

**In the Matter of Michelle Edney,  
Burlington County Board or Social  
Services**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

OAL Docket No. CSV 00813-22

**ISSUED: FEBRUARY 26, 2025**

The appeal of Michelle Edney, Human Services Specialist 4, Burlington County Board of Social Services, 30 working day suspension, was heard by Administrative Law Judge Judith Lieberman (ALJ), who rendered her initial decision on January 16, 2025. No exceptions were filed.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, the Civil Service Commission, at its meeting on February 26, 2025, adopted the ALJ's Findings of Facts and Conclusions of Law and her recommendation to uphold the removal.

## ORDER

The Civil Service Commission finds that the action of the appointing authority in suspending the appellant for 30 working days was justified. The Civil Service Commission therefore upholds that action and dismisses the appeal of Michelle Edney.

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 26<sup>TH</sup> DAY OF FEBRUARY, 2025

*Allison Chris Myers*

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Allison Chris Myers  
Chairperson  
Civil Service Commission

Inquiries  
and  
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Attachment



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

**INITIAL DECISION**

OAL DKT. NO. CSV 08013-22

AGENCY DKT. NO. N/A

*2023-504*

**IN THE MATTER OF MICHELLE EDNEY,  
BURLINGTON COUNTY BOARD OF SOCIAL  
SERVICES.**

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**Mathew G. Connaughton, Esq.,** for appellant Michelle Edney (Cohen,  
Montalbano & Connaughton, LLC, attorneys)

**Margaret E. McHugh, Esq.,** for respondent Burlington County Board of Social  
Services (Malamut and Associates, LLC, attorneys)

Record Closed: December 2, 2024

Decided: January 16, 2025

**BEFORE JUDITH LIEBERMAN, ALJ:**

**STATEMENT OF THE CASE**

Appellant Michelle Edney ("appellant") appeals the imposition of a thirty working-day suspension by respondent, Burlington County Board of Social Services ("Board" or "appointing authority"), due to a determination that she engaged in acts that constituted incompetency, inefficiency, or failure to perform duties, in violation of N.J.A.C. 4A:2-2.3(a)(1).

### **PROCEDURAL HISTORY**

On May 11, 2022, the appointing authority issued a Preliminary Notice of Disciplinary Action (PNDA) setting forth the charges and specifications made against the appellant. On August 25, 2022, after a departmental hearing, the appointing authority issued a Final Notice of Disciplinary Action (FNDA) sustaining the charges in the PNDA and imposing a thirty-working-day suspension. The appellant filed a timely appeal and the Office of Administrative Law received it on September 15, 2022, 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. A hearing was conducted on September 19, 2024, and October 24, 2024. The record remained open to permit the parties to submit post-hearing briefs. The briefs were received on December 2, 2024, and the record closed that day.

### **FACTUAL DISCUSSION AND FINDINGS**

Because the following is undisputed, I **FIND** it as **FACT**:

Appellant Michelle Edney was hired by the Board on February 14, 2005, as a human services specialist 1 (HSS1). She was promoted three times, most recently to a human services specialist 4 (HSS4) in February 2018. Her HSS4 duties included:

Under general direction of an administrative official, supervises work of assigned staff, ensures effective and efficient utilization of available resources to achieve established goals; assign workloads and specific duties to staff; review work of others; establish unit's work procedures and priorities; instruct staff on policies and procedures; ensures adherence to program laws, rules, regulations, policies and procedures; demonstrates effective leadership skills to assure employee development; establishes and maintains relationships with public and private agencies; does related work as required.

[P-1 at 1.]

During the times at issue, Edney was the supervisor of the recertification unit. In this role, she was required to sign off on intake cases and manage the recertification process.

In June 2021, Edney was placed on a Corrective Action Plan (CAP) "to address deficiencies with [her] work performance as [an HSS 4] in the Intake/Interviewing departments." R-11. The CAP explained, "Since entering the Intake/Interviewing departments on February 19, 2018[,] your job knowledge, quality and quantity of work, time management, decision making, interpersonal communication skills, judgment and responsiveness to supervision fail to meet the expectations and unit standards for someone with your seniority in the title and within the Agency." Id. at 1. The CAP, which was signed by Edney's supervisor Lisa Timpson, was "prepared to assist [Edney] in improving [her] job knowledge, quantity and quality of work as well as decision making skills and time management." Ibid.

The CAP enumerated specific, measurable goals that Edney was to achieve by scheduled deadlines and advised that she could be subject to "progressive discipline" if she failed to meet and maintain the enumerated goals by July 9, 2021. Id. at 2. The goals were:

Week 1: Release fifteen application status cases per day.

Week 2: Release eighteen application status cases per day.

Week 3: Release twenty-one application status cases per day.

Week 4: Release twenty-three application status cases per day.

She was also required to conduct TANF/SNAP and GA<sup>1</sup> intake calls and provide reports for each case. Id. at 1–2.

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<sup>1</sup> TANF refers to Temporary Assistance for Needy Families; SNAP refers to Supplemental Nutrition Assistance Program; GA refers to General Assistance.

On July 21, 2021, Timpson advised Edney that she “failed to meet the expectations outlined in the [CAP].” R-12. She did not review and release the number of cases required by the CAP; “failed to conduct TANF/SNAP and GA recertification calls as outlined in the [CAP;] and did not provide daily work logs for the week ending July 9, 2021.” Ibid. Timpson further advised that, “On July 13, 2021, [Edney] was instructed both verbally and in writing to complete and return twelve overdue cases that were located on her desk by July 15, 2021. As of [July 21, 2021,] those cases are still with [Edney] many returned for corrections.” Ibid.

On November 5, 2021, a second CAP was issued to address continuing deficiencies with Edney’s work performance. The CAP listed the following deficiencies:

- Low work productivity[,] poor quality and quantity of work
  - Poor time management skills/decision making skills/judgment
  - Ineffective communication skills (both written and verbal)
  - Expressions of frustration and discontent
  - Complaints from co-workers and subordinates
  - Failure to follow directives
- [R-3 at 1.]

