



STATE OF NEW JERSEY

DECISION OF THE
CIVIL SERVICE COMMISSION

In the Matter of Jonathan Rivera,
Union City, Department of Public
Safety

CSC Docket No. 2024-554
OAL Docket No. CSV 09741-23

ISSUED: FEBRUARY 5, 2025

The appeal of Jonathan Rivera, Police Officer, Union City, Department of Public Safety, 20 working day suspension, on charges, was heard by Administrative Law Judge Patrice E. Hobbs (ALJ), who rendered her initial decision on December 9, 2024. Exceptions were filed on behalf of the appointing authority and a reply was filed on behalf of the appellant.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, including a thorough review of the exceptions and reply filed by the parties, the Civil Service Commission (Commission), at its meeting on January 15, 2025, adopted the ALJ's recommendation to reverse the 20 working day suspension.

As mentioned above, the Commission has thoroughly reviewed the exceptions filed in this matter and finds them unpersuasive. However, the Commission finds that while the reversal of the charges and suspension was proper, it does not agree with all of the ALJ's findings and conclusions in that regard. Specifically, the Commission disagrees with the ALJ's findings that an appointing authority cannot impose discipline for excessive absence unless an employee utilizes more than 15 days in a year since *N.J.A.C. 4A:6-1.3(a)2* provides that all full-time employees are entitled to an allotment of 15 days of sick leave per calendar year. The subject rule only defines the *entitlement to the amount of sick leave*, not how it is to be utilized, or what constitutes excessive usage. In this regard, the rules do not define what, for disciplinary purposes, constitutes chronic or excessive absenteeism or lateness pursuant to *N.J.A.C. 4A:2-2.3(a)4*. In local service, the definition of what constitutes such an infraction is left to appointing authority policy or is defined via a negotiated agreement. Where defined by an appointing authority's policy, such policy must clearly delineate the parameters of what constitutes a violation. In the current

matter, the appointing authority, at the time of the infraction had a sufficiently defined policy, where it could be possible for an employee to be disciplined for excessive absenteeism even if they used less than 15 days per year. Thus, any finding the ALJ made regarding this matter indicating that charges should not have been upheld since the appellant was entitled, per Civil Service rules, to use at least 15 days per year before being potentially subject to discipline is not appropriate, and therefore, not upheld.

Nevertheless, the charges should not be upheld in this matter. Most importantly, the Commission finds that, notwithstanding the above, the record demonstrates that the appointing authority did not appropriately follow its policy. Specifically, while the policy allows an employee the opportunity to provide documentation or explanation regarding the prior year's absences, the ALJ found that did not occur. Specifically, the ALJ determined that the neither the Lieutenant nor Chief "requested medical records from Rivera or even asked him to explain the reasons for his absences," which should have been a part of a closer review of the appellant's usage prior to imposing discipline. While the record indicates that the appellant was sent an email regarding his usage, there is conflicting testimony as to its content. The appellant testified that the email did not request any documents regarding his sick time usage, while the Lieutenant testified that email did include said request.¹ In making the finding quoted above, the ALJ, therefore, implicitly determined that the appellant's testimony was more credible on this issue. The Commission agrees.

The ALJ, who has the benefit of hearing and seeing the witnesses, is 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). Here, while the ALJ did not "explicitly enunciate" that she found the appellant's testimony regarding the contents of the email more credible than the Lieutenant's testimony, her finding in that regard makes that the only reasonable conclusion. Moreover, the Commission finds no persuasive evidence in the record or in the appointing authority's exceptions as to that issue to demonstrate that the ALJ's findings and conclusions based on her assessments in that regard were arbitrary, capricious or unreasonable. As such, given that the appointing authority did not follow its own policy in imposing discipline

¹ The actual email is not entered in the record.

in this matter, the charges must be dismissed. Finally, as to any "patterned" absences, the Commission agrees with the ALJ's findings on that issue.

Since the suspension has been reversed, the appellant is entitled to 20 working days of back pay, benefits, and seniority pursuant to *N.J.A.C.* 4A:2-2.10. Moreover, the appellant is entitled to reasonable counsel fees pursuant to *N.J.A.C.* 4A:2-2.12.

