



## STATE OF NEW JERSEY

In the Matter of Shanee Dawkins,  
Judiciary, Morris/Sussex Vicinage

CSC DKT. NO. 2025-269  
OAL DKT. NO. CSV 12053-24

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

ISSUED: FEBRUARY 5, 2025

The appeal of Shanee Dawkins, Judiciary Clerk 3, Judiciary, Morris/Sussex Vicinage, release at the end of the working test period, effective July 2, 2024, was heard by Administrative Law Judge Andrea Perry Villani (ALJ), who rendered her initial decision on January 17, 2025. 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 the exceptions, which do not require extensive comment, the Civil Service Commission (Commission), at its meeting of February 5, 2025, accepted the Findings of Fact and Conclusions of the ALJ as well as her recommendation to uphold the release at the end of the working test period.

The Commission makes the following comment. The burden of proof in an appeal of a release at the end of the working test period is on the appellant. See *N.J.A.C. 4A:2-1.4(c)*. In this regard, to be successful in such a challenge, the appellant would need to show by a preponderance of the evidence that the appointing authority effectuated the working test period in bad faith. See *N.J.A.C. 4A:2-4.3(b)*. In this matter, as found by the ALJ, the appellant has clearly not satisfied that burden.

ORDER

The Civil Service Commission finds that the action of the appointing authority in releasing the appellant at the end of the working test period was justified. The Commission therefore upholds that action and dismisses the appeal of Shanee

Dawkins.

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

A handwritten signature in cursive script that reads "Allison Chris Myers".

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Allison Chris Myers  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Nicholas F. Angiulo  
Director  
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Attachment



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

**INITIAL DECISION**

OAL DKT. NO. CSV 12053-24

AGENCY DKT. NO. 2025-269

**SHANEE DAWKINS,**

Appellant,

v.

**SUPERIOR COURT OF NEW JERSEY,**

**MORRIS/SUSSEX VICINAGE,**

Respondent.

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**Shanee Dawkins, pro se**

**Susanna Morris, Esq.,** Staff Attorney for respondent (Administrative Office of  
the Courts)

Record Closed: January 8, 2025

Decided: January 17, 2025

**BEFORE ANDREA PERRY VILLANI, ALJ:**

**STATEMENT OF THE CASE**

The Morris/Sussex Vicinage of the New Jersey Superior Court terminated employee Shanee Dawkins upon the expiration of her working test period because her supervisor determined that her knowledge and quantity of work was unsatisfactory. Dawkins disagrees with the determination. Is Dawkins entitled to return to her

employment? No. To be re-hired following termination after a working test period, an employee must prove that her employer acted in bad faith. N.J.A.C. 4A:2-4.3(b).

### **PROCEDURAL HISTORY**

On July 1, 2024, the respondent, Morris/Sussex Vicinage of the Superior Court of New Jersey (Superior Court), issued a Notice of Termination to the appellant, Shanee Dawkins, for failing to satisfactorily complete her Working Test Period.

On July 18, 2024, Dawkins filed an appeal.

On August 21, 2024, the Civil Service Commission transmitted the case to the Office of Administrative Law (OAL) as a contested case 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.

On September 24, 2024 and October 22, 2024, I conducted telephone prehearing conferences. On October 30, 2024, I entered a Prehearing Order scheduling the hearing for January 8, 2025.

On January 8, 2025, I conducted the hearing and closed the record.

### **FINDINGS OF FACT**

Based upon the testimony, and the witnesses' credibility, together with the documents the parties submitted, and my assessment of their sufficiency, I **FIND** as follows:

Dawkins began her career with the Superior Court Morris/Sussex Vicinage in 2023 as an hourly employee in the Family Division Domestic Violence Unit. At some point in 2023, the Superior Court offered Dawkins a Judiciary Clerk 3 position with the Court User Resource Center (Resource Center) within the Office of the Ombudsman. Dawkins' official start date for that position was January 2, 2024. (R-6).

