



STATE OF NEW JERSEY

In the Matter of Bernacine Barnes,
Monmouth County, Department of
Human Services

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2018-675
OAL Docket No. CSV 15976-17

ISSUED: SEPTEMBER 29, 2025

The appeal of Bernacine Barnes, Senior Receptionist, Monmouth County, Department of Human Services, removal, effective August 17, 2017, on charges, was heard by Administrative Law Judge Tricia M. Caliguire (ALJ), who rendered her initial summary decision on August 15, 2025. Exceptions and replies were filed on behalf of the appointing authority and by 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 replies, most of which do not require extensive comment, the Civil Service Commission (Commission), at its meeting on September 24, 2025, adopted the ALJ's Findings of Facts and Conclusions of Law and her recommendation to uphold the removal.

The Commission makes the following comments. The appointing authority argues in its exceptions that the ALJ should have procedurally dismissed this matter without analyzing the merits and/or applied collateral estoppel to summarily uphold the misconduct alleged. In support, it cites to *Winters v. North Hudson Regional Fire and Rescue*, 212 N.J. 67 (2012). In reply, the Commission agrees with the ALJ's thorough and cogent legal analysis of this matter under *Winters, supra*. As such, it rejects the appointing authority's arguments in that regard. Even assuming, *arguendo*, the sufficiency of the appointing authority's arguments, the Commission agrees with the ALJ's ultimate findings and conclusions on the merits of the charges, as well as the penalty imposed. Thus, in essence, the appointing authority's arguments in that regard are moot.

The appellant's exceptions make, *inter alia*, myriad claims of retaliatory and inappropriate conduct on the part of the appointing authority and its representatives, including allegations of withholding evidence. She also refers to information which

was not part of the hearing record, which the Commission cannot consider. Regardless, in its *de novo* review, the Commission finds nothing in the ALJ's initial decision suggesting that her substantive findings on the disciplinary charges proffered were arbitrary, capricious, unreasonable or otherwise based on anything other than the credible evidence in the record.

ORDER

The Civil Service Commission finds that the action of the appointing authority in removing the appellant was justified. The Commission therefore upholds that action and dismisses the appeal of Bernacine Barnes.

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 24TH DAY OF SEPTEMBER, 2025



Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
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Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SUMMARY DECISION

OAL DKT. NO. CSV 15976-17

AGENCY DKT. NO. 2018-675

**IN THE MATTER OF BERNACINE M. BARNES,
MONMOUTH COUNTY DEPARTMENT
OF HUMAN SERVICES.**

Bernacine M. Barnes, appellant, pro se

Steven W. Kleinman, Special County Counsel, for respondent (Michael D. Fitzgerald, Monmouth County Counsel, attorney)

Record Closed: July 7, 2025

Decided: August 15, 2025

BEFORE **TRICIA M. CALIGUIRE**, ALJ:

STATEMENT OF THE CASE

On August 17, 2017, respondent Monmouth County Department of Human Services (County) removed appellant Bernacine M. Barnes from her position as senior receptionist at the Division of Social Services on charges of (1) incompetency, inefficiency, or failure to perform duties in violation of N.J.A.C. 4A:2-2.3(a)(1); (2) insubordination in violation of N.J.A.C. 4A:2-2.3(a)(2); (3) conduct unbecoming a public employee in violation of N.J.A.C. 4A:2-2.3(a)(6); (4) neglect of duty in violation of N.J.A.C. 4A:2-2.3(a)(7); and (5) other sufficient cause, under N.J.A.C. 4A:2-

2.3(a)(12), due to alleged violations of Monmouth County Policy 701, regarding employee conduct and work rules, of Monmouth County Policy 722, regarding workplace etiquette, and of the Monmouth County Policy regarding prohibiting workplace discrimination and harassment.

PROCEDURAL HISTORY

On August 17, 2017, respondent served Barnes with a Preliminary Notice of Disciplinary Action (PNDA) charging Barnes with (1) incompetency, inefficiency, or failure to perform duties in violation of N.J.A.C. 4A:2-2.3(a)(1); (2) insubordination in violation of N.J.A.C. 4A:2-2.3(a)(2); (3) conduct unbecoming a public employee in violation of N.J.A.C. 4A:2-2.3(a)(6); (4) neglect of duty in violation of N.J.A.C. 4A:2-2.3(a)(7); and (5) other sufficient cause, under N.J.A.C. 4A:2-2.3(a)(12), due to violations of Monmouth County Policy 701, regarding employee conduct and work rules, of Monmouth County Policy 722, regarding workplace etiquette, and of the Monmouth County Policy regarding prohibiting workplace discrimination and harassment.

Barnes requested a departmental hearing, which was held on September 11, 2017. On October 13, 2017, respondent served Barnes with a Final Notice of Disciplinary Action (FNDA), upholding all charges against her and removing her from employment, effective August 17, 2017. Barnes appealed the FNDA and on October 26, 2017, the Civil Service Commission (CSC) transmitted this matter to the Office of Administrative Law (OAL) for a hearing under N.J.S.A. 52:14B-1 to -15, and N.J.S.A. 52:14F-1 to -13. During an initial telephone prehearing conference on December 11, 2017, the parties agreed to begin discovery but to hold on scheduling a hearing pending completion of another administrative proceeding in which they were involved, before the Honorable Kathleen Calemme, ALJ (OAL docket numbers CSV 18070-16 and CSV 00015-17). After Judge Calemme issued an initial decision, the plenary hearing for this matter was scheduled for August 2 and September 6, 2018.

On February 13, 2018, Barnes filed a lawsuit in Monmouth County Superior Court against the County and twenty other persons, including County employees and officials and union representatives, alleging certain unlawful action that culminated in her “unlawful termination.” This case was subsequently removed to federal court. Barnes v. Monmouth County Division of Social Services, et al., Civ. Action No. 18-7752 (PGS). In her complaint, Barnes sought

“preliminary and permanent injunctive relief requiring the [County] to restore [Barnes] to her employment, without loss of seniority or benefit and with full reimbursement of back wages and prohibiting [the County] from future acts of discrimination.”

