that the processing delays were because she had suspension days in that period. Yet, she did not. See R-21 (noting that Harrison's scheduled suspension dates began on May 11, 2022). Harrison explained that Lynch only needed the username and password, not program access, which was in Harrison's notes, but Lynch must not have seen the information. Here, I **FIND** Lynch's testimony more credible than Harrison's because Harrison remained responsible for the physician billing, and ECHC charged her with training Lynch; if the "fix" was so simple, she should have shared the necessary information after Lynch asked several times. Further, her attempt to blame suspension days on the delay was inaccurate. Instead, I **FIND** that a preponderance of the evidence exists that Harrison inappropriately blamed Lynch so that Campoverde could not find fault with her work.

Lynch complained to Campoverde about Harrison because she felt that Harrison often made it difficult for her to do her job. Campoverde would spend time with Lynch, reviewing various tasks Lynch was learning, and Harrison would usually question Lynch about those conversations. Absent Harrison, whose desk was only feet away from Lynch's, Lynch described the office as more peaceful and productive. Indeed, Lynch's cubicle was the closest to Harrison on the left side of the business office.

Campoverde ensured that operations of the business center stayed caught up despite disruptions that Harrison's behavior caused because, as a manager, she could do the job of all her staff and step in. 1T165:18–166:19. However, managing Harrison's behavior and employee complaints about her was time-consuming, and necessary tasks like cross-training suffered. 1T167:21–1T169:12.

In April 2022, Harrison resolved her disciplinary case stemming from incidents in PNDAs in April and August 2021, which recommended her removal. She signed a settlement agreement on April 29, 2022, and Essex issued an FNDA on June 6, 2022, that suspended Harrison instead of terminating her employment. R-21. Yet, on numerous occasions, she went to Campoverde's office to complain about the suspension, stating that she was forced to settle and inappropriately asking Campoverde why she was trying to fire her. Harrison's frequent refusal to accept responsibility for her actions frustrated Campoverde, and the constant interrogation was time-consuming and disruptive to her job.

Del Gaudio felt frustration like Campoverde's regarding Harrison's response to prior discipline. Del Gaudio has known Harrison for approximately twelve years, and he has worked for Essex County for twenty years. Del Gaudio believes that discipline is a corrective measure, not simply punitive. Essex was previously willing to negotiate Harrison's prior disciplinary actions, including one seeking termination, expecting Harrison to correct her behavior. However, in his opinion, she did not. Del Gaudio acknowledged that Harrison admitted to the behaviors in the various disciplinary settlement agreements and that she occasionally made a mistake. A-82. However, Del Gaudio had frequent conversations with Harrison, during which she complained about the disciplinary action and settlements, maintaining that she did nothing to warrant a lengthy suspension. Overall, Del Gaudio felt that Harrison often did not take responsibility for her inappropriate actions and looked to others to blame. For example, Harrison shared protected personal health information and still attempted to explain that she did nothing wrong because it was an accident.

In Harrison's case, Del Gaudio does not believe that her behavior would significantly change if she returned to her job. Further, Del Gaudio explained there is no place to transfer Harrison as a clerk 4.

The November 28, 2022, OIG memorandum regarding Harrison's behavior concluded that Harrison exhibited conduct unbecoming a public employee because she was loud, disruptive, and engaged in harassing behavior. In other words, the investigation substantiated the complaint's allegations. Campoverde's distress in recalling the events leading to her complaint against Harrison was sincere.

After receiving the November 28, 2022, OIG report, Del Gaudio met with Harrison's union to discuss the findings. Del Gaudio recommended Harrison's termination based on her violation of the county's conduct policies and zero-tolerance policy against workplace violence. R-18. The county counsel's office reviews the recommendation and prepares the disciplinary action notice. R-17. The PNDA also noted a violation of Essex's DHI policy, even though that was not Del Gaudio's recommendation.

Like Harrison's case, Brown sometimes disagreed with Essex's discipline against employees. Here, he felt Harrison's job performance was not an issue, but somewhat personal reasons clouded the determination; the discipline was too harsh. Brown did not feel Campoverde always treated Harrison fairly, and she was very critical.

Brown described the business office as a challenging atmosphere, like an episode of "Mean Girls," with a lot of gossip and unkind chatter about others. Although Harrison was polite and friendly to him, Brown also recalled Harrison yelling at another employee, Dolores Thomas.