John Zapata was Dawkins' direct supervisor in the Resource Center. He has worked for the New Jersey Judiciary (Judiciary) since 2014. His current position is Administrative Supervisor 1. Zapata supervises the employees that work both in the Morris County and Sussex County Resource Centers. Zapata and Resource Center staff provide procedural guidance to court users representing themselves. They often instruct court users on how to fill out forms. Zapata described the Resource Center as the walk-in version of the court's website.

Zapata noted that the volume of court users visiting the Resource Center has increased over the last several years: 12,000 visited the Resource Center last year and 10,000 the year before. Zapata explained that the Resource Center assists court users with all case types; but, because most of the litigants' questions are about Family Court cases, training usually begins with the Family Court docket types. Employees must also be familiar with the Judiciary's website and with the forms that are distributed to the litigants. Zapata stated that resourcefulness is necessary to perform the job well. Employees need to know how to find the information the litigants are seeking.

Zapata was responsible for overseeing Dawkins' training. Zapata explained that the training provided to Dawkins was the same that is provided to all Resource Center staff. The training consists primarily of shadowing: the new employee must closely observe more experienced staff members while they are assisting litigants. Zapata also asks new employees to review the Judiciary's website and forms. Additionally, Zapata asks new staff to fill out the forms themselves to better understand the difficulty litigants may experience when doing so. Zapata confirmed that he discussed all of these expectations with Dawkins.

Dawkins' working test period was initially planned for four months (January through April 2024). Zapata had his first training meeting with her on February 16, 2024. (R-7.) Zapata explained that the impetus for this meeting was a problem with punctuality. Dawkins was not arriving to work on time. The Resource Center opens to the public at 8:30 a.m., so staff must be at work and ready to assist court users by 8:30 a.m. Zapata also observed Dawkins taking more than one hour for lunch and fifteen

minutes for breaks. Thus, during the February 16, 2024 meeting, Zapata provided Dawkins with an employee checklist and "Added expectations," which included specific times for breaks and lunch. (R-7, R-8.)

Zapata held another meeting with Dawkins on February 23, 2024, after staff reported that Dawkins wasn't actively shadowing them. (R-9.) Zapata explained to Dawkins the importance of shadowing. (R-9.) Zapata became concerned at this point that Dawkins' behavior was different when he was not in the office to supervise her. He felt that a supervisor should be present with her during her training. As a result, it was around this time in late February that Zapata stopped working remotely and visiting the Sussex County Resource Center so he could be present in the Morris County Resource Center as much as possible.

Soon after, on March 4, 2024, and March 6, 2024, Dawkins experienced difficulties with her coworkers in the Resource Center. Zapata was out sick on March 4, 2024, and left early on March 6, 2024, but Rubyka Rodriguez was present. Rodriguez is a Court Executive 1B and the EEO/AA officer with the Morris/Sussex Vicinage. She has worked for the Judiciary for nine years. She was previously an Administrative Specialist in Human Resources (HR) and the Office of the Ombudsman. Rodriguez testified that she and Dawkins had a "great rapport," yet she was troubled by Dawkins' behavior on March 4, 2024 and March 6, 2024. Rodriguez memorialized some of her observations in an email to Zapata and Jennifer Shultis, the Ombudsman, on March 11, 2024. (R-12.)

On March 4, 2024, Dawkins was working in the Resource Center with Rodriguez and Dana Tyndall, a Judiciary Clerk 4, who has been with the Judiciary for fourteen years. Rodriguez explained that Dawkins was not receptive to Tyndall's training that day. Rodriguez observed Dawkins speaking over and interrupting Tyndall while she was assisting litigants. At one point, Tyndall was assisting a litigant and Dawkins yelled across the room to comment on their conversation. Dawkins told the litigant that the other party in their case could remove their child from school whenever he wants because the parties have joint custody. Rodriguez felt this was an inappropriate comment because it could be considered legal advice.

Also on March 4, 2024, Rodriguez observed Dawkins misusing her break time. Rodriguez explained that Dawkins was taking bathroom breaks before her designated break and lunch time, thereby extending her breaks and lunches. Rodriguez testified that she specifically asked Dawkins not to take a break right before lunch that day, but Dawkins did it anyway.