On May 23, 2018, the County filed a motion to dismiss appellant’s OAL appeal due to her federal action or, alternatively, requested that the matter be listed as inactive for a period of six months. Appellant filed a response on June 1, 2018, objecting to respondent’s motion to dismiss, and requesting that the matter be listed as inactive. On June 18, 2018, I adjourned the hearing and issued an Order of Inactivity in this matter, finding that in appellant’s federal action, a challenge to her removal from County employment, she sought the same relief as requested in this forum, making it appropriate to delay any further OAL proceedings pending the outcome of the federal case. Between December 28, 2018, and November 10, 2024, I issued eleven additional Orders of Inactivity pending resolution of appellant’s federal lawsuit.

On February 20, 2019, while the second Order of Inactivity was in effect, Barnes sent an email to my office stating that there was “no further justifiable” reason to “delay the inevitable,” and asked that her OAL case proceed. On the assumption (later found to be incorrect) that Barnes’s federal case had been dismissed or otherwise concluded, I scheduled a telephone status conference for March 15, 2019. During this conference, County counsel stated that the federal case was ongoing and, shortly thereafter, the County filed a brief in opposition to Barnes’s motion to rescind the Order of Inactivity. On April 2, 2019, I issued an Order denying Barnes’s motion because the facts supporting the entry of the Order of Inactivity had not changed.

In a series of e-mails received on April 12, 2019, Barnes requested that I recuse myself from this matter and, simultaneously, issue a “temporary ex parte order of protection” against special County counsel Steven Kleinman. The County responded on April 17, 2019, opposing Barnes’s request for my recusal and demanding the issuance of an order imposing sanctions on Barnes for engaging in conduct obstructing or tending to obstruct the conduct of a contested case, under N.J.A.C. 1:1-14.15, and/or an award to the County of its costs for responding to Barnes’s frivolous motion, under N.J.A.C. 1:1-14.14. On April 22, 2019,

Barnes filed a reply. Because the matter was otherwise inactive, I postponed ruling on this motion.

On November 7, 2024, Barnes's federal complaint was dismissed on the County's motion. On or about November 10, 2024, this matter returned to active status, and during a telephone status conference on November 12, 2024, the parties asked to update their 2019 filings both seeking and opposing my recusal, and for and opposing sanctions. Barnes renewed her motion for recusal and protection on November 25, 2024; the County responded on November 25, 2024. On December 18, 2024, I issued an Order denying appellant's motion requesting my recusal, dismissing appellant's motion for an ex parte order of protection, and directing the parties to appear for oral argument on the County's request for sanctions.

On January 17, 2025, the parties appeared for oral argument by Zoom. As directed, on January 31, 2025, respondent filed a certification of the legal costs it incurred in responding to Barnes's motions and related to its cross-motion for sanctions. Barnes responded by a lengthy email dated February 24, 2025, most of which described matters filed in other forums prior to the date this action was transmitted and/or during the period in which this matter was inactive. On March 5, 2025, I issued an order sanctioning Barnes and directing her to reimburse the County for its costs in responding to Barnes's frivolous motions and to her improper conduct.

On April 1, 2025, respondent moved for summary decision in its favor on the grounds that the undisputed issues of material fact support its action to remove Barnes from County employment as a matter of law. On June 10, 2025, after receiving an extension, Barnes filed her opposition to the motion. On July 7, 2025, the County filed its reply, and the motion for summary decision is now ripe for review.

DISCUSSION AND FINDINGS OF FACT

In the FNDA, the County alleges that Barnes has "exhibited a continued pattern of insubordination and disruptive behavior in the workplace." FNDA, Attachment A at 6. Specifically, Barnes is charged with violations of the Civil Service Act and County policies because of incidents

occurring on June 29, July 26, July 31, and August 16, 2017. In support of its motion for summary decision, the County provided a comprehensive statement of material facts, with 106 numbered paragraphs. Ltr. Br. of Resp't in Support of Motion for Summary Decision (April 1, 2025) (Resp't's Br.), at 3–11.

Barnes responded to the County motion with a forty-eight-page email which purports to address the County's statement of material facts. She begins by accepting the County's first numbered paragraph and then states that all the paragraphs that follow are "disputed." Email Br. of Appellant Opposing Summary Decision (June 6, 2025) (Appellant's Br.), at 1. Barnes does not, however, specifically refute any of the statements by certification or otherwise. As noted by the County, Barnes does not adequately explain her position or even delineate the alleged factual disputes and takes issue with statements that are simply a recitation of the proceedings. Ltr. Br. of Resp't in Reply to Appellant's Opposition to Summary Decision (July 7, 2025) (Reply Br.), at 3. Most of Barnes's brief is confusing at best and indecipherable at worst.¹

Barnes does not offer credible and/or relevant evidence to support her position.² For example, to supplement her emailed brief, Barnes provided a copy of the transcript of her public comments at the February 27, 2014, meeting of the Monmouth County Board of Chosen Freeholders. Barnes gave no explanation as to why these comments—presented three years before the incidents at issue here—have any relevance in this matter.³ Throughout her brief, Barnes recites what appear to be portions of transcripts of interviews and/or testimony of former co-workers without explanation as to their relevance. Finally, Barnes provided 247 pages of documents, including portions of briefs, emails, policy manuals, and interviews, but without any description of how such documents support her opposition to the County's motion and/or how such documents elucidate any dispute as to material facts. See Reply Br. at 5–10 (summary of 247-page document).

¹ Recognizing that Barnes has never had the assistance of counsel in this matter, I have attempted throughout these proceedings to show her leniency. At the same time, I am not willing or able to parse out Barnes's potential factual and/or legal arguments from the hundreds of pages she submitted.

² It may be that Barnes is attempting to defend her behavior with allegations of wrongdoing on the part of the County. She does not, however, clearly make that argument (see previous note).

³ In her brief, Barnes states that she "wrote [her supervisor] up several times and sent it to the Freeholders," whom she "put on notice incase [sic] anything happens to me." Appellant's Br. at 22. Barnes does not, however, provide copies of these letters or the dates on which they were written.

Based on the documents filed in this case, including the certification of Steven Kleinman, special County counsel, and attached exhibits, I **FIND** the following **FACTS**:

1. Barnes was hired by the County on May 30, 1999, to work in the Division of Social Services in a full-time position. She served as a senior receptionist until her removal from employment, effective August 17, 2017.

