



STATE OF NEW JERSEY

: **DECISION OF THE**
: **CIVIL SERVICE COMMISSION**

In the Matter of Michael Mattura,
Union City, Department of Public
Safety

CSC Docket No. 2024-647
OAL Docket No. CSV 10730-23

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ISSUED: OCTOBER 15, 2025

Michael Mattura, Police Officer, Union City, Department of Public Safety, 20 working day suspension, on charges of chronic or excessive absenteeism or lateness and other sufficient cause, was before Administrative Law Judge Susana E. Guerrero (ALJ), who rendered her initial decision denying the appointing authority's motion for partial summary decision on October 1, 2025.

This matter comes before the Civil Service Commission (Commission) for immediate review pursuant to *N.J.A.C.* 1:1-12.5(e) and (f). Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, the Commission, at its meeting on October 15, 2025, accepted the recommendation as contained in the attached ALJ's initial decision to deny the appointing authority's motion for partial summary decision.

ORDER

The appointing authority's motion for partial summary decision is denied.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 15TH DAY OF OCTOBER, 2025

Allison Chris Myers

Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
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Nicholas F. Angiulo
Director
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Civil Service Commission
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

ORDER

**DENYING MOTION FOR PARTIAL
SUMMARY DECISION**

OAL DKT NO. CSV 10730-23

AGENCY DKT. NO. 2024-647

**IN THE MATTER OF MICHAEL MATTURA,
CITY OF UNION CITY, DEPARTMENT
OF PUBLIC SAFETY.**

Stuart J. Alterman, Esq., for appellant Michael Mattura (Alterman & Associates,
attorneys)

Joseph R. Marsico, Esq., for respondent Union City (O'Toole Scrivo Fernandez,
attorneys)

BEFORE **SUSANA E. GUERRERO**, ALJ:

This matter involves an appeal by police officer Michael Mattura (Mattura or appellant) of a twenty-day suspension imposed by his employer, the City of Union City, Department of Public Safety (the City or respondent) for chronic and/or excessive absenteeism in 2022. The FNDA indicates that Mattura called out twenty-three days in 2022 and that an investigation revealed a pattern of absenteeism that constitutes chronic and excessive absenteeism as well as an abuse of the department's sick leave policy.

On or around August 4, 2025, the City filed a motion for partial summary decision. The appellant filed an opposition on or around August 22, 2025, and the City filed a reply on August 28, 2025. Any subsequent filings were unauthorized and not considered.

Summary decision, or partial summary decision, “may be rendered if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law.” N.J.A.C. 1:1-12.5(b). This rule is substantially similar to the summary judgment rule embodied in the N.J. Court Rules, R. 4:46-2. See Judson v. Peoples bank & Trust Co. of Westfield, 17 N.J. 67, 74 (1954). In connection therewith, all inferences of doubt are drawn against the movant and in favor of the party against whom the motion is directed. Id. at 75. Here, I **CANNOT FIND** that there are no genuine issues as to any material fact and that the City is entitled to prevail on any issue as a matter of law.

The City filed this motion seeking partial summary decision “confirming” that prior rulings by the Civil Service Commission in In the Matter of Jonathan Rivera, City of Union City, Department of Public Safety, CSC Docket No. 2024-554, “apply with equal force in the instant matter.” The City specifically seeks to narrow anticipated issues in this matter with a ruling that: (1) the City’s Internal Affairs procedure for investigating absenteeism is reasonable and appropriate; and (2) that police officers are not per se immune from discipline for excessive absenteeism when they use fifteen or fewer sick days in a year.

First, the City anticipates that Mattura will challenge its Internal Affairs procedure or policy for investigating absenteeism, and it seeks a ruling from this tribunal, based on the Commission’s Final Decision in Rivera, that the City’s Internal Affairs procedure is “reasonable and appropriate.” While the Commission found that the City had a “sufficiently defined policy” in Rivera, it did not expressly declare the City’s Internal Affairs procedure for investigating absenteeism to be “reasonable and appropriate,” and I **FIND** that the reasonableness or appropriateness of this policy or procedure is a factual determination that can only be made following an evidentiary hearing, not by dispositive motion.

Second, relying on the Rivera decision, the City seeks confirmation from this tribunal that “police officers are not per se immune from discipline for excessive absenteeism when they use 15 or fewer sick days in a year.” While I recognize that the Commission in Rivera disagreed with the ALJ’s findings that an appointing authority cannot impose discipline for excessive absences unless an employee utilizes more than fifteen days in a year, and that Mattura seems to acknowledge in his opposition that an appointing authority can bring charges for sick leave abuse even if the employee used less than fifteen sick days, I **FIND** that there is no legal basis to dispose of this anticipated legal issue by dispositive motion at this juncture. These legal issues, including the applicability of N.J.A.C. 4A:6-1.3(a)(2), are more appropriately addressed in post-hearing briefing, not in a motion for partial summary decision. It is also worth noting that the Commission’s decision in Rivera does not constitute binding precedent here. Along with unpublished opinions, “administrative legal determinations are not binding and have no precedential value.” Cincotta v. Borough of Longport, No A-1390-23 (App. Div. May 12, 2025) (slip op. at 10) (citing R.1:36-3 (“No unpublished opinion shall constitute precedent or be binding upon any court.”); Mattia v. Bd. of Trustees, Police and Firemen’s Ret. Sys., 455 N.J. Super. 217, 221 (App. Div. 2018) (“[W]e are not bound by an agency’s statutory interpretation or other legal determinations.”)).

Consequently, I **CONCLUDE** that the City’s motion for partial summary decision must be denied and that the matter should proceed to an evidentiary hearing.

It is, therefore, hereby **ORDERED** that respondent’s Motion for Partial Summary Decision be and hereby is **DENIED**. The hearing will proceed on October 23, 2025.

This order denying partial summary decision is being submitted under N.J.A.C. 1:1-12.5(e) for immediate review. This recommended order 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 order within forty-five days and unless such time limit is otherwise extended, this recommended order shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this order was mailed to the parties, any party may file written exceptions with the **CIVIL SERVICE COMMISSION**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

October 1, 2025
DATE


SUSANA E. GUERRERO, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

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