

**STATE OF NEW JERSEY**

In the Matter of Kandice Cooper,
Ancora Psychiatric Hospital,
Department of Health

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2025-441
OAL Docket No. CSV 12838-24

ISSUED: DECEMBER 19, 2025

The appeal of Kandice Cooper, a former Quality Assurance Coordinator with Ancora Psychiatric Hospital, Department of Health, of her return to her previously held permanent title of Supervising Rehabilitation Counselor Mental Health at the end of the working test period, effective July 30, 2024, was heard by Administrative Law Judge Advia Knight Foster (ALJ), who rendered her initial decision on November 14, 2025. Exceptions were filed by 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, which do not require extensive comment, the Civil Service Commission (Commission), at its meeting on December 17, 2025, accepted and adopted the ALJ's Findings of Facts and Conclusions and her recommendation to uphold the return to the appellant's previously held permanent title at the end of the working test period.

The Commission makes the following comments. The ALJ's initial decision was thorough, comprehensive, and legally correct. In this regard, the Commission agrees that the appellant has not sustained her burden of proof to establish that the appointing authority did not conduct her working test period in good faith. See N.J.A.C. 4A:2-4.3. Further, as noted by the appointing authority, N.J.A.C. 1:2-18.4(c) states that "[e]vidence not presented at the hearing shall not be submitted as part of an exception, nor shall it be incorporated or referred to within exceptions." In as much as the appointing authority indicates that the supporting evidence submitted by the appellant in her exceptions was in violation of this regulation, the exceptions filed by the appellant are unpersuasive in that the ALJ's determination was based on the credible evidence in the record demonstrating that the appellant's working test

period was not implemented in bad faith. Accordingly, the action of the appointing authority is upheld.

ORDER

The Commission finds that the action of the appointing authority in returning the appellant to her 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 Kandice Cooper.

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 17TH DAY OF DECEMBER, 2025

Allison Chris Myers

Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Dulce A. Sulit-Villamor
Director and Chief Regulatory Officer
Division of Appeals and Regulatory Affairs
Office of the Chair/Chief Executive Officer
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSV 12838-24

AGENCY DKT. NO. 2025-441

**IN THE MATTER OF KANDICE COOPER,
DEPARTMENT OF HEALTH, ANCORA HOSPITAL.**

Kandice Cooper, appellant, pro se

**Roshanda Edwards, Personnel Assistant 1, for respondent Department of Health,
Ancora Hospital, under N.J.A.C. 1:1-5.4(a)(2)**

Record Closed: October 8, 2025

Decided: November 14, 2025

BEFORE ADVIA KNIGHT FOSTER, ALJ:

STATEMENT OF THE CASE

Appellant Kandice Cooper failed her working test period (WTP) after respondent Ancora Hospital (Ancora) provided exhaustive support to help her pass, including training, feedback, providing a two-month extension, and devising a development plan. Is Cooper entitled to a new WTP? No. To qualify for a new WTP, an employee must show that the employer acted in bad faith. N.J.A.C. 4A:2-4.3(b) and (c).

PROCEDURAL HISTORY

On September 10, 2024, Ancora issued an amended notice of demotion to Cooper, effective July 30, 2024. (P-30.) On August 9, 2024, Cooper filed an appeal with the New Jersey Civil Service Commission. On September 11, 2024, the Civil Service Commission transmitted the case to the Office of Administrative Law as a contested case under N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13. The case was originally assigned to the Honorable Judge Scarola, who held a settlement conference on November 13, 2024. The case did not settle and was reassigned to me. I scheduled the hearing for July 8, and July 10, 2025, but the parties requested an adjournment because their witnesses were unavailable. On August 19, 2025, I held the hearing. After the hearing, I held the record open to allow for post-hearing briefs. On October 8, 2025, I received the briefs and closed the record.