June 29, 2017: Allegations Regarding Notice of Counseling Meeting of March 30, 2017

2. On March 28, 2017, Diane Prochnow, Barnes's supervisor, issued Barnes a notice that corrective action may be taken against her for improper use of the County's e-mail system and for inappropriate tone and language in an e-mail to her supervisor. See Certification of Steven Kleinman (April 1, 2025) (Kleinman Cert.), Ex. A. A meeting was scheduled where Barnes was given the opportunity to "present [her] side of the occurrence(s) prior to a final decision" on whether a Notice of Counseling would be issued. Ibid.
3. On March 30, 2017, Barnes met with County assistant administrative supervisor Robert Jaichner, Prochnow, and Lorenzo Dangler and Joanne McWilliams, representatives of Barnes's collective negotiations representative, CWA Local 1087 (Union). See Kleinman Cert., Exs. C, H.
4. At the meeting, Barnes handed a letter to Jaichner regarding the proposed Notice of Counseling. In this letter, Barnes did not address the allegations of misconduct listed in the notice of March 28, 2017. See Kleinman Cert., Ex. B. By all accounts (other than Barnes's), Jaichner started to read the letter and then stopped, placing it on the conference-room table.
5. On June 23, 2017, Barnes wrote a six-page letter to County Office of Professional Standards (OPS) director Glenn Talavera (misspelled "Talavers"), which was received on June 29, 2017. In this letter, Barnes alleged that during the March 30, 2017, meeting, Jaichner engaged in "unrepresentable conduct" by "balling his fist, gazing straight at me, he

lunged toward me while slamming his fist on my side of the table, saying ‘I’m the Administrator I do what I want to do.’” Barnes also alleged that Jaichner read her letter and then “flung it out onto the table.” Kleinman Cert., Ex. D.

The OPS Investigation

6. Based upon Barnes’s letter to Talavera, the OPS opened an investigation into Jaichner’s conduct during the March 30, 2017, meeting. The County’s “Employee Guide [to] Prohibiting Workplace Discrimination and Harassment” states that “[a]ny employee who knowingly or in reckless disregard of the truth makes a false accusation of discrimination and/or provides false and misleading information in the course of an investigation, will be disciplined, up to and including employment termination.” See Kleinman Cert., Ex. F (revised July 2017).
7. On July 7, 2017, OPS investigator Gwendolyn Thomas interviewed Barnes. See Kleinman Cert., Ex. G. During this interview, Barnes did not repeat the statements in her June 23, 2017, letter (nor was she asked to repeat them), and in response to the question of her expectation for bringing her complaints to the OPS, Barnes stated, “I want Mr. Jaichner for his conduct, something should happen to him. As a woman it was horrible.” Id., ¶ 24.
8. On July 12, 2017, Barnes sent a long communication to the OPS in which she stated, in pertinent part: “Mr. Jachiner [sic] . . . should be held to a higher standard. MY HUSBAND & I ARE REQUESTING TO KNOW THE FINAL OUTCOME OF ANY INVESTIGATION THAT [THE COUNTY] MAY OR MAY NOT BRING AGAINST MR. JACHINER [sic] AND OTHERS. IF NOT, THEN I THE VICTIM, BERNACINE M. BARNES, WILL SEEK LEGAL COUNSEL. THE ASSAULTS MUST FIT THE PUNISHMENT.” See Kleinman Cert., Ex. I.
9. On July 12, 2017, Thomas interviewed McWilliams, one of Barnes’s Union representatives at the March 30, 2017, meeting. Kleinman Cert., Ex. H.

McWilliams did not recall Jaichner balling his fist or slamming his hand on the table, as alleged by Barnes, and stated that Jaichner did not fling Barnes's letter onto the table, but "put it down." Id., ¶ 2.

10. McWilliams did not recall Jaichner saying "I'm the Administrator I do what I want to do," and was not aware of Jaichner conducting himself in a questionable manner in other meetings. Id., ¶¶ 2, 7.
11. On July 11, 2017, Thomas interviewed Lorenzo Dangler, Barnes's other Union representative at the March 30, 2017, meeting. Dangler did not recall Jaichner lunging at Barnes. See Kleinman Cert., Ex. H, ¶ 2.
12. On July 17, 2017, Thomas interviewed Prochnow regarding the March 30, 2017, meeting. Prochnow did not recall Jaichner balling his fist or slamming his hand on the table, nor did she recall him flinging Barnes's letter on the table. See Kleinman Cert., Ex. H.
13. On July 18, 2017, Thomas interviewed Jaichner, who denied engaging in any aggressive behavior towards Barnes at the March 30, 2017, meeting. Jaichner stated that after reading the first few sentences of Barnes's letter, he put it down because it had nothing to do with the subject of the meeting, but he did not fling the letter. Kleinman Cert., Ex. H.
14. On August 22, 2017, on behalf of the OPS, Talavers sent a letter to Barnes stating that her allegations against Jaichner had been investigated and, "after careful review of the facts, all allegations were unsubstantiated." Kleinman Cert., Ex. N.
15. In her brief, Barnes summarized the statements by the above-named witnesses and quotes from a letter from Thomas to Dangler on August 4, 2017, in which Dangler appears to support Barnes's description of aggressive conduct by Jaichner. Appellant's Br. at 19–20. A copy of the letter, whether to or from Dangler, was not provided.

Barnes's Criminal Action in Municipal Court

16. On July 31, 2017, Barnes appeared in Freehold Township Municipal Court to swear out a summons and criminal complaint against Jaichner in which she claimed that “within the jurisdiction of this court, [Jaichner] did commit an act of simple assault specifically by attempting to cause bodily injury to another. To wit: [Jaichner] balled his fist, gazed straight at me, he lunged toward me while slamming his fist on my side of the table, saying ‘I’m the Administrator I do what I want to do.’ I’m disabled and he continued to violate me.” See Kleinman Cert., Ex. J.
17. Barnes sought to have Jaichner charged with assault under N.J.S.A. 2C:12-1,⁴ a disorderly persons offense, punishable by up to six months in prison, under N.J.S.A. 2C:43-8. Kleinman Cert., Ex. J.
18. Barnes certified on her criminal complaint that “the foregoing statements are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.” Ibid.
19. On December 12, 2017, a probable cause hearing was held on Barnes’s criminal complaint before the Honorable Nicole Sonneblich, J.M.C. See Kleinman Cert., Ex. P.
20. The municipal prosecutor, Anthony Vecchio, Esq., stated that based upon his investigation, “there is no basis for the State to proceed, and the State won’t be able to prove charges [of assault by Jaichner] beyond a reasonable

⁴ N.J.S.A. 2C:12-1(a) provides that a person is guilty of assault if the person:

- (1) Attempts to cause or purposely, knowingly or recklessly causes bodily injury to another; or
- (2) Negligently causes bodily injury to another with a deadly weapon; or
- (3) Attempts by physical menace to put another in fear of imminent serious bodily injury.

doubt.” Ibid. At the prosecutor’s request, Judge Sonneblick dismissed the complaint. Ibid.