The CAP enumerated work goals that were to be met from November 8, 2021, through December 3, 2021; however, these dates were changed to November 9, 2021, and December 17, 2021. Ibid. She was expected to release a specific number of “application status cases on a daily basis.” Ibid. The number of cases was fifteen during the first week; eighteen during the second week; twenty-one during the third week; and twenty-three during the fourth week. Ibid. She was also required to maintain a daily work log, which she was to provide during weekly review meetings. The CAP also required Edney to conduct one TANF/SNAP and GA intake interview per week and prepare a “clear, accurate and informative report for each case” with all errors “completed within 24-

hours of receipt[.]” Id. at 2. She was also required to schedule recertifications using the OneTrack system and “perform work related tasks in addition to the expectations outlined in the [CAP] to include but not limited to: Staff Performance Evaluations, Time Sheets, Reviewing GA cases, Assigning cases (as needed) and Daily Desk Audits.” Ibid. A handwritten note on the CAP added, “Review GA intakes as needed.” Ibid. Edney was advised that “failure to meet and maintain the goals outlined” in the CAP by its end date could result in “progressive disciplinary action.” Ibid. The CAP was issued by Angela Mathis-Rhodes and Kitty Lathrop, assistant administrative supervisors of the income maintenance unit. The CAP advised that they would meet with Edney each week to address whether she met the CAP’s goals.

Edney did not consistently meet the goals established by the CAP for the daily release of application status cases. Lathrop calculated the following data:

Week	Daily goal	Cases released per day	Totals
One	Fifteen cases	November 8: twelve November 9: sixteen November 10: thirteen November 11: holiday November 12: zero	Forty-one of sixty <sup>2</sup> cases completed
Two	Eighteen cases	November 15: four November 16: twenty November 17: four November 18: fifteen November 19: zero	Forty-three of ninety <sup>3</sup> cases completed
Three	Twenty-one cases	November 22: twenty-eight November 23: fourteen November 24: <sup>4</sup> seven	Forty-nine of sixty-three <sup>5</sup> cases completed

<sup>2</sup> Fifteen cases were to be released per day, for four days.

<sup>3</sup> Eighteen cases were to be released per day, for five days.

<sup>4</sup> The office closed early on November 24, 2021.

<sup>5</sup> Twenty-one cases were to be released per day, for three days.

		November 25: holiday November 26: holiday	
Four	Twenty-three cases	November 29: six November 30: twenty-seven December 1: seven December 2: twenty-five December 3: twenty-four	Eighty-nine of 115 <sup>6</sup> cases completed
Five	Twenty-three cases	December 6: twenty-one December 7: ten December 8: Twenty-six December 9: Twenty December 10: two	Seventy-nine of 115 cases completed
Six	Twenty-three cases	December 13: eight December 14: eight December 15: zero December 16: Did not work December 17: one	Seventeen of 115 cases completed

[R-2; R-3.]

Lathrop also tallied Edney's work in other areas:

Week	Work performed	Totals for each day of the week
One	SNAP Recertification Interviews	Zero, zero, zero, holiday, <sup>7</sup> twenty
	GA Reviews	Zero, three, six, holiday, zero
Two	SNAP Recertification Interviews	Zero, three, sixteen, five, four

<sup>6</sup> Twenty-three cases were to be released per day, for five days.<sup>7</sup> The office was closed because it was a holiday.



	GA Reviews	Three, one, one, zero, seven
Three	SNAP Recertification Interviews	Zero, zero, one, <sup>8</sup> holiday, holiday
	GA Reviews	Seven, one, zero, holiday, holiday
Four	SNAP Recertification Interviews	Zero, zero, zero, zero, zero
	GA Reviews	Four, zero, five, zero, six
Five	SNAP Recertification Interviews	Zero, zero, zero, zero, zero
	GA Reviews	Four, zero, seven, seven, zero
Six	SNAP Recertification Interviews	Three, two, zero, absent, one
	GA Reviews	Fifteen, one, one, absent, zero

[R-3.]

On May 11, 2022, the Board issued a PNDA charging Edney with incompetency, inefficiency or failure to perform duties, in violation of N.J.A.C. 4A:2-2.3(a)(1), and seeking a thirty-working-day suspension. R-1. The PDNA referenced the above data, which showed that her performance was unsatisfactory, as she failed to meet the CAP's goals. The PNDA noted, "You have 4.2 years' experience as a supervisor in an intake unit. Despite a previous [CAP] (June 2021), additional training and the ongoing efforts from your Administrator, the Training Department and your coworkers, your job duties remain unsatisfactory." Ibid. "These deficiencies cause undue hardship to our customers,

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<sup>8</sup> The office closed early this day.

creates an unnecessary burden on your co-workers, and undermines the agency's ability to meet its fundamental mission of serving the needs residents of Burlington County." Ibid. "Serving needy residents is our agency's mission. The fact that you are a supervisor, and therefore held to a higher standard, makes your inefficiencies even more concerning. Customers continue to be harmed, and co-workers continue to be burdened, by your inability to perform at minimally acceptable levels. The seriousness of this offense warrants the imposition of major discipline." Ibid. The charge in the PNDA was upheld after a departmental hearing. R-2.

### Testimony

The following is not a verbatim recitation of the testimony. Rather, it is a summary of the relevant testimony.

#### For respondent:

**Angela Mathis-Rhodes** has been the assistant administrator of income maintenance since November 2021. She manages the supervisors who are responsible for the TANF, SNAP, and GA programs. She has been Edney's supervisor since 2021. Edney was in the interviewing unit and was responsible for managing the unit staff; scheduling timely interviewing; ensuring that there were sufficient staff members to conduct the interviews; assisting staff in managing their caseloads; ensuring that their work was accurate; and signing off on intake cases.

Prior the 2021 CAPs, Edney needed assistance in meeting her work goals. Her supervisors did not want to impose a CAP without first providing training and other support, which was provided by staff. Also, office operations were substantially disrupted in 2020 and 2021, due to the COVID-19 pandemic. However, it eventually became apparent that a CAP was required in June and November 2021.

Mathis-Rhodes assisted Lathrop with the development of the November 2021 CAP. Edney was subject to a CAP because her number of released applications fell far below that of the other employees in the unit. This is significant because there are strict deadlines, and failure to process applicants in a timely manner can lead to a bottleneck of cases and dates can be lost after a period of time. To release a case, the supervisor reviews the information provided and checks that all questions are answered. Once released, the application is in "application status."

Lathrop developed the metrics in the CAP. She assessed the work performed by other supervisors and assistant supervisors in the recertification and intake units and used that data to develop Edney's weekly benchmarks for intake applications that she should review. These units were used as guides because everyone was expected to sign off on the same or close to the same number of intake cases. Lathrop averaged the data obtained from other employees' work performance; she did not use their highest performance data.

