



## STATE OF NEW JERSEY

In the Matter of F.D., II, Union  
County, Sheriff's Department

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2024-588  
OAL Docket No. CSV 09739-23

ISSUED: MARCH 20, 2025

The appeal of F.D., II, Sheriff's Officer Lieutenant, appeal of the return to his previously held permanent title of Sheriff's Officer Sergeant at the end of the working test period (WTP), effective August 10, 2023, was heard by Administrative Law Judge Ernest M. Bongiovanni (ALJ), who rendered his initial decision on February 11, 2025. Exceptions were filed on behalf of the appellant and a reply was filed on behalf of the appointing authority.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, including a thorough review of the exceptions and reply, the Civil Service Commission (Commission), at its meeting on March 19, 2025, accepted and adopted the ALJ's Findings of Facts and Conclusions and his recommendation to uphold the return to the appellant's previously held permanent title of Sheriff's Officer Sergeant at the end of the WTP.

The Commission makes the following comments. The ALJ's initial decision was thorough, comprehensive and legally correct. In this regard, the decision was substantially based on the ALJ's determination of the credibility of the witnesses, where he found the appellant's testimony generally not credible. In this regard, the Commission acknowledges that the ALJ, who has the benefit of hearing and seeing the witnesses, is generally in a better position to determine the credibility and veracity of the witnesses. *See Matter of J.W.D.*, 149 N.J. 108 (1997). "[T]rial courts' credibility findings . . . are often influenced by matters such as observations of the character and demeanor of the witnesses and common human experience that are not transmitted by the record." *See also, In re Taylor*, 158 N.J. 644 (1999) (quoting *State v. Locurto*, 157 N.J. 463, 474 (1999)). Additionally, such credibility findings need not be explicitly enunciated if the record as a whole makes the findings clear. *Id.* at 659 (citing *Locurto, supra*). The Commission appropriately gives due deference to such

determinations. However, in its *de novo* review of the record, the Commission has the authority to reverse or modify an ALJ's decision if it is not supported by sufficient credible evidence or was otherwise arbitrary. See *N.J.S.A.* 52:14B-10(c); *Cavalieri u. Public Employees Retirement System*, 368 *N.J. Super.* 527 (App. Div. 2004). The Commission finds no persuasive evidence in the record or the appellant's exceptions to demonstrate that the ALJ's credibility determinations, or his findings and conclusions based on those determinations, were arbitrary, capricious or unreasonable.

Regarding the ALJ's finding that the appellant did not satisfy his burden of proof that the WTP was not effectuated in good faith, the ALJ stated:

In this case, first, D[ ]'s excessive absenteeism was obviously personally observed by Captain Cederquist, and perhaps more significantly was felt by D[ ]'s subordinates who noted it with Captain Cederquist. Furthermore, D[ ] admitted it although he felt absenteeism should have been overlooked considering his responsibilities toward his mother. Second, D[ ], admitted he gave what I believe to be bizarre gestures and held text messages up to the phone of his subordinates. It is only logical to believe that his inconsistency of attendance and lack of verbalization caused the described "confusion" and "frazzled" conditions among the men. Further intentional or not, the reports to Cederquist were made in a timely fashion by the officers and included D[ ] assigning what I describe as demeaning mundane tasks of answering D[ ]'s phone in the control room not because he wanted to or needed to delegate but because of his OCD which was observed by all, and at least the actions, if not the intention was again, admitted to by D[ ]. Finally, there is no evidence of ill motive being involved in the respondent's actions. As stated *infra*, they without hesitation granted his request to have another man with him in the control room whenever he was there. D[ ] was given intense training in the control room which was the part of the job which D[ ] articulated was different from his prior one as sergeant. Finally, the fact that D[ ] admits his behaviors are causing complaints by his subordinates is final proof, if more was needed, that the performance reviews were based on actual observation and not based on any ill motive or bad faith. Although D[ ]'s OCD and the difficulties of doing his job with a sickly mother make him a sympathetic figure, that does not mean the professionals at the Union County Sheriff's Office acted with ill will and bad faith. Even though D[ ] for some reason he didn't explain stopped seeing Cederquist in the final working test period, the worse thing that happened to him was that Cederquist once yelled at him, "I know how to write a report." No doubt most reasonable workers would consider that fair treatment by a supervisor during a testing period, especially one that was protracted, and by D[ ]'s own doing. Finally, I agree with respondent, and as I questioned D[ ] during the