This decision resolves the merits of the dispute between the parties concerning the disciplinary charges and the penalty imposed by the appointing authority. However, per the Appellate Division's decision, *Dolores Phillips v. Department of Corrections*, Docket No. A-5581-01T2F (App. Div. Feb. 26, 2003), the Commission's decision will not become final until any outstanding issues concerning counsel fees are finally resolved.

ORDER

The Civil Service Commission finds that the action of the appointing authority in suspending the appellant was not justified and reverses that action. The Commission further orders that the appellant be granted 20 working days of back pay, benefits, and seniority. The amount of back pay awarded is to be reduced as provided for in *N.J.A.C.* 4A:2-2.10(d)3. The Commission also orders reasonable counsel fees pursuant to *N.J.A.C.* 4A:2-2.12(a). Proof of income earned, and an affidavit in support of reasonable counsel fees shall be submitted by or on behalf of the appellant to the appointing authority within 30 days of issuance of this decision.

Pursuant to *N.J.A.C.* 4A:2-2.12(b), the parties shall make a good faith effort to resolve any dispute as to the amount of counsel fees.

The parties must inform the Commission, in writing, if there is any dispute as to counsel fees within 60 days of issuance of this decision. In the absence of such notice, the Commission will assume that all outstanding issues have been amicably resolved by the parties and this decision shall become a final administrative determination pursuant to R. 2:2-3(a)(2). After such time, any further review of this matter shall be pursued in the Superior Court of New Jersey, Appellate Division.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 5TH DAY OF FEBRUARY, 2025



Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
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Nicholas F. Angiulo
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Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSV 09741-23

AGENCY DKT. NO. 2024-554

**IN THE MATTER OF JONATHAN RIVERA,
CITY OF UNION CITY, DEPARTMENT OF
PUBLIC SAFETY.**

Stuart J. Alterman, Esq., for petitioner Jonathan Rivera (Alterman & Associates, LLC, attorneys)

Joseph R. Marsico, Esq., for respondent City of Union City, Department of Public Safety (O'Toole Scrivo, LLC, attorneys)

Record Closed: October 26, 2024

Decided: December 9, 2024

BEFORE **PATRICE E. HOBBS, ALJ**:

STATEMENT OF THE CASE

Respondent, City of Union City Department of Public Works, suspended petitioner, Jonathan Rivera, a full-time local employee, for excessive absenteeism because he used 15 days of sick time in 2022. Must Rivera be disciplined when no clear sick leave policy exists, and he is guaranteed 15 sick days? No. Full-time state and local employees are entitled to a minimum of 15 annual paid sick days under N.J.A.C. 4A:6-1.3(a)(2).

PROCEDURAL HISTORY

On March 12, 2023, Union City issued a Preliminary Notice of Disciplinary Action to Rivera charging him with a violation of N.J.A.C. 4A:2-2.3(a)(4) (Chronic Absenteeism), N.J.A.C. 4A:2-2.3(a)(12) (Other Sufficient Cause), and Union City Rules and Regulations 8:1.5D (Chronic or Excessive Absenteeism). On August 22, 2023, Union City issued a Final Notice of Disciplinary Action to Rivera, which sustained all the charges and imposed a 20-day suspension from September 1, 2023, to October 1, 2023.

On September 5, 2023, Rivera filed an appeal with the Civil Service Commission. On September 21, 2023, the Civil Service Commission transmitted this case to the Office of Administrative Law (OAL) as a contested case under N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13. On July 26, 2024, I held the hearing.

On October 26, 2024, the parties filed post-hearing briefs, and I closed the record.

FINDINGS OF FACT

Based upon the testimony the parties provided, and my assessment of its credibility, together with the documents the parties submitted, and my assessment of their sufficiency, I **FIND** the following **FACTS**:

The Unwritten Sick Leave Policy

In 2018, under the direction of the Attorney General (P-7), Union City established an early warning system that would use Guardian Tracking Software (Guardian) to monitor incidents of risk and timely intervention to better protect the public. (P-8.) The software would track many performance areas of police officers, including unexcused absences. It would also identify patterns, practices, or trends of inappropriate conduct. All officers, including Rivera, have access to the software. Guardian does not contain the total number of sick days that each officer is allowed. It only informs officers of any unexcused absences. In 2022, Rivera had no unexcused absences.