Taylor has worked for Essex County for thirty-one years. During the timeframe of Campoverde's complaint, he served as the business representative for IBEW 1158, the union to which Harrison belongs. Taylor has known Harrison for twelve to fifteen years and is familiar with the disciplinary charges against her. Taylor never observed Harrison yelling, swearing, or arguing in the business center.

Taylor believed that Campoverde began targeting Harrison by reporting every little issue to the point of childishness. A-74. Yet, Harrison's evaluations were always glowing. However, Taylor acknowledges that he informed Del Gaudio and Campoverde that they should document incidents, given Harrison's consistent ability to perform her job responsibilities. Still, Taylor believes Harrison's termination is too harsh a penalty.

Renee Ligenza did not recall Harrison yelling or swearing. Instead, Ligenza described Harrison as polite and respectful. However, Ligenza acknowledged that the office atmosphere is more peaceful and friendly without Harrison. Office employees closed their doors more often when Harrison was in the office. Ligenza agreed that the business office could be loud but that she would close her door to avoid interruption. Ligenza considered Campoverde competent in the financial aspects of her job but felt that she was not always successful in handling personal issues, like with Harrison.

Terry DeLorenzo did not recall Harrison yelling in the office. Still, he recalled an incident where Harrison was frustrated with him because he could not give her something that she requested.

Dana Mangrella worked as a purchasing assistant from 2006 until 2021. At some point, Mangrella noted a change in Campoverde's relationship with Harrison, from friendly to overly critical. Although personal cell phone use was against Essex's policy, all employees did it. Similarly, many employees would occasionally swear in everyday conversation. Mangrella found Harrison to be polite and respectful.

Harrison denied cursing at other employees in the office and testified that she does not use swear words despite complaints that she did. R-1; 3T93:3–15. Yet, she swore during her testimony. 3T189:22–23. Essex also disciplined Harrison in 2015 for calling another employee a "crazy bitch," despite Harrison's assertions that she did not swear at work. 3T243:15–24; R-26; A-115.

Dr. John Kelly practices internal medicine and has regularly treated Harrison for over thirty years. In the last five years, Dr. Kelly saw Harrison approximately every six weeks for anxiety and depression. Dr. Kelly noted that Harrison discussed issues with

work every visit, reporting that her supervisor did not like her or treat her well, which upset Harrison. A-1; A-107; A-108; A-109. Dr. Kelly advised Harrison to document what was going on at work. Indeed, Harrison drafted and forwarded many emails to herself to keep track of things happening at work, and she kept a lengthy diary of work events. See, e.g., A-114; A-72; A-58; A-129.

After Harrison received the PNDA in this case, she filed a complaint against Campoverde for creating a hostile work environment, which she emailed to the OIG on December 30, 2023. Harrison told investigators that because Campoverde filed a complaint against her, she finally decided to put one in against Campoverde. Harrison identified two inappropriate comments by Campoverde in 2017 as the basis for her complaint. She waited to file her complaint because she did not want to worsen her work situation. McMahon and Dyer investigated Harrison's complaint and interviewed six witnesses.

After filing the complaint, Harrison emailed McMahon many times, sometimes several times an hour, adding or further explaining things. Given the number of emails, McMahon could not recall if she reviewed certain emails.

Because Campoverde made the comments many years ago and did not suggest continuing pervasive conduct, the investigation concluded that Campoverde's remarks did not violate Essex's DHI policy. Instead, Campoverde's comments about Harrison's health condition and age violated Essex's conduct policy and constituted "conduct unbecoming" an Essex employee. However, age and health conditions are protected categories listed in the DHI policy. Thus, I **FIND** that Campoverde's comments would violate the DHI policy despite the OIG's conclusion that they did not.

Del Gaudio acknowledges that Campoverde committed misconduct in 2017, as Harrison's 2023 complaint identified, violating Essex County's employee conduct standards. Del Gaudio had an off-the-record discussion with Campoverde about the statements to Harrison, but he issued no written or formal discipline. Since their conversation, Campoverde has not made an inappropriate comment to an employee, to Del Gaudio's knowledge. Notably, Del Gaudio does not conduct the investigation or make

investigatory conclusions. Instead, Del Gaudio is charged with addressing complaints where the OIG determines misconduct occurred but has discretion on whether to recommend discipline.