On March 6, 2024, Rodriguez began working at the Resource Center at 11:00 a.m. when Zapata was getting ready to leave. Because Dawkins and Tyndall were not getting along, Zapata directed Dawkins to shadow Rodriguez that day, not Tyndall. Rodriguez testified that Dawkins barely spoke to her. Rodriguez also testified that Dawkins seemed bothered when she would call her over to shadow. At one point when Dawkins was observing Rodriguez, and Rodriguez was in the middle of assisting a customer, Dawkins said, "I'm cold," and simply walked away. Later, when Rodriguez approached Dawkins at her desk to ask her a question, Dawkins looked at Rodriguez but did not respond. Rodriguez spoke to her again. After a long glance, Dawkins removed her headphones and said, "yes?" in a "sarcastic" manner. Rodriguez felt that this, along with the rest of Dawkins' behavior that day, was rude and dismissive. Rodriguez discussed this in private with Dawkins at the end of the day, after the other employees left. Rodriguez recalled that Dawkins was not receptive to her feedback, spoke over her, and laughed.

Zapata met with Dawkins the following week on March 11, 2024, to discuss the issues that arose on March 4, 2024, and March 6, 2024. (R-13.) Zapata then issued an Unsatisfactory Progress Report on March 15, 2024. (R-1.) He provided the report to Dawkins in a one-on-one meeting in private on March 15, 2024. He allowed Dawkins the opportunity to respond or comment on his report. She acknowledged his comments and stated that she was "committed to making a change...and turning the unsatisfactory scores to satisfactory." (R-1.)

In April 2024, Rodriguez attempted to assist Dawkins with her job performance. Specifically, on April 18, 2024, Rodriguez was providing Dawkins with Behavioral Interview Training. During their conversations, Dawkins indicated to Rodriguez that she

learns differently than others. Thus, Rodriguez immediately made a referral to HR for a possible ADA accommodation. (R-23.) That same day, HR provided Dawkins with a form for her doctor to complete if she wanted to pursue a reasonable accommodation under the Americans with Disabilities Act and New Jersey Law Against Discrimination. (R-23.) Dawkins never returned the form. (R-24.)

Meanwhile, Zapata continued to follow up with Dawkins via meetings and emails. (R-14, R-15.) Although he issued another Unsatisfactory Progress Report on April 22, 2024 (R-2), he nevertheless approved an extension of Dawkins' working test period for another two months. Brian Maroldi, Assistant Human Resources Division Manager, explained that this required a formal request to the Civil Service Commission, which he made on Dawkins' behalf. (R-3.) In response to the April 2024 Progress Report, Dawkins again stated, "I'm committed to making a change." (R-2.)

Unfortunately, however, Dawkins continued to experience problems with co-workers. On May 2, 2024, Dawkins engaged in a dispute with Tyndall over a plexiglass shield. (R-16.) On May 16, 2024, Shultis was bothered by the strong smell of marijuana coming from Dawkins' purse. (R-17.) On May 23, 2024, Zapata observed Dawkins interacting with a litigant and felt she was unhelpful. (R-18.) The litigant asked Dawkins for a binder clip, which she initially declined to give him. Dawkins did eventually find and give him a clip, but Zapata was concerned about her initial refusal to do so.

On May 31, 2024, Zapata issued another Unsatisfactory Progress Report. (R-4.) On June 6, 2024, Zapata, Dawkins and Shultis met to discuss the report. At this meeting and in her written comments to the report, Dawkins stated that her training via shadowing was lacking. Zapata testified that, indeed, one employee in the Resource Center was out for about 1 ½ months due to illness. This left him as the only person available for consistent shadowing, other than Tyndall. Dawkins could not shadow Tyndall because of Tyndall's discomfort around Dawkins and the various incidents that occurred between them. However, Dawkins' desk was moved to the front of the Resource Center to provide more learning opportunities. By having a desk near the



counter, Dawkins would be able to observe most of the interactions between court users and staff.