hearing, that the lack of interaction with his subordinates, his use of with gestures and holding up text messages to their faces in lieu of conversing with them confused his charges, and making them do mundane tasks that D[ ] could have and should have done was demeaning to his subordinates and set a bad example.

Finally, the County has known of D[ ]'s OCD for years and has promoted him notwithstanding speaks to their fairness and lack of animus toward him[.]

The Commission agrees with the above assessment, and, finding nothing persuasive in the appellant's exceptions, affirms the recommendation to deny the appellant's challenge to his return to his previously held permanent title at the end of the WTP.

### ORDER

The Civil Service Commission finds that the action of the appointing authority in returning the appellant to his previously held permanent title at the end of the working test period was justified. The Commission therefore affirms that action and dismisses the appeal of F.D.,II.

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 19<sup>TH</sup> DAY OF MARCH, 2025

*Allison Chris Myers*

Allison Chris Myers  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Nicholas F. Angiulo  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
P.O. Box 312  
Trenton, New Jersey 08625-0312

Attachment



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

**INITIAL DECISION**

OAL DKT NO. CSV 09739-23

AGENCY REF. NO. N/A

**F [REDACTED] D [REDACTED] II UNION COUNTY  
SHERIFF'S DEPARTMENT.**

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**Leonard C. Schiro, Esq., (Mets, Schiro & McGovern, LLP) for appellant F [REDACTED]  
D [REDACTED]**

**Kathryn v. Hatfield, Esq., (Hatfield Schwartz Law Group, LLC) for  
respondent Union County Sheriff's Department**

Record Closed: January 27, 2025

Decided: February 11, 2025

BEFORE **ERNEST M. BONGIOVANNI, ALJ:**

**STATEMENT OF THE CASE AND PROCEDURAL HISTORY**

F [REDACTED] D [REDACTED] (D [REDACTED] or appellant) challenges the actions of respondent, the Union County Sheriff's Department, to wit, progress reports of his probationary period as a Lieutenant at the Union County Sheriff's Department, (Department/County) the result of which was the termination of his position as Lieutenant, by action date August 16, 2023.

The Civil Service Commission transmitted the contested case pursuant to N.J.S.A. 52:14B-1 to 15 and N.J.S.A. 52:14F-1 to 13 to the Office of Administrative Law, where it was filed on September 21, 2023. A hearing was held on May 24, 2024. While post hearing briefs were being prepared, the respondent made a motion to reopen the record to present additional medical information concerning an accommodations request made by D[REDACTED]. After briefs were reviewed and oral argument made, the motion to reopen the record was granted and to wit, one additional piece of evidence "Exhibit A" was admitted. D[REDACTED] was given additional time to present rebuttal evidence, but none was presented. The parties were given until January 16, 2025, to file post hearing briefs. The appellant requested that the date be extended to January 24, 2025. He filed his brief which was accepted late, January 27, 2025, at which time the record closed.

### **ISSUES**

Both D[REDACTED] and the Department agree that the issue is whether the County acted in bad faith in its determination to return D[REDACTED] to his rank of Sergeant following the working test period of his promotion to provisional lieutenant. In this appeal, D[REDACTED] has the burden to prove specifically that the appointing authority acted in bad faith. N.J.A.C. 4a:2-4.3 (b). Thus, the basic test is not whether the Authority exercised good or the best judgement in making its decision but whether they exercised bad faith in determining that the employee was not competent to perform satisfactorily the duties of his position. See Briggs v. Dept. of Civil Service, 64 N.J. Super 351, 356 (App. Div. 1960)

### **FACTUAL DISCUSSION AND FINDINGS**

#### **TESTIMONY**

Sergeant F[REDACTED] D[REDACTED] was the sole witness for the appellant. In direct examination, D[REDACTED] testified he has worked for Union County for just under 19 years. Prior to that he had been a noncommissioned Officer in the U.S. Marine Corps serving as a level 3 Rifleman, with one deployment in the middle east and one in the Balkans.

