



STATE OF NEW JERSEY

In the Matter of Jennifer Akturk,
Department of Corrections

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

CSC Docket No. 2025-1626

Minor Discipline Appeal

ISSUED: September 24, 2025 (SLK)

Jennifer Akturk, a Correctional Police Sergeant with the Garden State Youth Correctional Facility, Department of Corrections (DOC), appeals a five working days suspension.

The appellant received a five working days suspension on various charges related to an incident where she was late to work, not wearing a protective vest, and how she completed the Report of Lateness Form. On appeal, the appellant presented that the initial charges were retaliatory based on a hostile work environment complaint that she filed against a Correctional Police Lieutenant (Lieutenant). Further, the appellant alleged that she has been subject to charges due to lawsuits that she filed against the DOC. The appellant explained why she was not initially wearing her protective vest and she asserted that this Lieutenant, who is known for not wearing her protective vest, ordered her to put on her vest, which led her to go back to her car to retrieve it. Thereafter, the appellant filled out the late slip indicating that she had “zero” time late, and she made the “zero” a smiley face to add some joy. However, she alleged that the Lieutenant became irate and sought revenge by writing her up. The appellant claimed that other employees became outraged by these charges and provided her photographs demonstrating that the Lieutenant does not always wear her protective vest. Therefore, the appellant believed that it was only fair to reduce or eliminate the five working days suspension.

Division of Appeals and Regulatory Affairs staff sent a March 4, 2025, letter to the appellant indicating that the matter did not meet the standards for review of a minor discipline and closed the matter at that time. In response on September 5,

2025, the appellant states that she recognizes that her request to re-open the matter comes outside the “45-day period.” However, the appellant asks that the delay be excused for good cause. She explains that during the time after she received the March 4, 2025, letter, she was managing significant overlapping personal and professional obligations connected to ongoing legal and administrative matters, which affected her ability to submit within the technical deadline. The appellant asserts that this was not willful neglect, and she requests that the Civil Service Commission (Commission) allow her appeal to be considered in the interest of fairness and justice.

Concerning the merits, the appellant states that she complied immediately when ordered to retrieve and wear her vest, and no safety risk or insubordination occurred. She contends that the discipline imposed was therefore disproportionate to the alleged conduct. Additionally, the appellant asserts that the Lieutenant who initiated these charges is known for not wearing her protective vest without facing comparable discipline, which she claims highlights selective enforcement and disparate treatment. The appellant believes that this alleged unequal application of standards raises concerns of retaliation as she previously filed a hostile work environment complaint and legal actions against the DOC. Further, the appellant indicates that the emphasis placed on a small “smiley face” written on a lateness form is unsupported by any rule or policy and cannot reasonably constitute misconduct.

The appellant argues that this matter raises issues of general applicability regarding consistent enforcement of departmental rules, protection from retaliatory discipline, and the limits of managerial discretion, all of which fall squarely within the Commission’s review authority under *N.J.A.C. 4A:2-3.7*. The appellant contends that strict adherence to a technical filing deadline should not outweigh the Commission’s responsibility to ensure fairness, protect employee rights, and uphold due process.

Additionally, the appellant presents that she has been employed by the DOC since 2011 and was promoted to Correctional Police Sergeant in 2021. She notes that she previously prevailed in litigation against the DOC, in which the DOC’s Commissioner was identified as a witness on behalf of the State. The appellant claims that since that time she has experienced escalating disciplinary actions including a five working days suspension for a minor alleged infraction; coercion to sign a settlement agreement under threat of demotion; and a pending 120 working days suspension, which directly prevents her eligibility to be promoted to Correctional Police Lieutenant despite her qualifications. She argues that her disciplinary trajectory demonstrates a clear pattern of retaliation.

The appellant believes that the DOC Commissioner’s prior role as a State witness against her in prior litigation places her in an adversarial posture. As Commissioner, the appellant indicates that she now holds authority over the Office of Employee Relations, Special Investigation Division, and the entire disciplinary and

Equal Employment Division review process. The appellant contends that because every discrimination or retaliation complaint she files is reviewed under the DOC Commissioner's chain of command, she cannot reasonably be considered a neutral decision maker as this dual role creates a structural conflict of interest that violates the due process protections owed to her under *N.J.A.C.* 4A:2-2.1.

The appellant presents that it is routine practice for staff to enter the facility lobby not in full uniform and proceed to their gender-based locker rooms to change. Therefore, she states that her conduct was consistent with this accepted practice and posed no safety concern. Referring to the "smiley face," she states that the "smiley face" noted on the lateness form reflects her personal habit of frequently drawing small "smiley faces" on various documents. She indicates that she can provide prior examples showing this has never been treated as misconduct. She submits an "Overtime Authorization" document that she signed on December 23, 2024, where she signed the document with a "smiley face."