Union City has an unwritten sick leave practice that has been in place for at least 19 years. A violation of this practice can and has resulted in discipline. This practice is a statistical formula that takes the cumulative yearly total number of sick days used by the police officers for the current year, divides those days by the number of police officers, and adds 20 percent. (P-3.) This statistical formula establishes the benchmark for the number of sick days allowed.

Christopher Rengel

Lieutenant Christopher Rengel from Internal Affairs testified that the number of sick days allowed per year fluctuates. However, at a minimum, there are at least 10 sick days allowed per year. The number of sick days allowed for any year, however, is not established until January of the following year. For example, in early 2023, Rengel gathered the numbers to determine the benchmark number of sick days allowed for 2022. In 2022, Union City police officers took a total of 2,287 sick days. There were 187 police officers. The total number of sick days taken, 2,227, was divided by the number of police officers, 187, which is 12; the average number of sick days taken in 2022. Union City then added 20 percent of 12, which is 2, so the total number of sick days that a police officer could have taken for 2022 without being subject to review was 14. Rengel then reviewed all the sick leave taken by each officer for 2022, and anyone who took more than 14 days was referred to internal affairs. Simply exceeding the benchmark does not mean that an officer is immediately subject to discipline. Rather, exceeding the benchmark triggers an internal affairs review. If there is an internal affairs review, and the officer is subject to discipline, the officer will be asked for documentation to support the sick days taken. In 2022, Rivera took 15 days. (P-1; J-7.) Rengel stated that the officers never know how many sick days are allowed in any given year or whether they are over the allotted amount unless they are subject to review. He did not know how many sick days were allowed in 2021 or 2023. If an officer takes more than 10 sick days before the end of any year, officers should be careful not to take any more. After he completed the review, Rengel did not ask Rivera for documentation for the sick days taken and filed his report to the Chief of Police, Anthony Facchini.

Sick Leave Review

The department supervisors conduct a sick leave review every quarter and complete a sick leave review form. (P-1.) In the first quarter of the year, officers are allowed to take 3 sick days. In the second quarter, they are allowed to take an additional 2 days. In the third quarter, they are allowed to take an additional 2 days, and in the fourth quarter, they are allowed to take an additional 3 days. At the end of any year, an officer is only allowed to take 10 sick days. Sick leave that exceeds 10 days is reported to personnel. Sergeant Jason Bellamy is Rivera's department supervisor, and he completes the sick leave forms for Rivera. When he completes these quarterly reviews, it is not to discipline officers but to assess if there are any officers who may have attendance issues. Rivera's disciplinary record shows that he was disciplined three times after quarterly reviews in 2013, 2014, and 2016. (R-1.)

Rivera's quarterly reviews for 2022 were not available. The only review available for 2022 was the end-of-year review. In the first quarter of 2022, Rivera had taken 6 sick days, 3 more than the allotted amount. (J-7.) Rivera was not disciplined during that first quarter of 2022, and no discipline was noted on his disciplinary history. (R-1.) By the end of the first half of 2022, Rivera had taken 7 sick days, 2 more than the allotted amount. (J-7.) Rivera was not disciplined for that period, and no discipline was noted on his disciplinary history. (R-1.) By the end of the third quarter, Rivera had taken 12 sick days, 5 more than the allotted amount. (J-7.) Again, Rivera was not disciplined, and no discipline was noted on his disciplinary history. (R-1.) At the end of 2022, Rivera received his annual sick leave review form. Rivera had taken 15 days for flu-like symptoms. Bellamy counseled him on how important it was to report for work. (P-1.) Bellamy indicated in the review that no pattern existed or appeared to exist, such as on holidays, weekends, or after a vacation period or payday. No discipline was imposed at that time.