While Harrison and Campoverde were on friendly terms once, things changed. See, e.g., A-125; A-120; A-121 (text messages between Harrison and Campoverde). Harrison thinks this change may be because of disciplinary matters regarding her sick time and the inaccurate report about a dog bite, but she was unsure. 3T255:8–3T258:25.

After her termination, Harrison could only find temporary jobs until July 2024, when she obtained a lower-paying full-time position. Harrison has a daughter, and she wants to continue to support her financially, which has been difficult since her termination.

Harrison maintains that she is a good employee and wants to return and do her job until she can retire in or around September 2026, when she reaches her twenty-fifth anniversary with Essex. She has no desire to remain beyond that point.

However, Harrison also testified that she did not have an attendance problem despite several disciplinary actions to the contrary. 3T237:23–24, 240–241. She also attempted to “correct the record” regarding other discipline despite instructions that this case involved the FNDA’s charges and that she had acknowledged those actions. 3T243:15–245:24. To be sure, I **FIND** her assertions support testimony from Del Gaudio and Campoverde that Harrison rarely took responsibility for wrongdoing, which was frustrating and not indicative of an employee willing to change their behavior.

Campoverde, Lynch, Shashaty, and Del Gaudio credibly testified to frequent conversations with Harrison, admitted by Harrison during the investigation, about whether Campoverde was talking about Harrison or being “out to get her” and the unfairness of Harrison’s discipline. Indeed, I **FIND** that Harrison routinely asked other employees and Campoverde if they were talking about her or the subject of conversations about which she was not a party. Notably, this harassing behavior continued after Campoverde’s OIG complaint. I similarly **FIND** that Harrison’s accusations that her supervisor was “out to get

her,” which she shared with many co-workers, were inappropriate in a professional office setting.

In sum, I **FIND** that a preponderance of the evidence supports that Harrison’s behavior was unsettling, harassing, irrational, and disruptive to many employees, even if not all.

### **CONCLUSIONS OF LAW**

#### **Disciplinary Charges**

A civil service employee who commits a wrongful act related to their duties or for 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. Indeed, “[t]here is no constitutional or statutory right to a government job.” State-Operated Sch. Dist. of Newark v. Gaines, 309 N.J. Super. 327, 334 (App. Div. 1998).

Under N.J.A.C. 4A:2-1.4(a), in appeals concerning major disciplinary action, the appointing authority bears the burden of proof. That burden of proof is by a preponderance of the evidence, Atkinson v. Parsekian, 37 N.J. 143, 149 (1962), and the hearing as to both guilt and the penalty is de novo, Henry v. Rahway State Prison, 81 N.J. 571, 579 (1980); West New York v. Bock, 38 N.J. 500 (1962). The evidence must be such as to lead a reasonably cautious mind to a given conclusion. Bornstein v. Metro. Bottling Co., 26 N.J. 263 (1958). One can describe preponderance as the greater weight of credible evidence in the case, not necessarily dependent on the number of witnesses but having the greater convincing power. State v. Lewis, 67 N.J. 47 (1975).

Essex charged Harrison with conduct unbecoming a public employee, failure to perform duties, insubordination, and other sufficient cause in violation of the rules and policies governing its employees.

“Conduct unbecoming a public employee” is an elastic phrase encompassing conduct that adversely affects the morale or efficiency of a governmental unit or that tends



to destroy public respect for governmental employees and confidence in the delivery of governmental services. Karins v. City of Atl. City, 152 N.J. 532, 554 (1998). Further, misconduct does not require that the employee violates the criminal code, a written rule, or a policy. In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). The complained-of conduct and its attending circumstances need only "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 (1959)). Although Harrison suggests that Campoverde targeted her for every little indiscretion and that her actions do not amount to conduct unbecoming, I found that her actions were harassing, disruptive, and unsettling to many employees. Thus, her conduct adversely affected morale, efficiency, and the public interest. Therefore, I **CONCLUDE** that a preponderance of credible evidence exists to demonstrate that Essex sustained its burden on its charge that Harrison conducted herself in a manner unbecoming a public employee.

Generally, "neglect of duty" means that an employee has failed to perform and act as required by the description of their job title. Briggs v. Dep't of Civil Serv., 64 N.J. Super. 351, 356 (App. Div. 1960); In re Kerlin, 151 N.J. Super. 179, 186 (App. Div. 1977). "Duty" intends 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). Also, neglect of duty can arise from an omission or failure to perform a task imposed upon a public employee that indicates a deviation from usual standards of conduct. Rushin v. Bd. of Child Welfare, 65 N.J. Super. 504, 515 (App. Div. 1961). 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. A failure to perform duties required by one's public position is self-evident as a basis for imposing a penalty without good cause for that failure.