DISCUSSION AND FINDINGS OF FACT

Based on 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 as FACT:

On January 29, 2024, Cooper began a working test period in the position of Quality Assurance Coordinator (QAC). From January 29, 2024, to February 7, 2024, James Tornatore was Cooper's supervisor. In August 24, 2021, Cooper began working in a provisional position as a QAC. (P-2.) Cooper believed that she was subjected to retaliation and a hostile work environment during her WTP because she had filed harassment and discrimination claims against management, including Sheree Fitzgerald, her supervisor during the WTP. She believed that Ancora assigned her new projects that were not assigned when she worked as a QAC before the WTP as retaliation. She also believed that she received unequal treatment because her job duties differed from another QAC undergoing a WTP at the same time. (P-4.)

On February 8, 2024, Ancora removed Cooper from the quality improvement (QI) department and moved her to Elm Hall due to a workplace violence and hostile work

environment claim that the QI department filed against her. (P-16, R-10b, J-2.) Sheree Fitzgerald, a section chief, became her supervisor; from January 29, 2024, to February 7, 2024, James Tornatore, was her supervisor. Cooper believes that her removal from the QI department was an example of retaliation and that it prevented her from doing certain jobs during her WTP that required direct interaction with the QI department. To compensate for any potential hindrances, Fitzgerald informed Cooper that she would not evaluate her on those job responsibilities. (P-19.) On April 1, 2025, Melica Blige, Director of Employee Relations, notified Cooper that the QI department's investigation did not implicate the workplace violence and hostile work environment policy. (P-31.)

Cooper believed that Fitzgerald had no experience in the QI department and offered no feedback or correction on the submitted projects or progress reports. Fitzgerald testified that even after additional training, feedback, and correction, Cooper could not successfully meet the deadlines for her work assignments, and she lacked the knowledge necessary to successfully complete the job of a QAC. (R-16.)¹ As a result, appellant received an unsatisfactory rating for the second, third, and fourth progress reports. (P-27.)

Fitzgerald started in 2002 as a section chief for Ancora and currently supervises the staff development training department and a training technician IV. Fitzgerald is familiar with Cooper. Fitzgerald had weekly supervisory meetings with Cooper. Fitzgerald did not have QI expertise and consulted with Joyce Mallory, the QA consultant for Ancora, who gave both Fitzgerald and Cooper training and advice. Mallory also provided feedback to Cooper on her assignments.

Mallory is familiar with Cooper and her job requirements as a QAC. Mallory trained Cooper on several job requirements, including, but not limited to, knowledge of charts, graphs, data analysis, and survey readiness, which were essential to the job of QAC. (R-7.) As a QAC, appellant was to work independently to ensure the hospital was meeting the standards of the Joint Commission and Center for Medicare and Medicaid Service guidelines. The duties of a QAC were determined by the needs of the department he or

¹ Respondent inadvertently marked its exhibits as M, but I referenced them as R which is customary.

she covered. In 2023, Mallory devised a sixty-page QI Competency Manual of charts, graphs, and data analysis for the trainees as a reference guide. (R-7b.) Although much of the training occurred in 2023, Mallory testified she had an open-door policy and was available for additional training if Cooper required it, and Mallory did provide additional training to Cooper on April 25, 2024, in charts, graphs, and data analysis.

On May 23, 2024, Fitzgerald held a meeting with Cooper and the CWA union representative to review a developmental plan devised for Cooper to receive additional support during the WTP. (R16; P-20.) Cooper opposed the development plan but did discuss it with her union representative, who thought it was beneficial to assist her in passing her WTP. Cooper even made amendments to the development plan, and Ancora revised the development plan on June 6, 2024, and July 11, 2024, to include those amendments. (P-20.)

Ancora initially issued a four-month working test period and then authorized an additional two months through July 29, 2024, for a total of six months. (P-27.) Respondent also issued four progress reports during her WTP. On April 4, 2024, Fitzgerald met with Cooper to discuss her first progress report ending on March 29, 2024, and Fitzgerald issued an unsatisfactory marking. (P-16.) Fitzgerald reviewed each progress report with Cooper.