In his service with the County, he served as a Corrections Officer until promoted to Sergeant in 2016, where he served until March 2023 when he was promoted to the Provisional Lieutenant's position.

D█████ discussed the first performance review as lieutenant and noted the last line in the report stated he has documented obsessive compulsive disorder (OCD). He explained he has had it his entire life including all his years as a Marine and in Corrections. He described it as an anxiety disorder which "flares up" and "dies down." He had three fitness for duty evaluations when he was a Sergeant, and it was stipulated that neither report found him unfit for duty as a Sergeant. However at least after one such evaluation he was required to see various doctors for his Disorder before he could come back to work.

As a Lieutenant, it was observed that while in the control room, D█████ would not answer the phone if a subordinate such as a Sergeant was there and not doing anything important (e.g. "watching a YouTube video"). Partly, D█████ testified that that was his idea of delegating duty, but the other part of it he attributed to his OCD. In his words, "I'd rather not answer it, if I could avoid it unless its imperative and they have to speak to me personally." The Performance evaluation under the section, "CO Worker Interaction" noted that D█████ didn't "verbalize much" and that he used "hand gestures" and types out text messages to officers to communicate with them.<sup>1</sup>

D█████ explained that his tour of duty involves the Courthouse and conversations in the courtrooms are always being recorded. Therefore, when he tries to communicate with an officer, he might ask him to step outside. But even there, relatives of litigants or witnesses might overhear their conversations, so he thought it better suited to the need for confidentiality to communicate that way. Yet, D█████ conceded, this habit was related to his OCD. In his words "I mean the OCD maybe I take it a little bit to an extreme, but I-I am very mindful of recording devices." But he noted that "[O]bviously if there's an emergency you-obviously I verbalize." D█████ blamed the

many days he took off during the first review period on his being a caregiver for his mother who suffers from rheumatoid arthritis and other maladies. However, all the time except two sick days and a personal day were authorized before he took the time off, although on some occasions, he took time off on short notice.

Regarding the 60-day Performance Review, the document noted under "Work Ethic" that D█████ avoided simple tasks such as securing keys. D█████ explained that the Sergeants would prefer to secure their own keys as they have their own day of doing things. Still, he admitted his OCD played a part in his refusal to do "as the report characterized it, "simple tasks." He attributed his reluctance to ever the radio and computer in the control center because he was busy roving. Besides, he said, if he had to go onto CVCS he could use his cellphone. Yet again he admitted his reluctance to use the computer and radio and to stay in the control center was, in part, due to his OCD.

Finally, D█████ noted the extended review period which was affected by his decision to seek an extended FMLA leave at the end of May, mostly consisted of Captain Cedarquist and a colleague from Internal Affairs checking up on him to see if he was really working as a caregiver for his mother.

In cross-examination, D█████ testified he was first diagnosed with OCD in May 2018 when the doctor found him temporarily not fit for duty. Although claiming that his OCD had not been a problem for him while a Sergeant, soon after receiving the promotion, he sought an accommodation so that he would not be alone in the control center at any time; he asked that a sergeant be with him. The Sheriff personally authorized this accommodation. In practice, he was ultimately asked not to use the same sergeant every day to remain in the control center with him and to draw the Sergeants from busy courtrooms, only from "down" courtrooms. These accommodations for his OCD were based on the understanding that unless it was an emergency, he should be able to walk around and pace, look out a window to control

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<sup>1</sup> It was later explained that he would type and text a message and simply hold it up to the face of the officer to read it.

adrenaline and get fresh air when experiencing anxiety. However, he couldn't do that if he were left alone in the control room.