21. In a letter to Judge Sonneblick dated February 7, 2018, Barnes claimed that Vecchio was “a bigot” who denied her civil rights and due process. In this letter, Barnes repeatedly stated that she was “violated” and therefore filed criminal charges against Jaichner. See Kleinman Cert., Ex. Q, at 1, 2.

August 16, 2017, Incident

22. On August 16, 2017, Barnes was on a call with a client who was seeking confirmation that the County had received a fax. See Kleinman Cert., Ex. K.
23. Barnes placed the caller on hold and told a co-worker that the client wanted her to check something that had already been checked. Ibid.
24. While the caller remained on hold, Barnes went to the microwave to heat some food, and only after doing so and returning to her desk with the food did Barnes take the caller off hold and state that the fax could not be located. Ibid.
25. Barnes stated, in a voice loud enough for others to hear, words to the effect of, “see, when you put them on hold and make them wait, they are nicer when you tell them the same thing.” Ibid.

The PNDA

26. On August 17, 2017, the County served Barnes with a PNDA, seeking her removal from employment for violations of the Civil Service Act and County Policies 701 and 722, and the County Policy Prohibiting Workplace Discrimination and Harassment. See Kleinman Cert., Exs. E, F, L.

27. In the County's "Employee Guide to Policies, Benefits and Services," applicable in July 2017, Policy 701 addresses employee conduct and work rules and the potential consequences for violating same, and Policy 722 addresses workplace etiquette. See Kleinman Cert., Ex. E.
28. The specifications contained in the PNDA included that the allegations sworn by Barnes in the municipal court complaint against Jaichner were contrary to the statements she had provided to the OPS. See Kleinman Cert., Ex. L.
29. The County also sought to hold Barnes accountable for alleged unprofessional, disrespectful, insubordinate, and demeaning conduct during the July 26, 2017, interaction with Prochnow and the August 16, 2017, interaction with an MCDSS client. Ibid.
30. On August 17, 2017, simultaneous with the service of the PNDA, Barnes was suspended from County employment on the grounds that her suspension was necessary to ensure operational effectiveness and the delivery of services. Ibid.
31. On August 18, 2017, Barnes filed a response to the PNDA, stating that she disagreed with the County description of each cited incident. See Kleinman Cert., Ex. M.

The FNDA

32. On October 13, 2017, the County issued Barnes an FNDA, upholding the charges against her and removing her effective and retroactive to August 17, 2017. See Kleinman Cert., Ex. O.
33. The basis for the County's action was Barnes's alleged violations of the Civil Service Act and Monmouth County policies related to incidents occurring on or about June 29, July 26 and 31, and August 16, 2017.

34. Barnes appealed her removal from employment to the CSC, which transmitted the matter to the OAL as a contested case on October 26, 2017.

Barnes's Federal Lawsuit

35. During the pendency of the OAL proceeding, Barnes filed a civil lawsuit against the County and certain County officials alleging violations of the Americans with Disabilities Act, 42 U.S.C. §§ 12101–12213; the Age Discrimination in Employment Act of 1967, 29 U.S.C. § 623; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e; the New Jersey Conscientious Employee Protection Act, N.J.S.A. 34:19-1 et seq. (CEPA); and the New Jersey Law Against Discrimination (NJLAD), N.J.S.A. 10:5-1 et seq. In her civil lawsuit, Barnes alleged misconduct by County officials and/or employees in violation of the above-listed statutes occurring between 2012 and 2017, up to and including incidents of March through August 2017.
36. The relief requested by Barnes in the OAL matter and the civil lawsuit included restoration of employment, back pay, and benefits.⁵
37. Had Barnes prevailed in her civil lawsuit, the issues in the OAL matter would have been moot and, therefore, the OAL matter was stayed pending final disposition of the civil lawsuit.
38. In her complaint, Barnes stated that Jaichner had assaulted her on March 30, 2017, and the witnesses who did not corroborate her story had “committed perjury.” See Kleinman Cert., Ex. R.
39. On August 9, 2018, appellant filed her “First Amended Complaint and Jury Demand” in the United States District Court for the District of New Jersey under

⁵ Barnes also sought injunctive relief, compensatory and punitive damages, attorneys' fees, costs of suit, and interest. Most such relief is unavailable in an OAL proceeding.

Docket Number 3:18-cv-07752-PGS-TJB (Amended Complaint). See Kleinman Cert., Ex. U.

40. In her Amended Complaint, Barnes alleged that Jaichner “engaged in aggressive, assaultive behavior towards Ms. Barnes” during their meeting on March 30, 2017. Id., ¶ 25.
41. In her Amended Complaint, Barnes alleged that “[c]ompletely frustrated by the defendants [sic] deliberate unwillingness to hold the supervisor accountable for his aggressive assaultive behavior on Ms. Barnes, on July 31, 2017, she proceeded to the Freehold Municipal Court to swear out a citizen’s complaint for the incident. Id., ¶ 33.
42. On November 7, 2024, the Honorable Georgette Castner, U.S.D.J., issued a memorandum opinion by which the County’s motion for summary judgment was granted and Barnes’s complaint dismissed with prejudice.⁶ Judge Castner made no conclusions of law regarding Barnes’s liability under the Civil Service Act and/or Monmouth County policies, and, therefore, this matter was returned to the active list. See Kleinman Cert., Ex. X.
43. In the Memorandum Op., Judge Castner stated that the following facts are undisputed or substantiated by evidence in the record, in pertinent part:
 - a. Although Barnes made a prima facie case of retaliation—she reported an alleged assault by a supervisor to the police, and then she was terminated—there was no dispute that the County presented several legitimate, non-discriminatory reasons to terminate Barnes, and Barnes did not present evidence to demonstrate that any of those reasons were pre-textual. Id. at 16–17.