During Cooper's WTP, Ancora assigned Cooper several projects, including a staff competency project, a QA/PI dashboard project, a weekly mock tracer of hazards in patient-occupied areas, and a mock tracer of staff competency. Cooper also worked on a special status patient review committee process map (SSPRC), a focused standard assessment (FSA) based on health care equities, and the Healthcare Equity (HCE) disparity assessment, based on race, ethnicity, sex, gender, and language, which predate the WTP but continued throughout the WTP. Cooper believed she did not receive feedback and correction on these assignments. Regarding the HCE project, Cooper believed she was unable to complete the assignment because she did not have access to a software program called SPSS that was necessary to complete the analysis. (R-10.) Only one staff member had access to the program, but it was costly to use. Additional resources and personnel were offered as an alternative. (Ibid.) Natasha Moore, HCE

Chair from March 1, 2023, to February 2024, worked with Cooper and requested access to the software program to analyze the data and offered to send the data to the scientist in the central office but was denied. Chris Morrison, Moore's successor, advised the team the project could be completed with the SPSS program. (P-21; R-16.)

Colleen Kuper, a QAC who worked at Ancora since 2017 and with Cooper briefly during her WTP, testified on behalf of Cooper and stated she felt Cooper was treated fairly during her WTP.

Because Cooper failed to complete her job assignments on time or satisfactorily, she received an unsatisfactory rating for the second, third, and fourth progress reports. (P-27.) On September 10, 2024, Ancora sent Cooper an amended Notice of Demotion effective July 30, 2024, and she was returned to Supervising Rehabilitation Counselor step 9. (P-30.)

Given my discussion of the facts, I **FIND** that Fitzgerald, who did not have experience in the QI department, consulted Mallory, who is the subject matter expert, for assistance to aid Cooper during her WTP. To further assist Cooper during her WTP, Ancora extended her WTP, instituted a development plan, met weekly with Cooper, issued progress reports, and provided additional training to help her pass her WTP. The HCE Chair informed Cooper to use the available tools to complete the HCE project. During the WTP, Cooper failed to complete her assignments, and if she did, the quality of her work was substandard. Cooper was removed from the QI department after it filed a hostile work environment claim.

CONCLUSIONS OF LAW

The Civil Service Act, N.J.S.A. 11A:1-1 to 12-6 (Act), and its implementing regulations, N.J.A.C. 4A:1-1.1 to 10-3.2, are designed in part "to encourage and reward meritorious performance by employees in the public service and to retain and separate employees on the basis of the adequacy of their performance." N.J.S.A. 11A:1-2(c).

The Civil Service Commission has adopted regulations with respect to the working test period. N.J.A.C. 4A:4-5.1 to -5.5. N.J.A.C. 4A:4-5.1(a) provides that the working test period is part of the examination process designed to permit an appointing authority to determine whether an employee can satisfactorily perform the duties of the title. Its purpose is to furnish an additional test of efficiency. See generally, Devine v. Plainfield, 31 N.J. Super. 300 (App. Div. 1954). A basic condition of permanent or absolute appointment to any civil service position is successful completion of a probationary or WTP. Cipriano v. Dep't of Civil Serv., 151 N.J. Super. 86, 90 (App. Div. 1977). N.J.A.C. 4A:4-5.3(a) provides that the appointing authority is required to prepare progress reports after two months and a final report at the conclusion of the working test period. During the WTP, the commission must retain permanent status in the lower title position if the employee does not satisfactorily complete the WTP. N.J.S.A. 11A:4-15(d).

Moreover, the WTP is not the time for the employee to receive additional training to qualify him or her for the position, but rather it is the time to test the employee's fitness for the job. Briggs v. N.J. Dep't of Civ. Serv., 64 N.J. Super. 351, 355 (App. Div. 1960).