About absences that were noted in his 60-day performance review, of which there were fourteen vacation days six "comp" days, two sick days, two days unpaid leave and one personal day, D[REDACTED] felt justified and believed Cpt CedErquist could have denoted almost all the lost time as FMLA. Yet when he brought it to his attention Cederquist yelled at D[REDACTED] saying he knew how to write a report. However, the report notes "He has an FML...notation on several VCS entries<sup>2</sup>.

Regarding the report's notation about the use of showing text messages on his phone to other officers or using gestures instead of speaking, D[REDACTED] reiterated that this was a way not to be picked up on the microphones in the courtroom, but that even outside the courtrooms there were instances when friends relatives and witnesses, possibly in murder cases where he couldn't then to overhear his conversations with his sergeants or other officers. D[REDACTED] admitted that some confusion might be caused by using hand gestures and holding a phone text up to an officer rather than by verbalizing but if he knew of the confusion he would clarify. Although the report said, "Lt. D[REDACTED] has told me many times that he feels overwhelmed," D[REDACTED] claimed he meant that he felt he wasn't getting any help, e.g. "Nobody made any attempt to train me here."

However, D[REDACTED] testified that Captain Bracciale spent two or three weeks with him to show him how the control center works. D[REDACTED] said he only needed help with the CAD, how to basically lock up and close up, but was unclear if he ultimately got that training. D[REDACTED] insisted that "essentially they didn't want to train me" but he never went through the chain of command to formally ask for it or put it in writing.

On redirect, D[REDACTED] said that during the testing period, he was never told of any particular officer who was having a problem communicating with, however he was

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<sup>2</sup> The Request for Extension of Working Test Period form (P-5) states that D[REDACTED] taking off 19 out of 53 working days (and leaving early 7 more times) was the reason more time was needed to evaluate his performance.



aware of the problem. In his words, "[I]t was more of a generalization. He also noted that no one ever told him it might be unwise to take 14 vacation days during a working review period. Moreover, he thought everyone knew he was taking those vacation days to look after his mother. D[REDACTED] claimed he couldn't understand why those working under him might feel it demeaning to be called to do rudimentary tasks like answering a phone when D[REDACTED] could do it.

Captain Richard Cederquist was the only witness for the respondent. He has worked 34 years for the Union Sheriff's Office, becoming a Sergeant after 7 years, a lieutenant after 13 years, and then promoted to Captain in 2008. His responsibility currently is for the security of the County Criminal Courts. Relating to the three buildings in his purview, he has four lieutenants, 18 sergeants and 105 officers under his command. He has known D[REDACTED] for the last 20 years and described their work relationship as cordial. They do not socialize outside of work.

When asked first how D[REDACTED] performed as a sergeant, before being promoted to lieutenant, his first description was "F[REDACTED] has problems with communication," which is "his biggest downfall." D[REDACTED]'s job as lieutenant required "walking around" between and in the two buildings consisting of the courts at that time. Much of the job consisted of frequent checks of the courtrooms to see which are "down" (not being used) in order to move personnel to where they are to where they will be needed.

Regarding the function of the control room and D[REDACTED]'s use of it, D[REDACTED] was required to come to the control room at the end of the day and stay until the shift ends. Captain Cederquist's performance evaluation of D[REDACTED] was largely based on his own observations but also came from his interactions with other officers and their reports about D[REDACTED]. Cederquist said the officers reported difficulty in understanding D[REDACTED] and were confused by him. In addition to the written 30-day review, he personally told D[REDACTED] he had to "use your words" with the other officers. D[REDACTED] told him he was working on it. By the time of his 60-day review he improved his communication "a little bit."