⁶ Barnes v. Monmouth Cnty. Div. of Soc. Servs., et al., Civ. Action No. 18-07752(GC) (RLS) Memorandum Op (Nov. 7, 2024).

b. The FNDA “identifies a number of instances of Plaintiff’s misconduct, which appear undisputed based on the Court’s review of Plaintiff’s submission.” Id. at 18.

c. Barnes failed to state a prima facie case for discrimination under the NJLAD, but even if she had done so, her claims would still fail because the County “had several legitimate non-discriminatory reasons to discipline and ultimately terminate Plaintiff” and Barnes “failed to raise a genuine issue of fact that would permit a jury to infer that the [County’s] termination of Plaintiff was pretextual.” Id. at 21.

44. The 45-day period for Barnes to appeal Judge Castner’s November 7, 2024, Order has expired, and thus Judge Castner’s Order represents a final, binding decision rejecting Barnes’s lawsuit against the County.

Discussion and Additional Findings of Fact

Despite its own voluminous filing, the County does not adequately support its allegations regarding one of the incidents, that being Barnes’s encounter with her supervisor on July 26, 2017. Although the County cites to an exhibit (K), there is no document in that exhibit regarding this incident. As the County argues, Judge Castner made findings that Barnes can no longer challenge under the doctrines of res judicata and collateral estoppel, and those findings are detailed below. But Judge Castner made only a general statement regarding the allegations in the FNDA and made no specific findings regarding the incident of July 26, 2017.

In the FNDA, the County alleges that:

1. On July 26, 2017, Prochnow noticed that Barnes had kept a member of the public calling for assistance from the MCDSS on hold for approximately fifteen minutes and offered Barnes assistance.
2. Barnes responded that the caller had not been placed on hold for that long.

3. Prochnow responded that she was able to determine the length of the hold using the County's CISCO phone system.
4. Prochnow gave Barnes instructions on how to manage the call, to which Barnes made repeated loud comments to co-workers alleging that Prochnow was unfairly singling her out for criticism.

The County does not provide a certification from Prochnow or a witness to the exchange, nor does the County provide other documentary evidence to support this charge. In her response to the PNDA, dated August 18, 2017, Barnes states, "I disagree with the 7/26/17 Diane + Tina + Customer + BB incident." Kleinman Cert., Ex. M. In the Memorandum Opinion, Judge Castner makes no specific findings with respect to this incident.

Based on the above undisputed findings, and in consideration of the specifications in the FNDA, I **FIND** that the County has proved by a preponderance of the credible, undisputed, and relevant evidence, the following additional **FACTS**:

On July 31, 2017, Barnes made allegations against Jaichner in a certified statement to support a complaint for Simple Assault in Freehold Township Municipal Court, including that Jaichner attempted to cause bodily injury to her and that she is "disabled and he continued to violate her." Barnes did not make these statements in her letter to the OPS of June 23, 2017, nor during her July 7, 2017, interview with the OPS.

On August 16, 2017, while on a telephone call with a client, Barnes treated the client in an unkind, unprofessional, and disrespectful manner.

I further **FIND** that the County has **not** proved by a preponderance of the credible, undisputed, and relevant evidence that on July 26, 2017, Barnes made two statements to her workplace colleagues critical of Prochnow, Barnes's supervisor.

DISCUSSION AND CONCLUSIONS OF LAW

The Decision of Judge Castner Does Not Bar Barnes's Appeal to the CSC

The County begins by arguing that summary decision, and dismissal of the Petition, are appropriate because Barnes “had a full and fair opportunity to litigate this matter in another forum and her claims were rejected.” Resp’t’s Br. at 12. The County supports this argument with a decision of the New Jersey Supreme Court that a civil servant could not, after his removal had been reviewed and upheld by the CSC, effectively re-try his removal in Superior Court under the guise of a CEPA claim. Ibid. (citing Winters v. North Hudson Reg’l Fire and Rescue, 212 N.J. 67 (2012).) The main difference between Winters and this case is that Barnes has not yet had her removal, and the legal basis for her removal under the Civil Service Act, N.J.S.A. 11A:1-1 to 12-6, reviewed by the CSC.

The Winters Court explained that to “forestall future litigation” under the principle of collateral estoppel,

the party asserting the bar must show that: (1) the issue to be precluded is identical to the issue decided in the prior proceeding; (2) the issue was actually litigated in the prior proceeding; (3) the court in the prior proceeding issued a final judgment on the merits; (4) the determination of the issue was essential to the prior judgment; and (5) the party against whom the doctrine is asserted was a party to or in privity with a party to the earlier proceeding.

[212 N.J. at 85 (citation omitted).]

In this matter and in her federal lawsuit, Barnes challenged her removal from employment, but on different legal grounds. Here, the most Barnes has offered in her defense is that she disputes the incidents described in the FNDA and that she “was and still is the victim in this matter.” Kleinman Cert, Ex. M. Nowhere in the many documents Barnes has filed with the OAL since December 2017 has Barnes raised as a defense to her removal the claims she brought in federal court.