Therefore, the appellant requests that the five working days suspension be reversed or mitigated; the Commission recognize that the DOC's Commissioner's involvement represents a conflict of interest and due process violation; her complaint of retaliation be referred to a neutral, independent body outside of the DOC's leadership; and she be provided any additional relief deemed just and proper under Civil Service law and anti-retaliation protections. She concludes that the disciplinary actions taken against her cannot be separated from the conflict of interest created by DOC Commissioner's dual role as both a prior State witness and currently overseeing her employment discipline. She asserts that this unique posture undermines the fairness and legitimacy of the proceedings, and the Commission must act to protect both due process and the integrity of the Civil Service system.

CONCLUSION

N.J.A.C. 4A:2-1.1(b) provides that unless a different time period is stated, an appeal must be filed within 20 days after either the appellant has notice or should reasonably have known of the decision, situation, or action being appealed.

N.J.A.C. 4A:2-1.6(a) provides that within 45 days of receipt of a decision, a party to the appeal may petition the Commission for reconsideration.

N.J.A.C. 4A:2-3.7(a) provides that minor discipline may be appealed to the Commission. The rule further provides:

1. The [Commission] shall review the appeal upon a written record or such other proceeding as the Commission directs and determine if the appeal presents issues of general applicability in the interpretation of law, rule or policy. If such issues or evidence are not fully presented, the appeal may be dismissed

without further review of the merits of the appeal and the Commission's decision will be a final administrative decision.

2. Where such issues or evidence under (a)1 above are presented, the Commission will render a final administrative decision upon a written record or such other proceeding as the Commission directs.

Initially, it is noted that on March 4, 2025, staff sent the appellant a detailed letter indicating that the matter would be closed and not sent to the Commission for a final decision. Therefore, as the Commission did not issue a decision in this matter, the "45-day" time for reconsideration under *N.J.A.C. 4A:2-1.6(a)* is not applicable. However, as the appellant's request to re-open this matter was approximately six months after the matter was closed, which is well after 20 days from that decision, her appeal is untimely and cannot be considered. *See In the Matter of Joe Moody, Jr.* (CSC, decided January 15, 2020) and *N.J.A.C. 4A:2-1.1(b)*. Moreover, even if the appellant believed that the letter was considered a decision subject to the 45-day time under *N.J.A.C. 4A:2-1.6(a)*, her request to "reconsider" the matter was still well after 45 days. Further, the appellant's explanation for the delay, namely that she was managing significant overlapping personal and professional obligations connected to ongoing legal and administrative matters is unpersuasive. In that regard, if her challenge to the subject discipline was of such import, she should have made a concerted timely effort to have its review re-opened. As such, this matter is dismissed solely on that basis.

Regarding the merits, for informational purposes only, the standard under *N.J.A.C. 4A:2-3.7(a)* is in keeping with the established grievance and minor disciplinary procedure policy that such actions should terminate at the departmental level. In considering minor discipline actions, the Commission generally defers to the judgment of the appointing authority as the responsibility for the development and implementation of performance standards, policies and procedures is entrusted by statute to the appointing authority. The Commission will also not disturb minor discipline proceedings unless there is substantial credible evidence that such judgments and conclusions were motivated by invidious discrimination considerations, such as age, race or gender bias or were in violation of Civil Service rules. *See e.g., In the Matter of Oveston Cox* (CSC, decided February 24, 2010).

In this matter, the record indicates that the appellant acknowledged that she violated policies by not wearing her protective vest when she entered the facility, she had to go back to her car when ordered to put on her protective vest, and she put a "smiley face" on the Report of Lateness Form. Therefore, the appellant has not denied the allegations but instead has stated that the charges and penalty were unfair based on the explanation as to why she was not initially wearing her protective vest and because the Lieutenant does not always wear her protective vest. Moreover, the appellant claims that the charges and penalty issued against her were based on

alleged retaliation for a hostile workplace complaint that she previously filed against the Lieutenant as well as lawsuits filed against the DOC. However, while the appellant explains her actions, her explanation does not signify that she did not engage in the charged conduct. Further, the fact that the Lieutenant allegedly did not always wear her protective vest does not establish that the appellant did not engage in the charged conduct and is not a basis for the Commission to further review this matter. Similarly, as the appellant acknowledges that she engaged in the charged conduct, her contentions concerning the DOC Commissioner's alleged conflict of interest, routine past practices, and her history of using "smiley faces" are unpersuasive. Therefore, as the appellant was afforded a full departmental hearing, her claims do not meet the standard in *N.J.A.C. 4A:2-3.7(a)2*.

ORDER

Therefore, it is ordered that this appeal be denied.

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



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