He found the great number of absences by D[REDACTED] during this testing period to be a matter of creating a break in continuity and upsetting the routine expected by the other officers. Without that routine. They "get a little bit frazzled." He noted fourteen consecutive absences during D[REDACTED]'s 28-day review period, which made it more difficult to anyone to judge D[REDACTED]'s performance. This in turn led the leadership to extend D[REDACTED]'s review period to another 60 days. (P-4).

During the extended probationary period D[REDACTED]'s performance was essentially the same. He continued to take off a lot of time. As for communication, he was still not verbalizing, continuing to use gestures and texting. Further D[REDACTED] stopped coming to Cederquist's office. "He stopped speaking to me," Cederquist explained. He further described communication skills to be "one of the most important jobs" a supervisor has. "[Y]ou are communicating what you want officers to do.... And if you can't do that it's a problem."

Cederquist was aware that a fitness for duty evaluation on D[REDACTED] was done in August or 2023 in order to assess the problems with communication. He did not see the report until recently, so it had no effect on his decision on D[REDACTED] remaining or not as a lieutenant. He said his evaluation of D[REDACTED] was an honest assessment of his abilities to perform the duties of lieutenant, and was free of any bias, prejudice or self-interest. When D[REDACTED] was still speaking to him, he offered his guidance and advice.

In cross-examination Cederquist reiterated that while the 60-day evaluation noted "some progress" the final evaluation showed no improvement. When asked about D[REDACTED] no longer going to his office, Cederquist admitted he never ordered D[REDACTED] to do so. When asked about D[REDACTED]'s OCD, he knew of it, but never checked his medical files or prior fitness for duty reports. While D[REDACTED] told Cederquist he had "continuous" OCD, D[REDACTED] never attributed such characteristics as reluctance to use the phone or problems of verbalizing to the OCD.

**D [REDACTED]'S ACCOMODATIONS REQUEST**

Soon after the May 2, 2023, hearing, D [REDACTED] came under the care of a psychologist, Dr. Michael D. Zito, of Morristown Clinical and Sport Psychology. On June 23, 2024, he wrote a two-page Accommodations request which addressed D [REDACTED]'s OCD in detail and why, in the Doctor's opinion, his employment could and should be altered to accommodate his psychological condition which is a permanent one. Respondent filed a motion to expand the record to include this report which was previously unavailable and of which their counsel had only recently learned of. This motion was granted for reasons given in my Order on the motion.

In the accommodations request, Dr. Zito made the following observations: [REDACTED] had reported on May 13, 2023, to the Union County Sheriff that his duties in his now resumed position as a Corrections Officer Seargeant working at the Union County Courthouses, "increases his stress and anxiety thereby exacerbating his OCD behaviors". D [REDACTED]'s building with small physical spaces and limited window access throughout the day makes him feel "very claustrophobic." The buildings have limited cell phone reception which restricts D [REDACTED]'s mother's ability to contact him in the event of an emergency.

As a result of these "building factors," D [REDACTED] told Zito that "his required rounds and routine tasks take longer to complete due to an increase in his OCD checking behaviors." He continued-

These delays add additional stress because if he does not complete his tasks in a timely manner and leaves work later than expected, his anxiety increases given that he needs to take care of his mother's physical needs immediately after work. In addition, his coworkers have complained about his checking and hovering behaviors which add to his stress and anxiety.  
(Emphasis supplied).

Perhaps unsurprisingly, one accommodation Dr. Zito recommended was "low co-worker conflict potential"

I **FIND** that the bulk of the discussion of the chronologies, assessments and discussion of the case by the witnesses as related in the above testimony and documentation were almost entirely uncontested **FACTS**. However, on a few points where the credibility of the witnesses must be considered, based on the evidence presented at the hearing, as well as on the opportunity to observe the witnesses and assess their credibility, I **FIND** the following additional **FACTS**.