Harrison's behavior was undeniably frequent, and she was not attending to her job tasks while harassing others about their conversations with Campoverde, engaging in arguments, or using her personal cell phone during business hours. However, Harrison still performed her job responsibilities, as her consistently favorable evaluations demonstrate. Thus, I **CONCLUDE** that a preponderance of the evidence does **NOT** exist to sustain Essex's charge that Harrison neglected her duties.

The Civil Service Act does not define insubordination; however, case law generally interprets the term as the refusal to obey an order of a supervisor. See, e.g., Belleville v. Coppla, 187 N.J. Super. 147 (App. Div. 1982); Rivell v. Civil Serv. Comm'n, 115 N.J. Super. 64 (App. Div.), certif. denied, 59 N.J. 269 (1971). The term “insubordination” refers to acts of non-compliance, non-cooperation, and affirmative acts of disobedience. Stanziale v. County of Monmouth Bd. of Health, 350 N.J. Super. 414 (App. Div.), certif. denied, 174 N.J. 361 (2002). Here, Harrison admitted that she did not go home when Campoverde asked her after noting she felt unwell and took a COVID test for which she did not yet have the results. Thus, I **CONCLUDE** that a preponderance of credible evidence exists to support Essex’s charge of insubordination.

The Civil Service Act’s regulations also do not define “other sufficient cause.” Other sufficient cause generally encompasses conduct that violates the implicit standard of good behavior for an individual who stands in the public eye. Often, this charge addresses violations of policies and procedures established by the employer. I found that Harrison’s behavior related to no protected group under the DHI Policy, and thus I **CONCLUDE** Harrison did not violate that policy. However, harassing and disruptive behavior is covered under Essex’s other policies concerning workplace violence and standards of employee conduct. Thus, I **CONCLUDE** that a preponderance of the credible evidence exists to support a violation of N.J.A.C. 4A:2-2.3(a)(12).

### Penalty

Progressive discipline requires consideration once there is a determination that an employee violated a statute, regulation, or rule concerning their employment. Bock, 38 N.J. 500 (1962). Where the underlying conduct is egregious, however, imposing a penalty up to and including removal is appropriate, regardless of an individual’s disciplinary record. In re Herrmann, 192 N.J. 19 (2007). In determining the reasonableness of a sanction, the employee’s past record and any mitigating circumstances provide guidance. Bock, 38 N.J. 500.

Indeed, the Civil Service Commission may increase or decrease the penalty under progressive discipline. N.J.S.A. 11A:2-19; In re Carter, 191 N.J. 474, 483–86 (2007). Thus, an employee’s prior disciplinary record is relevant to determining an appropriate penalty for a subsequent offense, and the question upon appellate review is whether such punishment is “so disproportionate to the offense, in the light of all the circumstances, as to be shocking to one’s sense of fairness.” Ibid. at 483–84 (quoting In re Polk, 90 N.J. 550, 578 (1982) (internal quotes omitted)). Generally, courts “accord substantial deference to an agency head’s choice of remedy or sanction, seeing it as a matter of broad discretion, especially where considerations of public policy are implicated.” Division of State Police v. Jiras, 305 N.J. Super. 476, 482 (App. Div. 1997) (internal citations omitted).

Notably, applying progressive discipline is not required “when the misconduct is severe, when it is unbecoming to the employee’s position or renders the employee unsuitable for continuation in the position, or when application of the principle would be contrary to the public interest.” In re Herrmann, 192 N.J. at 33.

An employee’s record includes “an employee’s reasonably recent history of promotions, commendations and the like on the one hand and, on the other, formally adjudicated disciplinary actions as well as instances of misconduct informally adjudicated, so to speak, by having been previously called to the attention of and admitted by the employee.” Bock, 38 N.J. 523–24. In cases in which progressive discipline is bypassed, “the question for the courts is ‘whether such punishment is “so disproportionate to the offense, in the light of all the circumstances, as to be shocking to one’s sense of fairness.”’” In re Carter, 191 N.J. 474, 484 (2007) (quoting In re Polk License Revocation, 90 N.J. 550, 578 (1982)).

