



## STATE OF NEW JERSEY

In the Matter of Jennifer Zelenka,  
 Department of Children and Families

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

CSC Docket No. 2025-1390  
 OAL Docket No. CSV 02738-25

**ISSUED: FEBRUARY 2, 2026**

The appeal of Jennifer Zelenka, a Family Service Specialist 2 with the Department of Children and Families (DCF), of her release at the end of the working test period, effective December 15, 2024, was heard by Administrative Law Judge Advia Knight Foster (ALJ), who rendered her initial decision on December 8, 2025. No exceptions were filed.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, the Civil Service Commission (Commission), at its meeting on January 21, 2026, accepted and adopted the ALJ's Findings of Facts and Conclusions and her recommendation to uphold the release of the appellant at the end of the working test period.

The Commission makes the following comments. The ALJ found credible evidence showing, among other things, that the appellant failed to make timely service referrals following court hearings which resulted in significant delays; failed to complete tasks resulting in a supervisor performing the tasks herself; rescheduled required training unbeknownst to her supervisor; and failed to shadow a designated employee and chose her own employee to shadow contrary to her supervisor's instructions. Regarding the ALJ's finding that the appellant did not satisfy her burden of proof that the release at the end of the working test period was not effectuated in good faith, the ALJ stated that "DCF, including Zelenka's supervisors, did not show any animus or sinister motive in its assessment of Zelenka. For example, it extended Zelenka's working test period to help her pass." The Commission agrees with the foregoing assessment, and thus, affirms the recommendation to deny the appellant's challenge to her release at the end of the working test period.

**ORDER**

The Civil Service Commission finds that the action of the appointing authority in releasing the appellant at the end of the working test period was justified. The Commission therefore affirms that action and dismisses the appeal of Jennifer Zelenka.

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 21<sup>ST</sup> DAY OF JANUARY, 2026



---

Allison Chris Myers  
Chairperson  
Civil Service Commission

Inquiries

Dulce A. Sulit-Villamor  
Director

Correspondence

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

Attachment



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

**INITIAL DECISION**

OAL DKT. NO. CSV 02738-25

AGENCY DKT. NO. 2025-1390

**IN THE MATTER OF JENNIFER ZELENKA,  
DEPARTMENT OF CHILDREN AND FAMILIES.**

---

**Jennifer Zelenka**, petitioner, pro se

**Achchana Ranasinghe**, Deputy Attorney General, for respondent (Matthew J. Platkin, Attorney General of New Jersey, attorney)

Record Closed: November 3, 2025

Decided: December 8, 2025

BEFORE **ADVIA KNIGHT FOSTER**, ALJ:

**STATEMENT OF THE CASE**

On December 15, 2024, respondent, Department of Children and Families (DCF), terminated appellant, Jennifer Zelenka, at the end of an extended working test period (WTP). DCF provided an improvement plan and feedback, but Zelenka failed to make, among other things, timely court-ordered service referrals and worker-parent visits. Is Zelenka eligible for a new WTP? No. To qualify for a new WTP, an appellant must show that the employer acted in bad faith. N.J.A.C. 4A:2-4.3.

## **PROCEDURAL HISTORY**

On December 18, 2024, DCF notified Zelenka that she was terminated at the end of her WTP. On December 19, 2024, Zelenka filed an appeal with the New Jersey Civil Service Commission, and on December 28, 2024, she filed an addendum. On February 3, 2025, the Commission sent Zelenka a notice of non-payment of her appeal fee. On February 5, 2025, the Commission transmitted the case to the Office of Administrative Law, where it was filed as a contested case for hearing. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13. On April 21, 2025, the case was assigned to me, and on May 13, June 17, 2025, and August 1, 2025, I held prehearing telephone conferences. On October 1, 2025, I heard the case and kept the record open to allow for post-hearing briefs. On November 3, 2025, I received the briefs and closed the record upon receipt.

## **FINDINGS OF FACT**

On June 15, 2024, Zelenka, a non-competitive permanent trainee, began her WTP as a Family Service Specialist 2 in the Permanency Department. Her job duties included, but were not limited to, serving families in crisis, assisting adults with substance abuse issues, assisting with domestic violence cases, and assisting families with children who have behavioral issues.

As a Family Service Specialist 2, Zelenka worked in the Permanency Department and had to make service referrals following court hearings within the court-mandated timeframe, to complete worker-parent visits to provide status reports to parents, and to identify new needs to assist the reunification of children with their families.

On September 19, 2024, Zelenka expressed a desire to move to the Intake Department but did not move until early November 2024. (R-10.) This department conducts investigations into allegations of child abuse and neglect.