Chief Anthony Facchini

Facchini confirmed that a formal sick leave policy was not memorialized in 2022. He reviews the reports from internal affairs and determines whether discipline should be issued. He acknowledged that Rivera's annual sick leave review noted that there was no

pattern of abuse and that there were no issues to report. (P-10.) The year prior, 2021, Rivera took 19 sick days and was not disciplined. In 2020, Rivera was given an oral reprimand for taking 12 sick days, despite having doctor's notes. Rivera's annual sick leave report noted again that there was no pattern of abuse and that he had doctors' notes for some of the sick days. (P-11.) In 2019, Rivera was given a written reprimand for taking 10 sick days. Based on this history, he agreed with Rengel and recommended Rivera be suspended for 20 days. He did not interview Rivera or ask for documentation.

The Police Benevolent Association Union Contract that governs Rivera states that officers are allotted 15 sick days every year. These sick days are solely for the calculation of terminal leave. (P-9.) If an officer does not use the sick days allotted, when the officer leaves the department, the officer is paid for unused days up to the maximum allowed by statute. All sick days taken during any given year are taken from the allotted days. The Union City police manual does not specify how many sick days an officer is allotted every year before they are subject to discipline. (J-3.) Nor does it define "chronic" or "excessive." The only definitions for these terms are found in the 2024 Sick Time Policy. (P-4.) This policy defines chronic sick leave use as 5 occurrences of more than 15 sick leave days within a year. It does not specify if this is over the officer's entire career. Excessive absenteeism is defined as chronic sick leave use patterns of tardiness, reporting sick 3 or more days out of 5 weekends, or reporting sick 5 or more days in 2 consecutive pay periods. (P-4.)

Jonathan Rivera

Rivera has been employed with Union City since 2008. (R-1.) Since that time, Rivera has been disciplined multiple times for absenteeism. (R-1.) On February 27, 2013, he was given a written reprimand for taking 20 sick days in 2012. In July 2013, he was given an oral reprimand after his second quarter 2013 sick leave review. On January 14, 2014, he was given a 10-day suspension for taking 23 sick days in 2013. On August 3, 2014, he was given an oral reprimand after his second quarter 2014 sick leave review.

On January 15, 2015, he was given a 6-day suspension for taking 23 sick days in 2014. On August 4, 2016, he was given an oral reprimand after his second quarter 2016

sick leave review. On February 22, 2017, he was given a 15-day suspension for taking 31 sick days in 2016. On April 17, 2018, he was given a 30-day suspension for taking 15 sick days in 2017. There are no notations on his disciplinary record that show whether he was given any oral or written reprimands during the 2017 year after each quarterly sick leave review. The only record of discipline for his excessive absenteeism for 2017 is the notation that he was suspended for excessive absenteeism. On February 22, 2020, he was given a written reprimand for taking 10 sick days in 2019. On February 23, 2021, he was given an oral reprimand for taking 12 sick days in 2020. Notably, in 2015 and 2021, Rivera took 14 sick days and 19 sick days, respectively, without consequence. (P-2.)

Rivera took 15 sick days in 2022 as follows: January 9 (Sunday), January 12 (Wednesday), January 16 (Sunday), January 17 (Monday), January 18 (Tuesday), March 13 (Sunday), June 5 (Sunday), July 2 (Saturday), July 10 (Sunday), August 20, (Saturday), September 6 (Tuesday), September 29 (Thursday), October 23 (Sunday), November 15 (Tuesday), and November 18 (Friday). (P-17.) For the 3 consecutive days in January, Rivera should have provided a doctor's note. (P-5; J-3.) No doctor's note was provided; however, Rivera had spoken with Chief Luster (who has since retired) and advised her of his personal family issues, and she approved of his sick time.

Rengel and Facchini both stated that a pattern of taking sick time is not easily identifiable and can vary from person to person. They both also stated that patterns are usually consecutive in nature. The 4 Sundays that Rivera called in sick did not indicate a pattern because the Sundays were not consecutive.