Mathis-Rhodes believed twenty-three cases per day was "very fair" considering the amount of work that is required to release a case. Releasing a case did not usually require a lot of time as it involves simply reviewing data. For those familiar with the work, it is usually a quick process. Some cases can be released in just ten seconds while others may require a more detailed review and thus more time. The latter cases could require more than ten minutes. The benchmarks in the CAP increased each week such that they eventually equaled the average performance of the other supervisors and assistant supervisors.

A recertification interview involves a staff member phoning the applicant; asking questions to verify information on the prior application; and sending notices concerning additional information that is needed. It is not as extensive as an initial interview after the first application. Also, unlike intake interviews, recertifications occurred only during certain times each month. To release a recertification, the reviewer basically must ensure

that address and other information on the application is correct. A computer system recoded the completed recertifications.

Mathis-Rhodes and Lathrop were aware that Edney had other job duties when they prepared the CAP. They told Edney that she should advise of any circumstances that negatively impact her ability to release cases, such as a staffing shortage that caused her to need to conduct interviews. It was not uncommon for the administrators to enlist staff members from other units to help with these tasks. In the past, Edney advised them, by telephone or email, of recertifications she handled.

They did not expect Edney to be "superwoman" and they wanted her to succeed. Lathrop had primary responsibility for monitoring Edney's performance data and together they reviewed Edney's performance with her during CAP meetings. Mathis-Rhodes and Lathrop worked for the Board for a long time and were able to offer suggestions and shortcuts to Edney, such as ways to release cases more quickly. They stressed that she should focus on releasing cases and, if other tasks needed to be addressed, Edney should advise them and they would get assistance for her. Edney did not talk much or ask questions during the meetings and sometimes appeared to not be engaged.

On December 6, 2021, while the CAP was still effective, Mathis-Rhodes explained in an email to Edney that phone calls with applicants for recertification or redetermination of eligibility should not be rescheduled by the Board without the administrator's approval. R-5. Rather, the administrator or Mathis-Rhodes could assign additional staff members to handle this if needed. This became an issue when staff members who were scheduled to conduct recertification interviews did not report to work, which was an ongoing issue.

Avoiding distractions was a key to success and Edney was told to advise of any distractions that interfered with her work. Mathis-Rhodes spoke with Edney twice on December 6, 2021, when she released only twenty-one cases. She conducted four GA recertification interviews and no SNAP recertification interviews. Edney stated that she did not have significant distractions that day. R-6.

On December 7, 2021, Mathis-Rhodes sent an email to Edney in which she recounted their discussion that day. She told Edney that she should not reschedule recertifications and wrote that Edney “replied with a strong tone that [she] will not be completing any recerts” because she does not get “credit.” R-7 at 2. Mathis-Rhodes replied that she would get credit and, in response to Edney’s request, she would put this in writing. She noted that, in response, Edney “began to flail [her] hands and cry as [she] talked about the injustices of the past from [the] prior [CAP].” Ibid. While Mathis-Rhodes attempted to continue to discuss this, Edney “interrupted at every turn as [she] continued to talk about that past.” Ibid.

Later in the day on December 7, 2021, Edney sent an email to Mathis-Rhodes and Lathrop in which she wrote that the recertification interviews were “NEVER . . . taken into account with the ‘CAP’ previous [and] was told they would not be considered now[.]” R-7. She acknowledged that she was told they would be considered; however, “until I see it in writing and there is a real conversation and acknowledgement over the issue I do not see that this will truly be addressed.” Ibid. She offered that perhaps this issue “wouldn’t be a ‘constant interruption’ if it had been addressed correctly in the first place.” Ibid. She reiterated that she “will not continue to do work that has never and continues not to be considered as you and [Lathrop] stated at the meeting on November 19, 2021. I again advised that I would no longer continue to take on recertification calls until I had a directive in writing and I am still writing.” Ibid.

In her email, Edney also criticized the manner in which Mathis-Rhodes and Lathrop spoke with her—“in an open area” where other people could overhear; stated that she will not be silenced with respect to addressing “continuing harassment[.] . . . inequalities and continuing concerns”; asserted that she should not be held “accountable for taking on the staffing shortage”; and stated that she has been addressing the same issues since the first CAP, which she called the “first witch hunt[.]” Ibid. Edney also addressed the workplace’s negative impact on her emotional and physical health and that she nonetheless reported to work.

Mathis-Rhodes explained that if Edney advised that she conducted interviews, it would be documented; she would receive credit for the interviews; and she would not be penalized with respect to the release of applications. Further, any days that Edney did not work would not be counted toward the CAP goals and the expectation of the number of cases to be released would be adjusted to account for her absence. She explained this in another email to appellant, also sent on December 7, 2021. She wrote, "Going forward, can you please let me know the best way to discuss procedural matters with you in a manner that will not leave you feeling harassed? As I stated when I spoke to you, if you need to substitute and do recerts for the day, you will not be expected to release application status cases if the recerts exceed 13 or more. I only ask that you inform me when this comes up." R-8.

On December 8, 2021, Mathis-Rhodes sent an email to Edney in which she explained an "amendment to the expectation of when you have to conduct recert interviews (when you substitute for worker)." R-9. She explained, "You will be expected to complete application status calls when you have a client that does not answer for interview. The amount of application status cases that you are expected to complete will vary depending on the amount of interviews that you complete." Ibid. She explained that this applied to circumstances when Edney stepped in to help with calling applicants for interviews. If an applicant did not answer the call, Edney was to return to working on application status. Thus, if she completed only four interviews, she would be expected to do other work such as intake cases.

On cross-examination, Mathis-Rhodes clarified that Edney's "overall problem" was with her speed in releasing cases and that released cases did not go through the computer correctly. She and Lathrop showed her how to release cases more quickly but using a different computer screen, which was permissible. She also attempted to help Edney organize and prioritize her work. She reminded Edney that she should focus on the CAP and that she or another staff member could assist with recertifications. She met with Edney weekly but did not check in with her every day, as she did not want to call

attention to her in an unwanted manner. However, she would check in with Edney on the days Edney did not reach out to her.

Edney was not required to comply with the term of the CAP that required her to “conduct one TANF/SNAP and GA intake interview per week then prepare a clear, accurate and informative report for each case[.]” R-3 at 2. All supervisors were expected to know how to complete an interview. However, Edney was not required to do this as part of the CAP; she did not do it; and the Board did not track her progress in this regard.