On June 12, 2024, there was another inappropriate interaction between Dawkins and her co-workers. Shultis testified that she was in a meeting with Zapata when they called Dawkins over to discuss her attendance at an upcoming training for Ombudsman office staff. Dawkins confirmed she would be attending. However, during the meeting, Dawkins commented on the weather being "hot as balls." Zapata felt uncomfortable and Shultis followed up with an email asking Dawkins not to use that expression in the workplace. (R-20.)

On June 28, 2024, Zapata issued his final Unsatisfactory Progress Report. (R-5.) Zapata testified that, despite working in the Resource Center for six months, Dawkins was still asking basic questions. Zapata stated that Dawkins was "another litigant for me to deal with." He went on to explain, "If I have to provide all of the answers to my employee to then provide to the customer, I really just have another customer to assist." Zapata also noted that Dawkins needed reminding to complete small daily tasks, such as checking voicemail messages, and that her training on the forms never moved past basic family filings. As such, his final Progress Report reflected that Dawkins' "Knowledge of Work" was "Unsatisfactory" and her "Quantity of Work" was "Unsatisfactory." (R-5.) At the final performance review meeting on July 2, 2024, Dawkins was terminated. (R-21, R-22.) Maroldi personally served her with the Termination Notice. (R-22.)

During her testimony, Dawkins reiterated her belief that she didn't have enough opportunities to shadow. However, Dawkins did acknowledge that her desk was moved to the front of the Resource Center. Again, this enabled her to observe nearly all interactions with staff and court users at the counter. Dawkins also suggested that she should have been permitted to shadow another employee named Irene. However, Zapata explained that Irene primarily works in the Sussex County Resource Center. She only works in the Morris County Resource Center from time to time for "staff integration" purposes. Furthermore, when Irene works at the Sussex County Resource Center, there is no supervisor present. Zapata was not comfortable with Dawkins

working unsupervised. As noted previously, Zapata gave up his remote workdays to supervise Dawkins in the Morris County Resource Center as much as possible.

Also, during her testimony, Dawkins attempted to explain her difficulties with Tyndall. She stated that Tyndall made bothersome comments to her and others in the office, like comments about Dawkins taking too many breaks. Dawkins felt that Zapata did not address Tyndall's comments in the same way that he addressed Dawkin's comments. Dawkins also stated that Tyndall and other coworkers asked questions about their work and needed help from time to time, just like she did. For these reasons, Dawkins believes that she received "biased treatment" from the supervisors. However, during her direct testimony, Dawkins did not contradict or even address the specific incidents that occurred between her and Tyndall on March 4, 2024 and May 2, 2024.

Rather, during cross examination, Dawkins admitted to many of the allegations made by Zapata and Rodriguez. Dawkins admitted that she was reluctant to participate in the training process with Tyndall and kept speaking over her while Tyndall was assisting customers. Dawkins admitted that on March 4, 2024, she yelled to Tyndall from her desk in the back when Tyndall was assisting a customer. Dawkins admitted that on March 6, 2024, she did not immediately respond to Rodriguez when questioned. Dawkins stated that she didn't respond because, "If I'm doing work, you have to wait until I'm done with my work respectfully." Dawkins admitted that on March 6, 2024, she spoke over Rodriguez and was dismissive of her because, according to Dawkins, Rodriguez did not allow her to explain.

Another suggestion Dawkins made during trial was that Zapata treated her unfairly by not allowing her to work remotely. However, Zapata explained that it is standard practice for new employees to work only in the office (not remotely) for at least two months in order to learn the job. After two months of training, the supervisor determines whether the employee has the ability to work independently. The supervisor will then authorize remote work only if and when it is appropriate. Zapata felt that Dawkins was not able to work independently and did not authorize remote work.