CONCLUSIONS OF LAW

The Civil Service Act and regulations promulgated under the act govern the rights and duties of a civil service employee. N.J.S.A. 11A:1-1 to 11A:12-6; N.J.A.C. 4A:2-1.1 to 4A:2-6.2. A civil service employee who commits a wrongful act related to his or her duties or who gives other just cause may be subject to major discipline. N.J.S.A. 11A:2-6; N.J.A.C. 4A:2-.2.3. Employees who are chronically or excessively late or absent are subject to discipline. N.J.A.C. 4A:2-2.3(a)(4). Full-time State employees shall be entitled to annual paid sick leave of 15 working days every year. N.J.A.C. 4A:6-1.3(a)(2).

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

To determine whether absenteeism is chronic or excessive, the employer must evaluate the employees' attendance over a period of time, which may "evidence an attitude of indifference amounting to neglect of duty." In re Carter, 191 N.J. 474, 483 (2007), (quoting Brock at 522). Absenteeism is important in jobs that "protect the public safety and where the men serve precise shifts to afford continuous protection." Ibid. at 484.

There is no dispute that the officers have an unlimited number of sick days available for use. Officers are allotted 15 days every year under the union contract, and any time not used remains available. These 15 days are not the number of days a police officer with Union City can take without being subject to discipline—they are the number of days Union City uses to calculate sick leave payable on termination. Union City police officers have no advance notice of how many sick days they are allowed in any given year.

No clear and distinct sick leave policy exists in Union City. Rengel and Facchini testified that the minimum number of sick days that one could take without discipline is usually 10, but no written policy exists specifying how many days an officer can take without being disciplined. Union City uses a statistical formula to calculate the allotted sick time for a given year—and the sick days allowed under this formula vary from year to year. In addition, officers are never advised at any time during the year about the number of sick days they may take without being disciplined. They are simply advised that once they get to double digits, they should be cautious. In fact, no public employee in the entire municipality knows how many sick days he or she may take without being disciplined until after January of the following year. Despite not knowing how many sick

days are allowed each year, Union City has sometimes imposed discipline during the quarterly sick leave reviews.

There is no dispute that Rivera has been disciplined multiple times over the past 11 years for taking more sick days than allowed under the statistical formula. However, during these 11 years, Rivera had no idea how many sick days were permitted until the time had passed. Union City reviews sick time taken every quarter, which is intended to guide officers on their use of sick days for the remainder of the year, but Rivera was disciplined every year for the past 11 years for exceeding the benchmark and only received disciplinary notices after quarterly reviews 3 times during those 11 years. For example, in 2018, Rivera received a 30-day suspension for taking 15 sick days in 2017, when he received no disciplinary notice during any quarter of 2017 to advise him that he may be using too many sick days.

Guardian does not keep track of sick days. None of Rivera's supervising officers know how many sick days will be allowed. Rengel stated that officers should be careful once they take 10 sick days during any year. Yet, in 2019, when Rivera took only 10 sick days, he was subject to discipline. But in 2021, when Rivera took 19 sick days, no discipline was imposed. None of the testifying witnesses could recall what the benchmark was for 2021, whether Rivera was over or under the benchmark, and by how much.

Officers have quarterly reviews. At these quarterly reviews, they are given oral reprimands if they exceed the quarterly allotments, but they are not told how many days they have taken over the allotted amount or how many days remain for the rest of the year. Rivera's quarterly reviews for 2021 were not available. The only definition for chronic sick leave is in the sick leave policy, which states that 5 occurrences of more than 15 sick leave days within a year is chronic. In fact, this sick leave policy does not state how many sick leave days are permitted every year; only that using more than 15 days over a 5-year period is considered chronic. Here, Rivera only took 15 sick days in 2022. In fact, for the 3 years prior to 2022, Rivera took 19 sick days, 12 sick days and 10 sick days respectively. This does not qualify as 5 occurrences of 15 sick leave days or more over 5 years. In addition, the sick leave policy defines excessive absenteeism as chronic sick leave use patterns of tardiness, reporting sick 3 or more days out of 5 weekends, or

reporting sick 5 or more days in 2 consecutive pay periods. Each witness confirmed that in 2022, Rivera did not display any pattern of reporting sick.