Mathis-Rhodes did not recommend whether Edney should be disciplined and was not involved in the determination of the proposed penalty.

**Kitty Lathrop** was the assistant administrative supervisor of the Income Maintenance Unit before she retired in 2023. She did not supervise Edney; however, she was the supervisor of the interview and intake units before she was promoted. She previously created several Corrective Action Plans.

Lathrop was asked to handle Edney’s November 2021 CAP due to interpersonal difficulties between Edney and her supervisor, Lisa Timpson. She did not know why a CAP was not implemented before 2021. Lathrop prepared the plan based on agency-established standards that were based on Edney’s title and job duties. She did not create the metrics in the CAP. She did not know who developed the standards and surmised that it was done by either Mathis-Rhodes or Timpson. She presumed that the data was taken from a time study, as such studies were previously performed. While four weeks is the standard time period used for CAPs, two weeks were added to Edney’s CAP because, due to the holidays, several staff members were absent.

The release of cases was the most important aspect of Edney’s duties and her CAP. The CAP refers to it as “UAP Release” because it involves use of the Universal Application Process computer program. Once released, an application is officially in “application status.” This must be done quickly—within twenty-four to forty-eight hours at

the latest—as some customers are qualified for expedited benefits. Expedited SNAP cases must be completed within five days. Non-expedited SNAP cases must be completed within thirty days. Staff members put the applications in the system but the supervisor, Edney, must review them to ensure that everything is coded correctly. This required that she ensure that all the necessary information was included and that the staff member who worked on the application requested any missing information. If correct, the application may be released, which is a prerequisite to the granting of benefits. If incorrect, the supervisor may either return the case to the staffer who handled it or put the missing information into the system. Missing information could be found on the UAP. The State maintains records of the applications and how long they have been pending.

Lathrop noted that the supervisor of the intake unit, which had duties similar to or greater than Edney's, was meeting or exceeding the benchmarks in Edney's CAP. Lathrop checked the "BINQ screen" that reported that he exceeded the benchmarks.

Edney's second most important duty was ensuring that the GA cases were properly entered into the General Assistance Accounting System. Third, she was to maintain a daily work log. She was also required to monitor her staffing levels, to determine if staff from other units were needed to assist her unit. This was a basic supervisory role that all supervisors were required to do.

Lathrop monitored Edney's progress with respect to the CAP by checking the BINQ screen that showed the number of cases that were released to application status. She also reviewed Edney's work logs. The spreadsheet that is attached to the November 2021 CAP was prepared by the Board's fiscal officer after Lathrop input the numbers. Holidays and missed work days were not counted and short work days were prorated. The averages at the top of the spreadsheet were based on data in the BINQ screen and Edney's log. The number of SNAP and GA interviews was obtained from Edney's work log.



Along with the CAP, Edney received official training on areas with which she had difficulty from the training department. Lathrop trained her on a shortcut method for reviewing and releasing cases. Edney received training whenever she asked for it and on multiple other occasions. Lathrop also met with her once per week, to discuss her progress during the CAP period. Mathis-Rhodes joined some of those meetings.

Even considering the days Edney was absent from work, her progress was inconsistent. Had she met the benchmarks every day other than days she was absent or when the office was closed due to a holiday, her achievement would have been noted. However, while she met or approached the benchmarks on some days, she often regressed on subsequent days.

Edney's excuses for the regressions were often not the type that a supervisor would offer. For example, she often said she had to conduct interviews frequently, when sufficient interview staff was unavailable. Lathrop recognized that Edney had to do a few interviews each week and the CAP anticipated this. However, as a supervisor she is not to do them every day, and she and Mathis-Rhodes told her that she must enlist other staff members to assist when necessary. Supervisors cannot get bogged down such that they have insufficient time to supervise. Despite this, Edney conducted too many interviews. For example, she conducted twenty on November 12, 2021. R-3 at 3. Had she advised Lathrop or another administrator, they would have readily assigned another staff member to assist. Lathrop acknowledged that she did not know why Mathis-Rhodes advised Edney that, "if you need to substitute and do recerts for the day, you will not be expected to release application status cases if the recerts exceed 13 or more." R-8. She did not know why the threshold was thirteen. She noted that the CAP required her to do a few recertifications a week, to get her acquainted with the intake process. However, she believed that thirteen was excessive and she should have asked for assistance.

Lathrop recorded notes of her meetings with Edney. On November 10, 2021, she did not review the BINQ screen. Because the November 10 BINQ data was not available the next day, Lathrop relied upon Edney's report of her released cases.

Lathrop did not recommend whether Edney should be disciplined and was not involved in the determination of the proposed penalty.

**Marietta DiBartolomeo** was an assistant personnel officer at the Board during the times relevant to this matter. She served as the supervisor of the human resources department. In this capacity she was involved in the disciplinary action taken against Edney.

DiBartolomeo consulted with director Charles SanFilippo and chief counsel to determine the appropriate discipline. Director SanFilippo gave the final approval of the thirty-day suspension. Discipline was warranted here due to Edney's poor performance. Because discipline is imposed progressively, it was relevant that her performance during a prior CAP was also unsatisfactory. Also relevant was the length of Edney's tenure with the Board, the duties she should have been performing at that stage of her career, and the training she received. As Edney had been a supervisor for approximately four and one-half years, she should have been able to perform her job duties, especially given the training she received before she assumed her supervisor position and during the two CAPs. DiBartolomeo was aware that Edney was given many additional training opportunities during the first and second CAPs, including with a designated trainer and a supervisor.

DiBartolomeo stressed that the Board does everything possible, including training, to avoid utilizing CAPs and disciplinary action. She noted further that, during the first two years of the COVID-19 pandemic, the Board's operations were substantially altered and more difficult. It was also difficult to track work performance. This impacted the amount of time that elapsed before the two CAPs were issued.

She was aware of discord between Edney and Timpson, including Edney's assertion that Timpson made derogatory comments about her. After an investigation, Edney's allegations were not substantiated.

When asked if “intensive shadowing” of Edney was considered as an alternative to suspension, DiBartolomeo explained that she had multiple training sessions and there was a standing offer for training whenever Edney requested. If she did not know what to ask for, but alerted staff that she needed some form of assistance, the trainers would have worked with her to examine the areas of need. However, DiBartolomeo was aware that Edney was frequently reminded that releasing applications was her priority and that she was told on numerous occasions to phone customers later. DiBartolomeo understood that, despite these and other directives, Edney would become enmeshed in the task she was working on rather than focusing on the priority tasks.