If an employee fails a WTP, he or she may qualify for a new WTP, among other remedies, if the employee can show that the employer demonstrated bad faith. N.J.A.C. 4A:2-4.3; N.J.A.C. 4A:2-1.5. Bad faith is defined as: "Generally implying . . . a design to mislead or deceive another . . . not prompted by an honest mistake as to one's rights or duties, but by some interested or sinister motive. Bad faith is not simply bad judgement or negligence but implies the conscious doing of a wrong because of a dishonest purpose . . ." Brown v. State Dep't of Educ., 97 N.J.A.R.2d (CSV) 537, 541 (quoting Memmott v. Dep't of Health, Twp. of Freehold, 95 N.J.A.R.2d (CSV) 118). Bad faith is the antithesis of good faith and must be a thing done dishonestly, and it contemplates a state of mind affirmatively operating with a furtive design or some motive of interest or ill will. Schopf v. Dep't of Labor, 96 N.J.A.R.2d (CSV) 853, 857. If the appointing authority's opinion is 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 satisfactorily and efficiently perform those duties, the determination is made in good faith. Schopf, 96 N.J.A.R. 2d (CSV) at 858. In addition, "[a] fair evaluation period is further evidenced by the giving of guidance and advice due to a probationer, as well as a

notification of any deficiencies in performance." Sokolowsky v. Twp. of Freehold, 92 N.J.A.R.2d (CSV) 155, 157.

In this case, Cooper argues that Ancora did not provide feedback or correction for her assignments, including the HR-27 Competency Policy tracer, the high acuity mock tracer, the SSPRC process map, and QI/PI project, but that is inconsistent with the testimony and the record, which is replete with instances of correction feedback and additional training. The WTP is not the time for additional training to help qualify a probationer for the position; it's the time when the appointing authority must assess the probationer's ability to satisfactorily discharge his or her duties of the position. Briggs, 64 N.J. Super. at 355. Ancora provided additional training for Cooper, but she was still unsuccessful. One of the primary functions of a QAC is to develop graphs, charts, and SSRP maps to ensure hospital compliance with the Joint Commission and Center for Medicare and Medicaid Service standards, which were assignments Cooper failed to adequately complete during the WTP. Cooper's work showed her lack of expertise and inability to perform the job despite the additional training. Ancora also established a development plan for Cooper, which her union representative supported, but Cooper opposed it. Ancora's conduct in its assessment does not demonstrate a sinister motive or bad faith; rather, it showed Ancora's unwavering commitment to help Cooper pass her WTP. Cooper argues that Ancora acted in bad faith since it assigned her job duties different from those she had in her prior work as QAC and from another probationer working as a QAC. However, Cooper worked in a different capacity as a QAC during her WTP, and the job duties are assigned in accordance with the needs of the QAC's designated unit. Therefore, the job duties would inevitably differ between QACs. Appellant has provided no evidence other than her belief that Ancora acted in bad faith in the administration of her WTP and ultimate demotion after the WTP. Meanwhile, Ancora offered progress reports and exhaustive opportunities to aid Cooper in passing her WTP. Cooper's own witness, Kuper, testified that she believed that Cooper was treated fairly during her WTP. Finally, there was a legitimate reason for separating Cooper from the QI department, and whatever possible disadvantages that may have resulted were reconciled because Cooper was not evaluated on those job tasks.

Given this discussion of the law, I **CONCLUDE** that Ancora did not act in bad faith when it concluded that Cooper failed her WTP and that Cooper is not eligible for a new WTP consequently.

ORDER

I **ORDER** that Cooper is demoted to Supervising Rehabilitation Counselor and that this case 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, 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.