Respondent argues that the statistical formula employed by Union City was approved by the Public Employment Relations Commission (PERC) in its 2004 decision In re: Union City and PBA Local 8, PERC Docket No. CO-2004-231 (October 2005), and therefore discipline imposed through the use of this formula should stand. I disagree. While PERC does state in its decision that the statistical formula used by Union City is merely a trigger to look more closely at officers who may be excessively absent, the primary issue in that case was to determine whether the statistical formula violated the New Jersey Employer-Employee Relations Act by unilaterally altering an employee's sick leave benefit. Here, petitioner is not alleging a violation of the union contract or a violation of any other agreements. Petitioner is appealing discipline for chronic and excessive absenteeism because he took 15 days of sick leave that is guaranteed to him under N.J.A.C. 4A:6-1.3(a)(2). In fact, in In re: Union City and PBA Local 8, PERC states that the statistical formula used by Union City simply triggered a closer review of medical records and did not impose immediate discipline. Id. at 19. Here, the opposite occurred. Neither Rengel nor Facchini requested medical records from Rivera or even asked him to explain the reason for his absences. They imposed discipline because he was 1 day over the after-the-fact 14-day benchmark allowed for 2022. This is neither logical nor fair.

Given my findings of fact, I **CONCLUDE** that Rivera's use of 15 days of sick leave during 2022 was not excessive absenteeism in violation of N.J.A.C. 4A:2-2.3(a)(4) (Chronic Absenteeism) or N.J.A.C. 4A:2-2.3 (a)(12) (Other Sufficient Cause), that he may not be subject to discipline for it, and that this case must be dismissed.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that the charges contained in the Final Notice of Disciplinary Action dated August 22, 2023, are hereby **DISMISSED**.

I further **ORDER** that Rivera be reinstated with all due back pay, seniority, and pension benefits from the effective date of his suspension with Union City.

Finally, I **ORDER** that Rivera be awarded all reasonable counsel fees incurred in this proceeding under N.J.A.C. 4A:2-2.12.

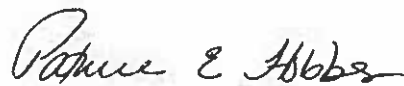
I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified, or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make the 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 recommendation 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 9, 2024

DATE



PATRICE E. HOBBS, ALJ

Date Received at Agency:

December 9, 2024

Date Mailed to Parties:

December 9, 2024

lsr

APPENDIX

Witnesses

For Petitioner:

Officer Robert Bido
Officer Jonathan Rivera

For Respondent:

Sgt. Jason Bellamy
Chief Anthony Facchini
Lt. Christopher Rengel

Exhibits

Joint:

- J-1 Final Notice of Disciplinary Action
- J-2 Preliminary Notice of Disciplinary Action
- J-3 Union City Police Officers Manual
- J-4 Rivera 2022 Sick Time Review
- J-5 Internal Affairs Report
- J-6 Statistical Formula For Sick Time
- J-7 Rivera Sick Leave Entries 2022

For Petitioner:

- P-1 Rivera 2022 Sick Time Review
- P-2 UCPD Internal Affairs Investigation Disposition, dated 2/27/23
- P-3 Statistical Formula for Sick Time
- P-4 Sick Use Policy, dated 1/4/24
- P-5 Reporting Sick or Injury Policy 10/13/22
- P-6 Written Directive System, dated 3/2/16

- P-7 Early Warning System General Order, dated 3/20/18
- P-8 USPD Early Warning System, dated 3/18/21
- P-9 PBA Contract 1/1/19 thru 12/31/23
- P-10 Rivera 2021 Sick Time Review
- P-11 Rivera 2020 Sick Time Review
- P-12 Roll Call Rosters (A-0)
- P-13 Memos Regarding Acting Chief Facchini
- P-14 Internal Affairs General Order 2021
- P-15 AG Internal Affairs Policies and Procedures, November 2022
- P-16 FMLA Memorandum to Staff 1/5/24
- P-17 Rivera Sick Leave 2022
- P-18 Employers Guide to the FMLA
- P-19 Emails from Internal Affairs to Rivera 2/24/23 and 3/1/23

For Respondent:

- R-1 Disciplinary History