It is not necessarily inappropriate to impose a thirty-day suspension when the prior disciplines were only a written warning and three-day suspension. The facts of each case dictate the outcome and the wrongdoing can be sufficiently egregious to warrant such an increase in discipline. DiBartolomeo noted that supervisors are usually proficient at their jobs by the time they are promoted. She was not aware of other supervisors who were subject to a CAP.

For Appellant:

**Michelle Edney** was promoted from the child support unit to the intake unit, where she was an HHS4, in February 2018. Timpson was her direct supervisor at that time. She was provided with the job specifications for the HSS4 position before she began working in that capacity. Her duties included monitoring staffing levels, as it was not unusual for staff members to call out of work; assigning work to staff members; handling customer calls; monitoring staff members’ daily activities; and meeting with coworkers about issues they were addressing.

Until 2019, Edney’s unit handled intake and rectification. In 2019 they were divided into separate units, with a supervisor assigned to each. Their work was largely separate and only she reviewed GA intakes. However, they worked jointly on some matters and

would help each other as necessary. Edney was required to make recertification calls when they were short-staffed. Staff were assigned twelve or thirteen recertification calls per day. Edney was required to handle this work when they were short-staffed. Because the supervisor of the other section was not required to do this, the comparison to his work productivity was "not exactly" appropriate.

The November 2021 CAP was based on a comparison of Edney's productivity in releasing cases to that of other supervisors. It should also have considered the number of recertification interviews because Edney conducted them when assistance was needed, which was often "due to the perpetual state of short staffing." A-3. Lathrop and Mathis-Rhodes initially stated that these interviews would not be considered. However, they amended this after Edney told them they would no longer conduct the interviews because it was impossible for her to meet the CAP goals at the same time. Edney told them that she would instead reschedule the interviews if they were not considered when evaluating her CAP performance. Nonetheless, she maintained that the interviews were not considered.

Edney also maintained that the data for November 19, 2021, did not include twenty-four cases that she released. A-3. Rather, the chart that detailed her performance listed zero UAP releases. R-3 at 3. However, she acknowledged that she wrote in her log that she recorded nineteen released cases. A-4 at 39. Regardless, neither Lathrop nor Mathis-Rhodes responded when she told them that their data for that day was incorrect. They also did not account for the fact that the office closed three hours early on November 24, 2021, which was the day before Thanksgiving. A-3 at 2. She also believed that Lathrop and Mathis-Rhodes failed to consider hours or days of work she missed due to illness. Ibid. Furthermore, her weekly meetings with her supervisors lasted from one-half an hour to one hour each. As there were approximately nine meetings during the six-week CAP period, she lost additional time that she would have used to complete her work. Ibid.

During the CAP period, Edney met with Lathrop and Mathis-Rhodes. She discussed the CAP with both supervisors and also discussed with Mathis-Rhodes how to handle the work when they were short-staffed. They showed her how to use an older computer system to release cases and explained that it facilitates quicker completion of the work. She had not been trained to use that system and Timpson gave her a written explanation about it once or twice in June or July 2021. She acknowledged, however, that she was not directed to use the older system and also that Timpson discussed it with her prior to the CAP.

Edney believed that it would be ineffective to expect her to learn a new system while subject to a CAP. She also queried whether her supervisors wanted the work done correctly or just quickly. Further, she believed that Lathrop's and Mathis-Rhodes's advice was inappropriate. They advised her to release cases if three or four items that she was required to check were correct. Edney believed this was incorrect because it assumed that everything else the staff members input for the case was correct.

The BINQ system recorded the number of cases that were successfully released. It did not count cases that she reviewed but had to return to a staff member or that were returned to her after she reviewed them, due to an error. This happened a lot. She also noted on her log the other work that she performed each day, and in some cases recorded the amount of time she spent on a task. Ibid. She noted that phone calls typically lasted seven to ten minutes.

Edney frequently reminded her supervisors that she was required to spend considerable time on interviews given the lack of available staff. She advised that she could not release cases when she had to interview fifteen to nineteen clients each day. She recalled that Mathis-Rhodes replied that if she used the alternative system she could release cases in five minutes. Timpson and Lathrop offered similar advice at other times. However, this was difficult to do given the amount of information that she needed to check before she could release a case. This included the identity and address of the customer and the birthdays and Social Security numbers of every person involved in the case. She

also had to review the documents that were submitted by the customer and confirm whether it was put in the system correctly. She was also required to check the staff members' calculations to ensure that expedited cases—those for which benefits must be issued within a limited number of days—were processed correctly because staff often miscalculate deadlines. Furthermore, she was required to review the documents that were sent by the Board to customers; ensure that all numbers in the system match; and ensure that everything that is in the application is in the computer.

Edney disputed that she became distracted by other tasks. Rather, she was required to pivot to address staff absences. Each morning she was required to identify what they were working on and ask Timpson to assign other staff members to help. On occasion she may have needed to call the customer who was scheduled for an initial interview to tell them that the call may be delayed. Similarly, she needed to address staff members' issues or problems promptly. Other times, she needed to step in when a staff member was unable to meet with a customer who was in the building.

Edney released twenty or more cases three days during the week of December 6, 2021. R-3 at 2. She did not recall the circumstances of those days. She surmised that more staff members were present; there were fewer phone calls that required responses; or fewer staff members asked to speak with a supervisor.

At or about that time, Edney stated that she would no longer handle recertification interviews for staff members who did not report to work when they could not be assigned to another staff member. Rather, she would reschedule the calls to another day even though Mathis-Rhodes previously directed that they should not be rescheduled. Edney acknowledged that they were rarely rescheduled prior to then and that, after she announced that she would not conduct the interviews, she no longer attempted to complete them all on the day they were scheduled. In doing so, she was standing up for herself, as she could not otherwise meet the CAP's goals. On December 6, 2021, Mathis-Rhodes advised that the interviews should not be rescheduled and that Edney should advise her if interview staff were unavailable. This was intended to ensure fair treatment

of the customers. Edney did not recall being told to advise Mathis-Rhodes when an interview needed to be rescheduled. However, before this, they did not often need to be rescheduled, because Edney filled in when staff was unavailable. Mathis-Rhodes also indicated that they would discuss a "back up plan for these situations." R-5.