The County claims that “Judge Castner stated that all of the incidents of misconduct set forth in the FNDA upholding Appellant’s removal ‘appear undisputed based on the Court’s review of Plaintiff’s submission.’” Resp’t’s Br. at 13, citing Memorandum Op. at 18. While Judge Castner found sufficient evidence of Barnes’s poor job performance to defeat her claims under laws against discrimination and CEPA, Her Honor did not consider whether the evidence of poor job performance was sufficient to lead to termination under the standards in the Civil Service Act. If, in her brief, Barnes had raised as a defense malfeasance by the County in the form of discrimination against her due to her age, race, and/or religion or retaliation for her raising claims against her supervisors, she would be precluded from asserting those defenses.⁷

To prevail here, the County must prove by a preponderance of the credible evidence as found in the undisputed facts described above that Barnes, as a result of her alleged dishonest, disrespectful, and insubordinate action toward two supervisors on July 26, 2017, and July 31, 2017, and her alleged unkind and disrespectful treatment of a member of the public in the workplace on August 16, 2017, is guilty of (1) incompetency, inefficiency, or failure to perform duties in violation of N.J.A.C. 4A:2-2.3(a)(1); (2) insubordination in violation of N.J.A.C. 4A:2-2.3(a)(2); (3) conduct unbecoming a public employee in violation of N.J.A.C. 4A:2-2.3(a)(6); (4) neglect of duty in violation of N.J.A.C. 4A:2-2.3(a)(7); and (5) other sufficient cause, under N.J.A.C. 4A:2-2.3(a)(12), due to violations of Monmouth County Policy 701, regarding employee conduct and work rules, of Monmouth County Policy 722, regarding workplace etiquette, and of the Monmouth County Policy regarding prohibiting workplace discrimination and harassment. If the charges against Barnes are sustained, the appropriate penalty will be determined with due consideration of her prior disciplinary history.

The Civil Service 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). An employee may be subject to discipline for several

⁷ To date, it does not appear that Barnes has raised such defenses. In her brief, she states 2014–2015 PACKAGE OF ENTRAPMENTS: Discrimination; Retaliation; Harassment; Intimidation; Bullying; Singling Out. Appellant’s Br. at 2. The incidents in this matter all occurred in 2017, and Barnes gives no further explanation. There is a discussion of alleged malfeasance by respondent in 2017, but with respect to Barnes’s request to wear sneakers, an issue not related to this matter. See Id. at 16.

reasons, including conduct unbecoming a public employee, N.J.A.C. 4A:2-2.3(a)(6), and for failure to obey laws, rules, and regulations of the appointing authority, N.J.A.C. 4A:2-2.3(a)(12). Major discipline for such an infraction may include removal, disciplinary demotion, or suspension or fine for more than five working days at any one time. N.J.A.C. 4A:2-2.2(a).

The Act protects classified employees from arbitrary dismissal and other onerous sanctions. See Prosecutor's Detectives & Investigators Ass'n v. Hudson Cnty. Bd. of Chosen Freeholders, 130 N.J. Super. 30, 41 (App. Div. 1974); Scancarella v. Dep't of Civil Serv., 24 N.J. Super. 65, 70 (App. Div. 1952). In attempting to determine if a penalty is reasonable, the employee's past record may be reviewed for guidance in determining the appropriate penalty for the current specific offense. In re Shavers-Johnson, CSV 10838-13, Initial Decision (July 30, 2014), adopted, Comm'n (September 3, 2014), <https://njlaw.rutgers.edu/collections/oal/>. "The evidence presented and the credibility of the witnesses will assist in resolving whether the charges and discipline imposed should be sustained; or whether there are mitigating circumstances, which . . . must be taken into consideration when determining whether there is just cause for the penalty imposed." Ibid. Depending upon the incident complained of and the employee's past record, major discipline may include suspension or removal. See West New York v. Bock, 38 N.J. 500, 519 (1962) (describing progressive discipline).

Incompetency, Inefficiency, or Failure to Perform Duties

In general, incompetency, inefficiency, or failure to perform duties exists where the employee's conduct demonstrates an unwillingness or inability to meet, obtain, or produce effects or results necessary for adequate performance. Clark v. New Jersey Dep't of Agric., 1 N.J.A.R. 315 (1980). The fundamental concept is that an employee should be able to perform the duties of the position for which he or she was hired. Briggs v. Dep't of Civil Serv., 64 N.J. Super. 351, 356 (App. Div. 1960) (employee must be qualified to perform the duties of the job as outlined by the appointing authority).

The County alleges that by her actions on July 26, and August 16, 2017, Barnes exhibited an inability and unwillingness to perform the duties of a senior receptionist. Only the second incident is undisputed and will be considered here. On August 16, 2017,

Barnes put a client of the agency on hold while she heated food in the microwave, returned without completing the task that she had agreed to undertake, and essentially lied to the client about whether she checked to confirm that the client's fax had been received at the agency.

Barnes was hired to serve as a receptionist in the call center unit, to take calls from members of the public, and, presumably, to help them through the process of applying for or maintaining social services. Barnes's action on August 16, 2017, is strong evidence that even if able, she was unwilling to perform the duties for which she was hired. I **CONCLUDE** that respondent proved by a preponderance of the credible evidence that Barnes violated N.J.A.C. 4A:2-2.3(a)(1), incompetency, inefficiency, or failure to perform duties.

Insubordination and Conduct Unbecoming a Public Employee

The County contends that during the meeting of March 31, 2017, "Jaichner attempt[ed] to do his job managing a problem employee," and Barnes' actions—to bring a criminal action against Jaichner in municipal court without any evidence—were "textbook cases of insubordination . . . and conduct unbecoming a public employee." Resp't's Br. at 21. Accordingly, the charges will be considered together.

Black's Law Dictionary 802 (11th Ed. 2019) defines insubordination as a "willful disregard of an employer's instructions" or an "act of disobedience to proper authority." Webster's II New College Dictionary (1995) defines insubordination as "not submissive to authority: disobedient." Such dictionary definitions have been used by courts to define the term where it is not specifically defined in contract or regulation.

"Insubordination" is not defined in the agreement. Consequently, assuming for purposes of argument that its presence is implicit, we are obliged to accept its ordinary definition since it is not a technical term or word of art and there are no circumstances indicating that a different meaning was intended.

[Ricci v. Corporate Express of the East, Inc., 344 N.J. Super. 39, 45 (App. Div. 2001) (citation omitted).]

Similarly, Monmouth County Policy 701, regarding employee and work rules, describes “unacceptable conduct” to include “insubordination or other disrespectful conduct.” FNDA, Attachment A. The above definitions incorporate acts of non-compliance and non-cooperation, as well as affirmative acts of disobedience. Thus, insubordination can occur even where no specific order or direction has been given to the allegedly insubordinate person.

Insubordination is always a serious matter. “Refusal to obey orders and disrespect cannot be tolerated. Such conduct adversely affects the morale and efficiency of the department.” Rivell v. Civil Serv. Comm’n, 115 N.J. Super. 64, 72 (App. Div.), certif. denied, 59 N.J. 269 (1971). Under Monmouth County Policy 701, insubordination may result in “disciplinary action, up to and including termination of employment.” FNDA, Attachment A.