Finally, Dawkins testified at trial that she “really tried” to learn the job. Zapata did acknowledge that Dawkins made some progress in her knowledge of the work, but he felt that it simply wasn’t enough. Dawkins was still asking basic questions at the end of her test period, despite ample opportunities to learn. Indeed, Dawkins’ working test period was extended to provide her more time; she had six months of experience in the Resource Center; her desk was moved to the counter to allow for more observation; and HR invited her to apply for an ADA accommodation. For all of these reasons, the Superior Court’s decision to terminate Dawkins’ employment at the end of her working test period was not made in bad faith.

### **CONCLUSIONS OF LAW**

An employee terminated from service at the conclusion of a working test period due to unsatisfactory performance must be given written notice in person or by certified mail by the appointing authority. N.J.A.C. 4A:2-4.1(a). The notice shall inform the employee of the right to request a hearing before the Civil Service Commission within 20 days of receipt of the notice. N.J.A.C. 4A:2-4.1(b). The notice shall be served not more than five working days prior to or five working days following the last day of the working test period. N.J.A.C. 4A:2-4.1(c). The employee has the burden of proof to establish that the action was in bad faith. N.J.A.C. 4A:2-4.3(b). If bad faith is found by the Commission, the employee shall be entitled to a new full or shortened working test period and other appropriate remedies. N.J.A.C. 4A:2-4.3(c).

In this case, the Superior Court personally served Dawkins with written notice of termination on the last day of her working test period. The notice informed Dawkins of her right to request a hearing, which she did. At hearing, Dawkins failed to prove that the Superior Court’s decision to terminate her at the end of the working test period was made in bad faith. Dawkins clearly disagrees with the Superior Court’s decision, and perhaps the Superior Court could reasonably have made a different determination; but it was not a bad faith determination. Therefore, I **CONCLUDE** that Dawkins is not entitled to a new working test period or any other remedy.

**ORDER**

Given my findings of fact and conclusions of law, I **ORDER** that Dawkins' appeal is dismissed.

I hereby **FILE** my Initial Decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make a final decision in this matter. If the Civil Service Commission does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, MERIT SYSTEM PRACTICES AND LABOR RELATIONS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, P.O. Box 312, Trenton, New Jersey 08625-0312**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.



January 17, 2025

DATE

ANDREA PERRY VILLANI, ALJ

Date Received at Agency:

January 17, 2025

Date Mailed to Parties:

January 17, 2025

sej

**APPENDIX**

**WITNESSES**

**For Petitioner:**

Shanee Dawkins

Jennifer Shultis

**For Respondent:**

John Zapata

Rubyka Rodriguez

Brian Maroldi

**EXHIBITS**

**For Petitioner:**

P-1 Standard Performance Expectations for Staff

**For Respondent:**

R-1 March 15, 2024 Report on Progress of Probationer

R-2 April 22, 2024 Report on Progress of Probationer

R-3 Request for Extension of Working Test Period

R-4 May 31, 2024 Report on Progress of Probationer

R-5 June 28, 2024 Report on Progress of Probationer

R-6 Email from Shanee Dawkins dated December 29, 2023

R-7 Email from John Zapata dated February 21, 2024

R-8 New Employee Checklist for Shanee Dawkins

R-9 Email from John Zapata dated March 1, 2024

R-10 Email from Dana Tydall, dated March 4, 2024

R-11 Email from Theresa Knobloch dated March 5, 2024

R-12 Email from Rubyka Rodriguez, dated March 11, 2024

R-13 Email from John Zapata dated March 12, 2024

R-14 Email from John Zapata dated March 18, 2024

R-15 Email from John Zapata dated March 22, 2024

R-16 Email from John Zapata dated May 9, 2024

- R-17 Email from Jennifer Shultis dated May 17, 2024
- R-18 Email from John Zapata dated May 23, 2024
- R-19 Email from Jennifer Shultis dated June 11, 2024
- R-20 Email from Jennifer Shultis dated June 12, 2024
- R-21 Email from Brian Maroldi dated June 28, 2024
- R-22 Letter to Shanee Dawkins dated July 1, 2024
- R-23 Memo to Shanee Dawkins dated April 18, 2023
- R-24 Memo to Shanee Dawkins dated May 7, 2023