November 14, 2025

DATE



ADVIA KNIGHT FOSTER, ALJ

Date Received at Agency: _____

Date Mailed to Parties: _____

AKF/tc

APPENDIX

Witnesses

For appellant:

Kandice Cooper

Colleen Kuper

Natasha Moore

For respondent:

Sheree Fitzgerald

Joyce Mallory

Exhibits

Joint:

- J-1 Healthcare Equities update dated February 6, 2024
- J-2 Temporary reassignment pending hostile work environment investigation
- J-3 Hostile Workplace Environment determination dated April 17, 2025
- J-4 Development Plan

For appellant:

- P-1 Job Analysis w/Bari Simpkins, Administrative Assistant
- P-2 QAC—Promotional Opportunity
- P-3 QAC—Offer Letter
- P-4 QAC—CSC Eligibility List
- P-5 QAC—Probationary Period Letter
- P-6 QAC—Probationary Period Memo
- P-7 Reported Disparate Treatment Email
- P-8 Email Exchange—Tone Seemed Hostile/Punitive/Retaliatory
- P-9 Temporary Reassignment Pending Investigation dated February 7, 2024
- P-10 (2) Reassignment Inquiry Emails
- P-11 Daily Task Report—Email Inquiry

- P-12 Probationary Period Paperwork Completion—Email Inquiry
- P-13 Grievance—Harassment, Retaliation & Discrimination
- P-14 Preliminary Notice of Disciplinary (PND) Action/Rescinded
- P-15 PND Email—Form of Retaliation
- P-16 Timeline of Events for Probationary Period
- P-17 SSPRC Process Map Email
- P-18 Ongoing Retaliation & Discriminatory Practices—Disparate Treatment
- P-19 Reassignment Request to QI Department
- P-20 Developmental Plan dated May 23, 2024
- P-21 Urgent Meeting Request email dated June 11, 2024, RE: HCE FSA & Restraint Data Request
- P-22 Various emails in June 2024 RE: meeting with HR to complete competency tracer
- P-23 Email exchange RE: Employee Competency Tracer and Mock tracer projects and feedback
- P-24 Various emails from June 6, 2024, to July 19, 2024, regarding assignments and feedback and correction from supervisor
- P-25 Email exchange dated July 19, 2024, RE: extending probationary period
- P-26 Email exchange dated July 19, 2024, RE: refusal to extend probationary period for one week for sick time.
- P-27 Progress reports of Probationer
- P-28 Failed Working Test Period Letter dated July 30, 2024
- P-29 Demotion Letter dated August 20, 2024
- P-30 Demotion Letter (Corrected) dated September 10, 2024
- P-31 No finding of Workplace Violence/Hostile Work Environment Memo dated April 1, 2025
- P-32 Various emails regarding projects and allegation of retaliation
- P-33 Email dated July 22, 2024, RE: no extension of Working Test Period

For respondent:

- R-1 N.J.A.C. 4A:4-5.1
- R-2 CSC Job Specification
- R-3 K. Cooper Job Duties 7-1-2022

- R-4 ERO & Union Meeting Notes
- R-5 Resource and-or Trainings—QAC Redaction
- R-6 CMS Standard—§482.30 Condition of Participation Utilization Review & UR Committees
- R-7 Ancora's QI Competencies 2023 Training Roster & Emails
- R-8 HR Training on Joint Commission Standards
- R-9 January 25, 2024, email RE: meeting about bullying complaint
- R-10 FSA for Healthcare Equities—status update and reassignment
- R-11 Report of Progress of Probationer, Trainings and SSPRC Process Map
- R-12 Probation report documentation
- R-13 Probation report 1
- R-14 Probation report 2
- R-15 Developmental Plan email
- R-16 QAC Meeting Minutes June 2024
- R-17 FSA, HCE, Mock Tracer projects submitted with feedback
- R-18 Mallory's review feedback of HCE Mock Tracer report dated July 11, 2024
- R-19 April 17, 2025, email about WTP and Workplace Violence Hostile Work Determination
- RS-1 not in evidence
- RS-2 not in evidence
- RS-3 not in evidence
- RS-4 not in evidence
- RS-5 not in evidence
- RS-6 not in evidence
- RS-7 not in evidence
- RS-8 not in evidence
- RS-9 not in evidence