Although the focus is generally on the seriousness of the current charge and the prior disciplinary history of the appellant, this tribunal must also consider the civil service laws’ purpose. Civil service laws “are designed to promote efficient public service, not to benefit errant employees. The welfare of the people as a whole, and not exclusively the welfare of the civil servant, is the basic policy underlying our statutory scheme.” Gaines, 309 N.J. Super. at 334. Indeed, “[t]he overriding concern in assessing the propriety of

[the] penalty is the public good.” George v. N. Princeton Dev. Ctr., 1996 N.J. AGEN LEXIS 467, at \*10 (Mar. 6, 1996). Further, progressive discipline is inapplicable when doing so “would be contrary to the public interest.” Herrmann, 192 N.J. at 33–34.

Harrison has a prior disciplinary record, including actions concerning similar conduct. While Harrison asserts her actions are, at worst, annoying and involve mostly petty disputes, the frequency of these harassing behaviors led to disruption in the workplace for many co-workers, not just her supervisor. Essex resolved Harrison's prior disciplinary matters with the understanding that Harrison would change her behaviors, but she essentially did not. Even though I found that Essex did not adequately support all incidents and concluded that Essex failed to sustain its burden on all charges, I still **CONCLUDE** that Essex cannot reasonably be obligated to continue the employment of an individual who routinely conducts herself in this manner. Harrison's conduct might warrant a less harsh penalty if this case involved an isolated incident, especially given her length of public service. However, I **CONCLUDE** that Harrison's removal is the appropriate penalty under the circumstances.

### **ORDER**

Given my findings of fact and conclusions of law, I **ORDER** that Harrison be removed from her employment with Essex.

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.

December 18, 2024

\_\_\_\_\_  
DATE

Date Received at Agency:

Date Mailed to Parties:

ljb



\_\_\_\_\_  
**NANCI G. STOKES, ALJ**

\_\_\_\_\_  
December 18, 2024

\_\_\_\_\_  
December 18, 2024

**APPENDIX**

**Witnesses**

**For Appellant:**

Dawn Harrison  
Marlon Brown  
Chris Taylor  
Renee Ligenza  
Terry DeLorenzo  
Dr. John Kelly  
Dana Mangrella  
Casey McMahon

**For Respondent:**

Jacqueline Campoverde  
Casey McMahon  
Susan Lynch  
Jacqueline Shashaty  
Frank Del Gaudio

**Exhibits**

**For Appellant:**

A-1 Letter to Dr. John Kelly, dated July 7, 2024  
A-2 Not admitted  
A-3 OIG memo from Casey McMahon dated November 16, 2022  
A-4 Not admitted  
A-5 Not admitted  
A-6 Not admitted  
A-7 Not admitted  
A-8 Not admitted

A-9 Not admitted  
A-10 Not admitted  
A-11 Not admitted  
A-12 Not admitted  
A-13 Not admitted  
A-14 Not admitted  
A-15 OIG memo from Brian Dyer dated June 16, 2022  
A-16 Not admitted  
A-17 Not admitted  
A-18 Not admitted  
A-19 Not admitted  
A-20 Not admitted  
A-21 Not admitted  
A-22 Not admitted  
A-23 Not admitted  
A-24 OIG memo of Brian Dyer dated June 21, 2022  
A-25 Not admitted  
A-26 Not admitted  
A-27 Not admitted  
A-28 Not admitted  
A-29 Not admitted  
A-30 OIT memo of Casey McMahon dated October 3, 2022  
A-31 Not admitted  
A-32 Not admitted  
A-33 OIG memo of Casey McMahon dated March 24, 2023  
A-34 OIG memo of Casey McMahon dated March 8, 2023  
A-35 Handwritten notes of Casey McMahon dated January 13, 2023  
A-36 OIG memo of Casey McMahon dated March 8, 2023  
A-37 Handwritten notes of Brian Dyer dated January 5, 2023  
A-38 Not admitted  
A-39 OIG memo of Casey McMahon dated March 10, 2023  
A-40 Handwritten notes of Casey McMahon dated January 13, 2023  
A-41 Not admitted