On December 7, 2021, Edney advised, in writing, that she would not conduct recertification interviews until she received a written assurance that her interviews would be considered when calculating her CAP compliance. R-7. Shortly afterward, Mathis-Rhodes advised that Edney's work in this regard would be considered when evaluating her CAP compliance if she worked on thirteen or more recertifications. R-8. Since Edney joined the unit, workers were assigned twelve or thirteen rectification cases per day and this was the full extent of their workload. Edney considered this threshold to be insufficient as it did not account for days when she conducted fewer interviews. Also, she was expected to perform the same amount of work as the staff members while also completing her own work.

Edney did not understand Mathis-Rhodes's December 8, 2021, email in which she discussed an "amendment to the expectation of when [Edney has] to conduct recert interviews (when [she] substitute[d] for a worker)." R-8. After discussing it with Mathis-Rhodes, she understood that she was required to release SNAP applications.

Edney was aware of comments that she had a negative and "defeatism attitude" and that she should not dwell on the past. In response, she stated that the issues from the past must be addressed to enable progress.

With respect to the Board comparing Edney's performance to that of another supervisor, Edney did not know if that person regularly took phone calls. She was aware that he did so when she was unavailable. However, she believed most of the callers with questions were directed to her.

Edney did not have much in the way of training after the June 2021 CAP. On one or two occasions she met with a member of the training department who addressed how to handle intake interviews and use the computer programs for this function and she was directed to meet with the trainer. Training staff shadowed her but she did not recall when. Mathis-Rhodes asked to observe how she signed off on and released cases one or two times. Lathrop showed her how to use the alternate system for releasing cases. Timpson gave her a handout and demonstrated on the computer what she reviewed when releasing cases. She did not recall if Timpson did this during the CAP period. Although Timpson may have been removed from the CAP process, she continued to check on Edney and ask her questions.

Edney met with another employee who reviewed how she was releasing cases. She did not consider it to be a training session because, although they met to address errors in the performance of this task, errors were committed by multiple people in the unit.

When Edney was promoted to HHS4, she supervised between ten and thirteen people. While she did not know the number of staff members authorized or required for her unit, she noted that fewer people were assigned to the unit from 2019 through 2022 than were in the unit in 2018. She "assumed" that the unit was inappropriately equipped with staff members.

Edney's relationship with Timpson became tense when Edney asked for assistance in getting a Board employee whom Edney did not supervise to respond to her. The relationship deteriorated when Edney requested that insubordination charges be filed against an employee. Timpson called Edney a "liar" and a "satanist." Timpson also discussed confidential information about Edney's CAP in a group setting and she allowed another person to hit Edney's desk while screaming. During another meeting, Edney had an anxiety attack and left to use the bathroom. Timpson followed her to the bathroom and, while Edney was vomiting, harassed her. Edney advised the human resources staff of these incidents. She did not receive a response to her complaints.



On cross-examination, Edney acknowledged that the primary goal of the CAP was release of cases. It remained the primary goal after the December 6 and December 7, 2021, emails. She also acknowledged that the CAP and the specifications in the PNDA and FNDA adjusted the number of cases to be released when there were fewer than five working days in a week. However, she reiterated that the number was not adjusted in response to the office's early closure on the day before Thanksgiving. She also suggested that she may have had additional time off during the CAP period but did not document those days.

Edney asserted that the computer system that was used to release cases sometimes did not work properly. Consequently, a case that had been released may not have been recorded as registered. Sometimes the case needed to be reentered in its entirety. This problem affected the entire office, including the staff members whose performance was used to determine Edney's CAP benchmarks. Those staff members also experienced the same difficulties with short-staffing and attrition as she did. She acknowledged that they released the requisite number of cases, but asserted that all of them, with the exception of the other supervisor, were at their desks all day.

Edney clarified that she met with a member of the training department prior to the November 2021 CAP. She stated that another member of the training department wanted to see how she was releasing cases because some were disappearing. She clarified that Lathrop's explanation of the alternate system for releasing cases was more time consuming and difficult because she did not have extensive experience with it. Rather, she used it only once or twice prior to the CAP and found that she had great difficulty using it.

Edney addressed Lathrop's representation that it should take five minutes to review and release a case. She believed this was possible only if the case is not reviewed because it takes more time to properly review the cases. Although she was told to check three or four items on the applications, her view is that this is incorrect because the

reviewer must also ensure that the case is not expedited and that all information has been utilized. If done incorrectly, an expedited case may not be handled in an expedited manner or the wrong information may be sent to a customer. She asserted that on multiple occasions she had to correct cases that administrators released because information was missing. She acknowledged, however, that the release process is intended to provide data about the number of cases and their status to the State and that information can be added after a case has been released. She did not know how many times a released case needed to be corrected.

### Document Review

Edney produced a July 22, 2022, email to a union representative in which she listed the days she was absent from work due to illness:

Week one (November 8, 2021, through November 12, 2021)	One hour
Week two (November 15, 2021, through November 19, 2021)	Three hours
Week three (November 22, 2021, through November 26, 2021)	Two hours
Week four (November 29, 2021, through December 3, 2021)	Zero
Week five (December 6, 2021, through December 10, 2021)	Zero
Week six (December 13, 2021, through December 17, 2021)	Fifteen and three-quarter hours

[A-3.]

A review of her work log reveals some inconsistencies. She did not report three hours of sick time any of the days during the second week. Unlike in the email, she reported having arrived an unspecified amount of time late on November 29, 2021, and that she arrived to work at noon on December 7, 2021. The logs for the sixth week do not show that she missed fifteen and three-quarter hours of work. However, there is no entry for December 16, 2021, which presumably means she missed seven or eight hours

of work,<sup>9</sup> and she wrote that she arrived at 9:45 a.m. on December 17, 2021. A-4. Also, the top portions of the log entries for November 8, 2021, December 8, 2021, December 9, 2021, and December 15, 2021, appear to be missing. The entries for all other days start at the top of the page. The entry for December 17, 2021, is blank in the middle of the page.<sup>10</sup>

In addition, although she testified that she released twenty-four cases on November 19, 2021, Edney recorded nineteen released cases that day in her log. A-4 at 39–41. As noted above, the CAP report listed zero cases released that day. R-3.