There is no precise definition for “conduct unbecoming a public employee,” and the question of whether conduct is unbecoming is made on a case-by-case basis. In re King, CSV 2768-02, Initial Decision (February 24, 2003), adopted, Merit Sys. Bd. (April 9, 2003), <http://njlaw.rutgers.edu/collections/oal/>. “Conduct unbecoming a public employee” is an elastic phrase, which encompasses conduct that adversely affects the morale or efficiency of a governmental unit or that has a tendency to destroy public respect in the delivery of governmental services. Karins v. Atl. City, 152 N.J. 532, 554 (1998); see also In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). It is sufficient that the complained-of conduct and its attending circumstances “be such as to offend publicly accepted standards of decency.” Karins, 152 N.J. at 555 (quoting In re Zeber, 156 A.2d 821, 825 (1959)). Such misconduct need not necessarily “be predicated upon the violation of any particular rule or regulation, but may be based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct.” Hartmann v. Police Dep’t of Ridgewood, 258 N.J. Super. 32, 40 (App. Div. 1992) (quoting Asbury Park v. Dep’t of Civil Serv., 17 N.J. 419, 429 (1955)). Unbecoming conduct may include behavior that is improper

under the circumstances; it may be less serious than a violation of the law, but it is inappropriate on the part of a public employee because it is disruptive of governmental operations.

Monmouth County Policy 701, regarding employee conduct and work rules, also describes “unacceptable conduct” to include “conduct unbecoming a public employee.” FNDA, Attachment A. Like insubordination, conduct unbecoming a public employee may result in “disciplinary action, up to and including termination of employment.” FNDA, Attachment A.

The County does not say that an employee should be prevented from making a credible claim of wrongdoing against a supervisor, whether that be in an OPS investigation, or in a municipal or county court. Barnes took her complaints regarding Jaichner’s alleged actions to the OPS and a full and fair investigation was conducted, after which Jaichner was cleared of wrongdoing. Unhappy with the result, Barnes filed a criminal complaint against Jaichner and made allegations well beyond those that were investigated by the OPS, including that Jaichner “violated” her. To make matters worse, after the municipal action was dismissed, Barnes accused the prosecutor of bigotry and the judge of denying due process. This is a textbook case of disrespect for authority and of conduct that would, if left unpunished, adversely affect the morale of a governmental unit. I **CONCLUDE** that the County proved by a preponderance of the credible evidence that Barnes violated N.J.A.C. 4A:2-2.3(a)(2), insubordination; N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee; and Monmouth County Policy 701.

Neglect of Duty

To prove neglect of duty, the employer must prove that the employee did not perform an act required by his or her job title or was negligent in the discharge of that duty. Avanti v. Dep’t of Military & Veterans Affairs, 97 N.J.A.R.2d (CSV) 564. The County did not submit the CSC job description of senior receptionist, but it is clear from the undisputed facts that as a receptionist in the call center unit of a public-service agency, Barnes took calls from members of the public who were applying for, or were recipients of, social services, and who had questions. On August 16, 2017, a client called to ask if the agency had received a fax she had sent. Instead of actually checking with the staff

person who handled faxes, or with the intended recipient of the fax, Barnes put the client on hold while she tended to a personal errand and then told the client she had checked although she had not. Barnes's action on August 16, 2017, is evidence of her failure to perform the job of receptionist. I **CONCLUDE** that the County proved by a preponderance of the evidence that Barnes violated N.J.A.C. 4A:2-2.3(a)(7), neglect of duty.

Other Sufficient Cause

There is no definition in the New Jersey Administrative Code for other sufficient cause; it is generally defined as all other offenses caused and derived as a result of all other charges against the appellant. There have been cases when the charge of other sufficient cause has been dismissed because "[r]espondent has not given any substance to the allegation." Simmons v. City of Newark, CSV 09122-99, Initial Decision (February 22, 2006), adopted, Merit System Board (April 5, 2006), <https://njlaw.rutgers.edu/collections/oal/>.

Respondent contends that appellant violated Monmouth County Policy 701, regarding employee conduct and work rules, Monmouth County Policy 722, regarding workplace etiquette, and the Monmouth County Policy regarding prohibiting workplace discrimination and harassment. As stated above, Monmouth County Policy 701 defines "unacceptable conduct" to include insubordination, conduct unbecoming a public employee, and neglect of duty. As Barnes was found to have violated the Civil Service Act with respect to each of these charges, and Monmouth County Policy 701 does not expand on the definition used in cases involving the Civil Service Act, I **CONCLUDE** that the County has proved by a preponderance of the credible evidence that Barnes violated Monmouth County Policy 701.

Monmouth County Policy 722 requires employees to "show respect and courtesy to each other." The County does not elaborate on the obligations imposed on employees by this policy, but by its plain language this policy regulates employees' conduct toward each other, rather than toward their supervisors or the public they serve. There are no allegations, much less sworn statements, regarding Barnes's treatment or mistreatment of her co-workers. Therefore, I **CONCLUDE** that the County has not proved by a preponderance of the undisputed evidence that Barnes violated Monmouth County Policy 722.

The Monmouth County Policy regarding prohibiting workplace discrimination and harassment states, in pertinent part:

Harassment is unwelcome conduct, which has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Any employee who knowingly or in reckless disregard of the truth makes a false accusation of discrimination and/or harassment or provides false or misleading information in the course of an investigation, will be disciplined, up to and including employment termination.

[FNDA, Attachment A.]

In her letter to the OPS of June 23, 2017, Barnes alleged conduct by Jaichner, her supervisor, on March 30, 2017, that would have resulted in an intimidating, hostile, and offensive work environment. Barnes's allegations could not be substantiated by the internal investigation, which included interviews with every other person present on March 30, 2017. Even if it were reasonable for Barnes to have felt harassed and/or intimidated by Jaichner, her response, once her allegations were investigated and deemed unfounded, was not reasonable. She went on to accuse Jaichner of criminal conduct in municipal court, in essence, falsely accusing him of assault. I **CONCLUDE** that the County proved by a preponderance of the credible evidence that Barnes violated the Monmouth County Policy regarding prohibiting workplace discrimination and harassment.