- A-42 Not admitted
- A-43 Not admitted
- A-44 Not admitted
- A-45 Not admitted
- A-46 Not admitted
- A-47 Not admitted
- A-48 Not admitted
- A-49 Not admitted
- A-50 Email from Casey McMahon to Dawn Harrison dated January 12, 2023, from County document production of October 16, 2023
- A-51 Email from Dawn Harrison to Casey McMahon dated January 24, 2023, from County document production of October 16, 2023
- A-52 Email from Dawn Harrison to Casey McMahon dated January 24, 2023, from County document production of October 16, 2023
- A-53 Email from Dawn Harrison to Casey McMahon dated January 24, 2023, from County document production of October 16, 2023
- A-54 Email from Dawn Harrison to Casey McMahon dated January 27, 2023, from County document production of October 16, 2023
- A-55 Email from Dawn Harrison to Casey McMahon dated February 25, 2023, with attachment, from County document production of October 16, 2023
- A-56 Email from Chris Taylor to Jacqueline Campoverde dated April 6, 2022, from County document production of August 28, 2023
- A-57 Email from Dawn Harrison to Chris Taylor dated December 27, 2022, from County document production of August 28, 2023
- A-58 Email from Dawn Harrison to Dawn Harrison dated December 20, 2022, from County document production of August 28, 2023
- A-59 Email from Dawn Harrison to Dawn Harrison dated December 19, 2022, from County document production of August 28, 2023
- A-60 Email from Chris Taylor to Jacqueline Campoverde dated May 16, 2022, from County document production of August 28, 2023
- A-61 Not admitted
- A-62 Not admitted
- A-63 Not admitted



- A-64 Not admitted
- A-65 Not admitted
- A-66 Email from Dawn Harrison to Jacqueline Campoverde dated August 6, 2021, from County document production of August 28, 2023
- A-67 Email from Dawn Harrison to Dawn Harrison dated December 20, 2022, from County document production of August 28, 2023
- A-68 Email from Dawn Harrison to Casey McMahon dated January 6, 2023, from County document production of August 28, 2023
- A-69 Email from Theresa Linfante to Jacqueline Campoverde dated March 11, 2021, from County document production of October 16, 2023
- A-70 Email from Jacqueline Campoverde to Frank Del Gaudio dated May 7, 2021, from County document production of October 16, 2023
- A-71 Not admitted
- A-72 Email from Jacqueline Campoverde to Jacqueline Campoverde dated December 9, 2021, from County document production of October 16, 2023
- A-73 Not admitted
- A-74 Email from Chris Taylor to Jacqueline Campoverde dated February 7, 2022, from County document production of October 16, 2023
- A-75 Email from Dawn Harrison to Chris Taylor dated March 24, 2022, from County document production of October 16, 2023
- A-76 Email from Jacqueline Campoverde to Marlon Brown dated February 22, 2022 from County document production of October 16, 2023
- A-77 Email from Jacqueline Campoverde to Frank Del Gaudio dated February 7, 2022, from County document production of October 16, 2023
- A-78 Email from Maria Cortez to Jacqueline Campoverde, with attachments, dated April 12, 2022, from County document production of October 16, 2023
- A-79 Not admitted
- A-80 Discrimination Harassment Complaint Form from Dawn Harrison, signed December 28, 2022, with one-page attachment from County document production of October 16, 2023
- A-81 4 pages of photographs showing ECHC Billing Department
- A-82 Email from Dawn Harrison to Frank Del Gaudio dated October 28, 2019
- A-83 Not admitted

- A-84 Email from Jacqueline Campoverde to Dawn Harrison dated July 14, 2021
- A-85 Not admitted
- A-86 Not admitted
- A-87 Not admitted
- A-88 Not admitted
- A-89 Email from Dawn Harrison to Michael Calabro, Esq., dated December 20, 2022
- A-90 Email from Dawn Harrison to Chris Taylor dated April 7, 2022
- A-91 Not admitted
- A-92 2021 Evaluation
- A-93 2020 Evaluation
- A-94 2019 Evaluation
- A-95 2018 Evaluation
- A-96 2017 Evaluation
- A-97 2016 Evaluation
- A-98 2015 Evaluation with email of April 15, 2016
- A-99 2014 Evaluation
- A-100 2013 Evaluation
- A-101 2012 Evaluation
- A-102 Not admitted
- A-103 Two results of Discrimination Harassment Complaint by Essex County for Dawn Harrison against Jacqueline Campoverde
- A-104 Not admitted
- A-105 Not admitted
- A-106 Email from Dawn Harrison to Dawn Harrison dated December 9, 2021
- A-107 Letter of Dr. John Kelly hand dated July 7, 2023
- A-108 Letter of Dr. John Kelly dated June 21, 2022
- A-109 Letter of Dr. John Kelly dated December 20, 2022
- A-110 Letter of Dr. John Kelly dated June 8, 2016
- A-111 Not admitted
- A-112 Not admitted
- A-113 Not admitted
- A-114 Email from Dawn Harrison dated April 11, 2022
- A-115 Email from Dawn Harrison to Michael Calabro, Esq., dated December 22, 2022