### **Additional Factual Findings**

Mathis-Rhodes testified calmly, professionally and in a measured manner. She acknowledged when she did not recall facts, and demonstrated that her goal was to help Edney and that her actions were consistent with her goal. She was available to Edney when she needed assistance and told her that she could help with Edney's work if necessary. She stressed and the CAP documented that Edney was to report when she could not comply with the CAP. In that event, other staff members would be called upon to help. Mathis-Rhodes and Lathrop also told Edney that she could use an alternative method for the release of cases because Edney was having difficulty with the method that the other staffers used without difficulty. While the alternative method was replaced by the new method that all other employees used, they permitted her to handle her cases another way if that would be helpful.

Lathrop testified in a straightforward manner and provided clear explanations of the office's work, the CAP, and her role. Her decisions and actions were fair and reasonable. For example, she relied upon Edney's work log to determine how many cases she released when she did not get this information from the BINQ. She also relied upon Edney's work log to determine the number of SNAP interviews and GA reviews that

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<sup>9</sup> The length of her standard workday was not established during the hearing.

<sup>10</sup> There was no testimony concerning the apparent omissions.

she conducted. Further, she added two weeks to the CAP to provide Edney additional time to demonstrate her proficiency. While there may have been a discrepancy between the CAP report and Edney's log for November 19, 2021, and it appears that the early closure of the office the day before Thanksgiving was not considered, there is no evidence of malfeasance and this does not negate Lathrop's credible testimony. Further, it is clear that all other holidays were considered when she calculated the work to be completed.

Edney demonstrated that she disagreed with her supervisors' assessment of her work priorities and unilaterally determined her priorities. She did not regularly communicate with them, as directed, when she was unable to release the required number of applications. She thus did not avail herself of assistance, which her supervisors would have provided and which is routinely provided to supervisors of Edney's rank. Rather, she offered an ultimatum about the work she would and would not do. The data, however, is most significant. While she asserted that the volume of recertification interviews and other work impaired her ability to release applications, the data shows that, most days, she conducted few or no interviews or GA reviews. She achieved the goal for the number of released cases on only the following occasions:

<b>Case release goal achieved</b>	<b>Other work performed</b>
November 9	Zero interviews, three GA reviews
November 16	Three interviews, one GA review
November 19 <sup>11</sup>	Four interviews, seven GA reviews
November 22	Zero interviews, seven GA reviews
November 30	Zero interviews, zero GA reviews
December 2	Zero interviews, zero GA reviews
December 3	Zero interviews, six GA reviews
December 8	Zero interviews, seven GA reviews

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<sup>11</sup> Accepting Edney's representation in her log that she released nineteen cases.

Thus, accepting as correct the data in her log, she met the CAP goal concerning release of cases only eight out of twenty-six days and she conducted few, if any, interviews and GA reviews those days. Thus, even if the terms of the CAP were amended rather late in the process, such that the expectations concerning released cases would be adjusted when she conducted thirteen or more interviews, Edney did so only twice, November 12, 2021, and November 16, 2021.

This finding is not altered even if Edney missed work due to illness or if consideration is given to the one day that the office closed early. Putting aside the inconsistencies in her reports of when she missed work, she failed to meet the threshold requirement for released cases on the majority of days she worked even when she did not handle many or any interviews or GA reviews. Moreover, all holidays were considered, with the exception of an early work closure the day before Thanksgiving.

### **LEGAL ANALYSIS AND CONCLUSIONS**

The Civil Service Act and the regulations promulgated pursuant thereto govern the rights and duties of a civil service employee. N.J.S.A. 11A:1-1 to N.J.S.A. 11A:12-6; N.J.A.C. 4A:1-1.1, et seq. A civil service employee who commits a wrongful act related to his or her duties, or gives other just cause, may be subject to major discipline. See 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 are whether the employee is guilty of the charges and, if so, the appropriate penalty, if any, that should be imposed. Henry v. Rahway State Prison, 81 N.J. 571 (1980); West New York v. Bock, 38 N.J. 500 (1962).

The appointing authority bears the burden of proving the charges against appellant by a preponderance of the credible evidence. See In re Polk, 90 N.J. 550 (1982); Atkinson v. Parsekian, 37 N.J. 143 (1962).

Edney is charged with violating N.J.A.C. 4A:2-2.3(a)(1) for incompetency, inefficiency, or failure to perform her duties. In this type of breach, an employee performs

their duties in a manner that exhibits insufficient quality of performance, inefficiency in the results produced, or untimeliness of performance, such that his or her performance is substandard. See Clark v. N.J. Dep't of Agric., 1 N.J.A.R. 315 (1980). Incompetence means that an individual lacks the ability or the qualifications to perform the duties required of him or her. Rivera v. Hudson Cty. Dep't of Corr., CSR 6456-16, Initial Decision (October 24, 2016), adopted, CSC (November 28, 2016), <http://njlaw.rutgers.edu/collections/oal/>.

Here, Edney did not adequately perform her primary duty of releasing cases on the majority of the days in the CAP period. Contrary to her testimony, she was not burdened by large numbers of recertification interviews, and she also conducted a limited number of GA reviews during the CAP period. Indeed, on many days she performed zero or very few of each. While it is accepted that she was required to perform other tasks, this does not militate against the finding that she did not meet the CAP goal with respect to releasing cases. As a supervisor, by definition and as set forth in her job specifications, she must supervise staff and address their needs and problems while also performing her own work. Indeed, the CAP explicitly addressed her ongoing duties in this regard.

Furthermore, Edney also did not follow the CAP's directive that she advise her supervisors when she needed assistance, including but not limited to when she was short-staffed. She thus exacerbated her situation by effectively not availing herself of appropriate assistance, which is how she could have properly completed her work. Instead, she rejected her supervisors' admonition that releasing cases was the priority and unilaterally determined what her priorities were.

To the extent Edney argues that her sick days and holidays were not properly addressed, as noted above, she failed to achieve the threshold number of released cases on the vast majority of days. Moreover, all holidays were considered, with the exception of an early work closure the day before Thanksgiving.

Edney argues that her performance was improperly assessed because the CAP was amended close in time to its end date. The amendment provided that the expected number of cases to be released would be adjusted based on the number of recertification interviews she conducted. This argument may have been relevant had Edney conducted a significant number of interviews. However, as noted, she did not approach thirteen interviews, the threshold amount, more than twice. Moreover, even if thirteen was an unfairly high number, Edney still conducted very few interviews during the CAP period. Indeed, she conducted no interviews during seventeen days of the CAP period.