By virtue of her violations of the above-described Monmouth County policies, I **CONCLUDE** that Barnes is also in violation of other sufficient cause, under N.J.A.C. 4A:2-2.3(a)(12).

Penalty

In West New York v. Bock, 38 N.J. 500, 522 (1962), the New Jersey Supreme Court first recognized the concept of progressive discipline, under which "past misconduct can be a factor in the determination of the appropriate penalty for present misconduct." In re Herrmann, 192 N.J. 19, 29 (2007) (citing Bock, 38 N.J. at 522). The Court therein concluded

that “consideration of past record is inherently relevant” in a disciplinary proceeding, and held that an employee’s “past record” includes “an employee’s reasonably recent history of promotions, commendations, and the like on one hand and, on the other, formally adjudicated disciplinary actions as well as instances of misconduct informally adjudicated, so to speak, by having been previously brought to the attention of and admitted by the employee.” Bock, 38 N.J. at 523–24.

“Although we recognize that a tribunal may not consider an employee’s past record to prove a present charge, West New York v. Bock, 38 N.J. 500, 523 (1962), that past record may be considered when determining the appropriate penalty for the current offense.” In re Phillips, 117 N.J. 567, 581 (1990). Ultimately, however, “it is the appraisal of the seriousness of the offense which lies at the heart of the matter.” Bowden v. Bayside State Prison, 268 N.J. Super. 301, 205 (App. Div. 1993), certif. denied, 135 N.J. 469 (1994). The question to be resolved is whether the discipline imposed in this case is appropriate.

Barnes’s prior disciplinary history, as described in the FNDA, Kleinman Cert., Ex. O, includes the following:

1. August 24, 2016—twenty-day suspension without pay on charges of insubordination, conducting unbecoming a public employee, and boisterous and disruptive behavior in the workplace for compromising the security and integrity of a client’s confidential information by disclosing this information to an unidentified person Barnes had never met.
2. September 6, 2016—Notice of Counseling on charges of insubordination, conducting unbecoming a public employee, and boisterous and disruptive behavior in the workplace for accusing a supervisor of discrimination in a loud, unprofessional and inappropriate voice that was overheard by other employees.
3. September 21, 2016—three-day suspension without pay on charges of insubordination, conducting unbecoming a public employee, and boisterous and

disruptive behavior in the workplace for unacceptable workplace conduct and etiquette toward three superiors.

Here, the respondent has proven by a preponderance of the credible evidence the following charges against appellant: (1) incompetency, inefficiency, or failure to perform duties in violation of N.J.A.C. 4A:2-2.3(a)(1); (2) insubordination in violation of N.J.A.C. 4A:2-2.3(a)(2); (3) conduct unbecoming a public employee in violation of N.J.A.C. 4A:2-2.3(a)(6); (4) neglect of duty in violation of N.J.A.C. 4A:2-2.3(a)(7); and (5) other sufficient cause, under N.J.A.C. 4A:2-2.3(a)(12), due to violations of Monmouth County Policy 701, regarding employee conduct and work rules, and the Monmouth County Policy regarding prohibiting workplace discrimination and harassment. Respondent removed Barnes from her position because of these charges.

While no single incident involved in this matter may seem significant enough to warrant removal, the result is different when each is considered in light of Barnes's disciplinary history. This is Barnes's fourth time being found culpable of insubordination and conduct unbecoming a public employee in just over one year. Both the Civil Service Act and the Monmouth County policies include termination as an acceptable penalty for these offenses. The County uses very strong language to describe Barnes's behavior—offensive, improper, egregious. As is apparent from the procedural history in this matter, Barnes does not respond well when challenged by either a perceived adversary or by an authority figure who attempts to hold her accountable for misbehavior. She is not afraid to use allegations of wrongdoing—even when unsupported—to obtain justice, as she defines it. Unfortunately, such behavior does not make for conduct expected of public servants and has a negative impact on employee morale, as well as the general workplace environment.

Based upon consideration of the totality of the evidence, and with due consideration of appellant's prior disciplinary record, I **CONCLUDE** that the penalty of removal is reasonable, appropriate, and consistent with the policy of progressive discipline.

I **CONCLUDE** that respondent Monmouth County Department of Human Services has proved by a preponderance of the credible evidence the following charges against appellant Bernacine Barnes as contained in the FNDA dated October 13, 2017: N.J.A.C. 4A:2-2.3(a)(1), incompetency, inefficiency, or failure to perform duties; N.J.A.C. 4A:2-2.3(a)(2)/Monmouth

County Policy 701, insubordination; N.J.A.C. 4A:2-2.3(a)(6)/Monmouth County Policy 701, conduct unbecoming a public employee; N.J.A.C. 4A:2-2.3 (a)(7), neglect of duty; N.J.A.C. 4A:2-2.3(a)(12)/Monmouth County Policy 701 and the Monmouth County Policy regarding employee conduct and work rules prohibiting workplace discrimination and harassment.

ORDER

For the above reasons, I **ORDER** that the motion for summary decision of respondent Monmouth County Division of Social Services is **GRANTED**, the appeal of appellant Bernacine M. Barnes is **DISMISSED**, and that the following charges against appellant be and are hereby **SUSTAINED**: N.J.A.C. 4A:2-2.3(a)(1), incompetency, inefficiency, or failure to perform duties; N.J.A.C. 4A:2-2.3(a)(2)/Monmouth County Policy 701, insubordination; N.J.A.C. 4A:2-2.3(a)(6)/Monmouth County Policy 701, conduct unbecoming a public employee; N.J.A.C. 4A:2-2.3 (a)(7), neglect of duty; N.J.A.C. 4A:2-2.3(a)(12)/Monmouth County Policy 701 and the Monmouth County Policy regarding employee conduct and work rules prohibiting workplace discrimination and harassment.

Further, I **ORDER** that Barnes be removed from her position as senior receptionist at the Monmouth County Division of Social Services, effective August 17, 2017.

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.

August 15, 2025

DATE



TRICIA M. CALIGUIRE, ALJ

Date Received at Agency:

Date Mailed to Parties:

TMC/kl