1. D[REDACTED], although a very sympathetic witness, was less than candid at times and not credible, e.g. in attributing in part his use of gestures and holding up a phone with text messages to communicate with other officers to his concern about the court's microphones or his conversations being overheard by witnesses or friends or relatives of parties to criminal cases heard at the courthouse.
2. Another example of this lack of credibility was giving subordinates tasks of answering his phone as a way of delegating duty, when it seemed clear that because of his OCD, in his words. "I'd rather not answer it, if I could avoid it unless it's imperative and they have to speak to me personally."
3. Similarly, D[REDACTED]'s excuse for lack of performance in his new role that "nobody was training him," was contradicted by his admission that one fellow officer stayed with him for two weeks (which seemed a long time) to learn the control room, by Captain Cederquist's more credible testimony in general, and by Dr. Zito's report containing D[REDACTED]'s admission that his "Coworkers have complained about his checking and hovering behaviors."
4. There was a complete lack of evidence even implying bad faith in the treatment of D[REDACTED] by the respondent. On the contrary, they went out of their way to accommodate D[REDACTED], such as from the very beginning allowing D[REDACTED] to have an extra person in the control room with him at all times he was there. He was not charged with excessive absenteeism even though he missed about half the time of his initial 60-day review period where only two absences were due to sickness and little FMLA time was used.

5. Cederquist's credible contention that in the second sixty-day review period D█████ stopped speaking to him and coming to his office where Cederquist had previously given advice and guidance undermines completely D█████'s theory that any problem he faced was due to a lack of training, a dubious contention, and one in which any case was caused, in large by D█████'s own behavior in cutting off communication with Cederquist.

### **LEGAL ANALYSIS AND CONCLUSIONS**

The Civil Service Act, N.J.S.A. 11A:1-1 to -12.6 governs a civil service employee's rights and duties. The act is an important inducement to attract qualified personnel to public service. It is to be liberally constructed toward attainment of merit appointments and broad tenure protection. See Essex Council No. 1 N.J. Civil Serv. Ass'n v. Gibson, 114 N.J. Super 576 (Law Div. 1971), rev'd on other grounds, 118 N.J. Super 583 (App. Div. 1972) Mastrobattista v. Essex County Park Comm'n., 46 N.J. 138, 147 (1965). One of the methods of protecting the continuing validity of merit appointments is providing for completion of a probationary or working test period, which enables the appointing authority to evaluate whether an employee can successfully perform the duties of the title meriting permanent status. N.J.S.A. 11A:4-15.

In this contested proceeding the basic test is not whether the Authority exercised good or the best judgement in making its decision but whether they exercised bad faith in determining that the employee was not competent to perform satisfactorily the duties of his position. See Briggs v. Dept. of Civil Service, 64 N.J. Super 351, 356 (App. Div. 1960)

In the context of good faith vs bad faith exercised in the decision regarding the working test period it has been said that:

If the opinion is formed based upon actual observations of the employee's performance of the duties of the position, and is an honest assessment, as to whether the employee will be able to perform those duties if the employment

becomes permanent, it must be considered to have been made in good faith. If, on the other hand, it is not based on actual observation of performance or if it is made based on dishonest motives, is based on bias, prejudice or self-interest or is made with ill will toward the employee or because of some furtive design it must be set aside. It is only required that the opinion be based on actual observations and that those observations form a rational basis for the opinion.

Schopf v. N.J. Dept. of Labor, 90 N.J.A.R. 2d (CSV) 853, 857.