Edney argues that the charge against her was inappropriate because it was issued five months after the end of the CAP. She did not cite a statute, a regulation, or case law that addresses this issue and no evidence has been presented that demonstrates that the five-month period prejudiced or otherwise improperly impacted her. Further, there is no evidence that Timpson's involvement inappropriately altered the CAP review process.

For these reasons, I **CONCLUDE** that the appointing authority has demonstrated by a preponderance of the competent, relevant, and credible evidence that appellant violated N.J.A.C. 4A:2-2.3(a)(1). Accordingly, I **CONCLUDE** that the charge of incompetency, inefficiency, or failure to perform her duties must be and is hereby **AFFIRMED**.

### **Penalty**

A civil service employee who commits a wrongful act related to his duties may be subject to major discipline. N.J.S.A. 11A:1-2(b), 11A:2-6, 11A:2-20; N.J.A.C. 4A:2-2.2, -2.3(a). This requires a de novo review of appellant's disciplinary action. In determining the appropriateness of a penalty, several factors must be considered, including the nature of the employee's offense, the concept of progressive discipline, and the employee's prior record. George v. N. Princeton Developmental Ctr., 96 N.J.A.R.2d (CSV) 463. Pursuant to West New York v. Bock, 38 N.J. at 523-24, concepts of progressive discipline involving penalties of increasing severity are used where appropriate. See also In re Parlo, 192

N.J. Super. 247 (App. Div. 1983). Thus, "consideration of past record is inherently relevant" in a disciplinary proceeding. West New York v. Bock, 38 N.J. at 523. An employee's "past record" includes the "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." Id. at 523–24.

The New Jersey Supreme Court explained that some offenses may warrant severe discipline notwithstanding limited or no prior disciplinary history:

[T]hat is not to say that incremental discipline is a principle that must be applied in every disciplinary setting. To the contrary, judicial decisions have recognized that progressive discipline is not a necessary consideration 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.

Thus, progressive discipline has been bypassed when an employee engages in severe misconduct, especially when the employee's position involves public safety and the misconduct causes risk of harm to persons or property.

[In re Herrmann, 192 N.J. 19, 33 (2007).]

Consideration must also be given to the purpose of the civil service laws, which "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 underlining our statutory scheme." State-Operated Sch. Dist. v. Gaines, 309 N.J. Super. 327, 334 (App. Div. 1998). "The overriding concern in assessing the propriety of penalty is the public good." George, 96 N.J.A.R.2d (CSV) at 465.

Mitigation can be appropriate when a law enforcement officer has made inappropriate public statements. In Chirichello, the Commission noted that a penalty



other than removal could be appropriate if sufficient mitigating factors are present. For example, if Chirichello had “a lengthy and relatively unblemished record of service,” a penalty other than removal could have been appropriate. In re Chirichello, 2021 N.J. AGEN LEXIS 346 at \*4–5.

Mitigating circumstances were found in Burkholder. The ALJ found that mitigating circumstances compelled a reduction in the penalty from removal to a 180-day suspension. The officer had an “unremarkable” disciplinary record, which consisted of three prior minor disciplines for time and attendance, and this was his “first allegation of discriminatory conduct toward members of protected classes who worked for the [Department] or who were incarcerated within its facilities.” 2021 N.J. AGEN LEXIS 600 at \*16. Also, there was neither a policy nor training concerning social-media use. Further, he “committed one act, while at home on a personal computer[,]” and “accepted responsibility and submits to major discipline.” Id. at \*17. The ALJ thus imposed a 180-day suspension without pay, conditioned upon his successful completion of diversity and tolerance training and a fitness-for-duty psychological examination. The Commission affirmed the ALJ’s penalty.

Here, Edney’s disciplinary history documents that she was disciplined three times between July 15, 2015, and September 15, 2021, prior to the proposed discipline at issue. The infractions and disciplines are summarized as follows:

1. July 15, 2015, written warning for violating appointing authority’s call-out procedure.
2. August 29, 2019, written warning for insubordination and conducting unbecoming a public employee.
3. September 15, 2021, three-day suspension for incompetency, inefficiency, or failure to perform duties.

[OAL-1.]

None of these was a major discipline. However, the September 15, 2021, suspension followed the June 2021 CAP. That CAP was instituted to address the same problems that the November 2021 CAP attempted to address. Edney's failures are the same in both cases. This is compounded by her failure to advise her supervisors when she needed assistance and by her rejection of her supervisors' directive concerning her work priority. It should also be noted that Edney's work is essential to the provision of vital support to her customers. Failure to expeditiously process applications for assistance can adversely impact the customers' welfare. For these reasons, I **CONCLUDE** that a thirty-working-day suspension without pay is appropriate.

### **ORDER**

I **ORDER** that the charge of violation of incompetency, inefficiency, or failure to perform duties must be and is hereby **AFFIRMED** and that the appropriate penalty is a thirty-working-day unpaid suspension.

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.

January 16, 2025

DATE

  
JUDITH LIEBERMAN, ALJ

Date Received at Agency:

\_\_\_\_\_

Date Mailed to Parties:

\_\_\_\_\_

JL/mg

**APPENDIX**

**Witnesses**

**For appellant**

Michelle Edney

**For respondent**

Angela Mathis-Rhodes

Kitty Lathrop

Marietta DiBartolomeo

**Exhibits**

**For appellant**

- A-1 New Jersey Job Description for "Human Services Specialist"
- A-2 June 28, 2021, email, subject "Responsibilities"
- A-3 July 22, 2022, email, subject "CAP"
- A-4 Handwritten case log of daily activities during the CAP period

**For respondent**

- R-1 Preliminary Notice of Disciplinary Action dated May 11, 2022
- R-2 Final Notice of Disciplinary Action dated August 25, 2022
- R-3 Corrective Action Plan with Case Statistics dated November 5, 2021
- R-4 Notes for November 5, 2021, Corrective Action Plan
- R-5 December 6, 2021, email, subject "Recerts/Redets"
- R-6 December 7, 2021, email, subject "Check-in"
- R-7 December 7, 2021, email chain, subject "Check-in Today"
- R-8 December 7, 2021, email chain, subject "Leaving for Day"
- R-9 December 8, 2021, email, subject "Amendment"
- R-10 December 17, 2021, email, subject "Meeting"

R-11 Corrective Action Plan, June 14, 2021, through July 9, 2021

R-12 July 21, 2021, memo re: June 14, 2021, through July 9, 2021, CAP