- A-116 Not admitted
- A-117 Not admitted
- A-118 Not admitted
- A-119 3 pages of texts from Dawn Harrison to Maria Cortez dated February 16–18
- A-120 2 pages of texts between Dawn Harrison and Jacqueline Campoverde from November 29, 2022, to December 5, 2022
- A-121 3 pages of texts between Dawn Harrison and Jacqueline Campoverde from around March 14, 2022
- A-122 Not admitted
- A-123 Not admitted
- A-124 Letter from Maureen Clifford dated April 24, 2024
- A-125 Email from Dawn Harrison to Chris Taylor including attached 2 pages of texts between Dawn Harrison and Jacqueline Campoverde dated March 9, 2022
- A-126 Not admitted
- A-127 Email from Dawn Harrison to Michael Tortorelli
- A-128 Not admitted
- A-129 183 pages of diary entries made by Dawn Harrison

For Respondent:

- R-1 Office of the Inspector General's Final Report dated November 28, 2022
- R-2 Jacqueline Campoverde's Complaint to OIG
- R-3 Email dated February 17, 2022, from Frank Del Gaudio
- R-4 Email dated March 21, 2022, from Jacqueline Campoverde
- R-5 Email dated April 11, 2022, from Jacqueline Shashaty
- R-6 Emails dated April 11, 2022, from Jacqueline Shashaty and Jacqueline Campoverde
- R-7 Not admitted
- R-8 Not admitted
- R-9 Not admitted
- R-10 Email dated May 23, 2022, from Jacqueline Campoverde
- R-11 Email thread regarding Cross-Training Regulatory Standards
- R-12 Email dated May 16, 2023, from Susan Lynch

- R-13 Email dated May 16, 2023, from Jacqueline Shashaty
- R-14 Not admitted
- R-15 Drawing of Office Layout provided during Administrative Hearing
- R-16 County's Final Notice of Disciplinary Action (31-B) dated May 30, 2023
- R-17 County's Preliminary Notice of Disciplinary Action (31-A) dated December 20, 2022
- R-18 Recommendation for Disciplinary Action from Director Del Gaudio for termination dated December 12, 2022
- R-19 County's Preliminary Notice of Disciplinary Action (31-A) dated April 5, 2021
- R-20 County's Supplemental Preliminary Notice of Disciplinary Action (31-A) dated August 6, 2021
- R-21 County's Final Notice of Disciplinary Action (31-B) dated June 6, 2022, with Stipulation of Settlement and General Release
- R-22 County's Preliminary Notice of Disciplinary Action (31-A) dated March 12, 2019
- R-23 County's Final Notice of Disciplinary Action (31-B) dated May 20, 2019, with Stipulation of Settlement and General Release
- R-24 County's Preliminary Notice of Disciplinary Action (31-A) dated May 23, 2016
- R-25 County's Final Notice of Disciplinary Action (31-B) dated May 20, 2019, with Stipulation of Settlement and General Release
- R-26 Oral Warning dated 3/31/15
- R-27 The County's Notice of Minor 3-day suspension dated March 2, 2011
- R-28 The County's Notice of Minor 3-day suspension dated July 2, 2008
- R-29 The County's Notice of Minor 1-day suspension dated April 14, 2008
- R-30 Memorandum from Robert Jackson to All Personnel Liaisons dated May 11, 2021, regarding Distribution of Zero Tolerance for Discrimination Policy
- R-31 County of Essex HR Policy for Harassment, Discrimination and Retaliation Prevention Policy and Complaint Procedure
- R-32 Preventing Sexual Harassment, Other forms of Harassment, Discrimination and Retaliation in the Workplace Training Acknowledgement signed by Dawn Harrison on June 12, 2014.
- R-33 County of Essex HR Policy Chapter VI-16—Protection Against Workplace Violence
- R-34 County of Essex HR Policy Chapter VI-1—Standards of conduct

R-35 Dawn Harrison's Relias Training Log

R-36 Not admitted