In this case, first, D[REDACTED]'s excessive absenteeism was obviously personally observed by Captain Cederquist, and perhaps more significantly was felt by D[REDACTED]'s subordinates who noted it with Captain Cederquist. Furthermore, D[REDACTED] admitted it although he felt absenteeism should have been overlooked considering his responsibilities toward his mother. Second, D[REDACTED], admitted he gave what I believe to be bizarre gestures and held text messages up to the phone of his subordinates. It is only logical to believe that his inconsistency of attendance and lack of verbalization caused the described "confusion" and "frazzled" conditions among the men. Further intentional or not, the reports to Cederquist were made in a timely fashion by the officers and included D[REDACTED] assigning what I describe as demeaning mundane tasks of answering D[REDACTED]'s phone in the control room not because he wanted to or needed to delegate but because of his OCD which was observed by all, and at least the actions, if not the intention was again, admitted to by D[REDACTED]. Finally, there is no evidence of ill motive being involved in the respondent's actions. As stated *infra*, they without hesitation granted his request to have another man with him in the control room whenever he was there. D[REDACTED] was given intense training in the control room which was the part of the job which D[REDACTED] articulated was different from his prior one as sergeant. Finally, the fact that D[REDACTED] admits his behaviors are causing complaints by his subordinates is final proof, if more was needed, that the performance reviews were based on actual observation and not based on any ill motive or bad faith. Although D[REDACTED]'s OCD and the difficulties of doing his job with a sickly mother make him a sympathetic figure, that does not mean the professionals at the Union County Sheriff's Office acted with ill will and bad faith. Even though D[REDACTED] for some reason he didn't explain stopped seeing Cederquist in the final working test period, the worse

thing that happened to him was that Cederquist once yelled at him, "I know how to write a report." No doubt most reasonable workers would consider that fair treatment by a supervisor during a testing period, especially one that was protracted, and by D[REDACTED]'s own doing. Finally, I agree with respondent, and as I questioned D[REDACTED] during the hearing, that the lack of interaction with his subordinates, his use of with gestures and holding up text messages to their faces in lieu of conversing with them confused his charges, and making them do mundane tasks that D[REDACTED] could have and should have done was demeaning to his subordinates and set a bad example.

Finally, the County has known of D[REDACTED]'s OCD for years and has promoted him notwithstanding speaks to their fairness and lack of animus toward him

Accordingly, I **CONCLUDE** by the preponderance of the credible evidence that determination to return D[REDACTED] to his previous position as Sergeant after unsatisfactory performance during the working test period should be and is now and **AFFIRMED** and that his Appeal be **DISMISSED** the FNDA as to that charge.

### **ORDER**

It is hereby **ORDERED** that the respondent's determination of returning appellant to his former position of Sergeant is **AFFIRMED** and that D[REDACTED]'s appeal be **DISMISSED**.

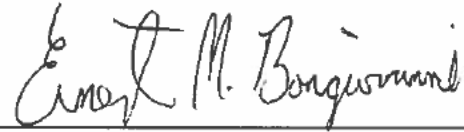
I hereby **FILE** my Initial Decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, who 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, 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.

February 11, 2025

\_\_\_\_\_  
DATE



\_\_\_\_\_  
**ERNEST M. BONGIOVANNI, ALJ**

Date Received at Agency:

2/11/25

Date Mailed to Parties:

2/11/25

id



**APPENDIX**

**LIST OF WITNESSES**

**For Appellant**

Lieutenant F [REDACTED] D [REDACTED]

**For Respondent**

Captain Richard Cederquist

**LIST OF EXHIBITS IN EVIDENCE**

**For Appellant**

- P-1 30-day Review Evaluation, dated 4/28/2023
- P-2 60-day Review Evaluation, dated 5/23/2023
- P-3 90 Day Review Evaluation, dated 6/23/2023
- P-4 Request for Extension of Working Testing Period through 8/10/2023
- P-5 Report of Progress of Probationer, dated 5/24/2023
- P-6 Report of Progress of Probationer, preparation date, 8/1 2023
- P-7 Performance Review of D [REDACTED] dated 8/16/2023
- P-8 County of Union Universal Employee Transaction Form, dated 8/10/2023
- P-9 Civil Service Commission, CAMPS Personal Action form, dated 8/24/2023
- P-10 FMLA letter approval, Pages 0030 through 0032, dated 5/9/2023
- P-11 FMLA letter approval 0033-0034, dated 5/24/2023
- P12 Summary Recommendations and Conclusions

**For Respondent**

- R-1\* Accommodations Request by Dr. Michael D. Zito, licensed psychologist

\*This document was identified in a motion to reopen the proceedings as "Exhibit A."