Monique Ross was a Permanency Supervisor for Zelenka during the WTP, except for two weeks in late October 2024 to early November 2024. Denise Adams, DCF manager in human resources, trained Ross in WTP procedures. During four months of

Zelenka's WTP, limited office space existed because the office moved to Cherry Hill and West Deptford, and the employees were permitted to work from home. Ross met regularly with Zelenka in person or virtually and communicated through email and telephone. Ross reviewed the Safe Measure guidelines that provided instructions for Zelenka in carrying out her job duties. Moreover, the safety guidelines were linked to the task list for each client to ensure Zelenka knew what was required. Ross was out on medical leave for a brief period in November 2024, but there were several other supervisors, including a caseworker supervisor and a tier supervisor, who assisted employees in her absence.

DCF initially issued a four-month working test period from June 15, 2024, to October 15, 2024, and after Ross requested an extension, the WTP was approved for an additional two months through December 15, 2024, for a total of six months. (J-1.) Zelenka received a satisfactory rating on her first progress report ending August 15, 2024. (J-2.) On her second progress report, ending October 15, 2024, Zelenka received an improvement plan and an unsatisfactory rating. (J-3.) Ross requested an extension. (*Ibid.*) The unsatisfactory rating was based on Zelenka's failure to make timely service referrals following the court hearings, which resulted in significant delays. (*Ibid.*) For example, Zelenka was to refer a child "TM" to Parent Support Services under a court order dated August 6, 2024, but failed to make the referral until September 17, 2024. In another case involving child "ES," Ross instructed Zelenka to refer ES's parent to an independent psychologist to conduct a psychiatric evaluation, but Zelenka took more than three weeks to make the referral. Also, Zelenka failed to complete or timely complete worker-parent visits. (*Ibid.*) The DCF must hold regular meetings with parents because it is a prerequisite for reuniting children and their families. Zelenka failed to meet with TM's parent during August and September 2024 despite the opportunity to do so when the parent showed up at the DCF building on September 30, 2024. At the time of the second progress report, DCF requested an extension and developed an improvement plan. (*Ibid.*) Zelenka received a satisfactory marking on the third progress report ending November 15, 2024. (J-4.)

On September 19, 2024, Zelenka learned of a transfer to the Intake Department and requested the transfer. In early November 2024, Zelenka was scheduled to transfer

to the intake unit, but prior to doing so, she had to complete six assignments from the permanency unit. Assignments were pending from February 21, 2024, through August 2, 2024. One week prior to the transfer, the intake supervisor, Rose Krawiecki, met with Zelenka to address the old work assignments and trained her on how to remove them from her workload. After meeting with Zelenka, Krawiecki reviewed Zelenka's queue to obtain a status and discovered the old assignments were still pending and notified Ross. Ross contacted Zelenka about the old assignments, and Zelenka acknowledged the old assignments but replied that she "should be ok." However, Zelenka never completed them and never requested assistance, so Krawiecki completed the tasks herself.

Before Zelenka could conduct child abuse and neglect investigations in the intake unit, which make up the bulk of the duties as an investigator, she had to complete a First Responder's course. Without prior approval from Krawiecki, Zelenka changed the First Responder's training to a later date because Bordentown was closer to her home. Zelenka spent two weeks in the intake unit and shadowed and assisted other workers but could not complete any substantive work since she needed the training. Zelenka was also difficult to reach during the day while in the intake unit. After receiving a request to complete a status form for the WTP from the administrative assistant, Krawiecki informed the administration that she could not assess Zelenka because her company policy prevented Zelenka from changing supervisors during the WTP. Krawiecki declined to continue supervising Zelenka. So, Zelenka moved back to the permanency department.

Zelenka received an unsatisfactory rating on the last progress report ending on December 15, 2024, and DCF terminated her.

Zelenka's claim that she did not meet with Ross between October 16, 2024, and December 18, 2024, and received no improvement plan, is inconsistent with the documentary evidence and testimony. (J-4.) Further, Zelenka's claim that it was difficult to schedule her parent-worker visit with TM, a client, because the client was unavailable, was also inconsistent with the documentary evidence showing she had an opportunity to conduct the meeting on September 30, 2024, when the client was at the DCF office. (Ibid.)

In short, Zelenka had an extended WTP and received four progress reports. Zelenka did not timely complete her work assignments in the Permanency Department despite DCF offering feedback and correction. Ross, her supervisor, met Zelenka weekly by phone, Zoom, or in person and provided progress reports. Further, DCF extended Zelenka's WTP to give Zelenka an opportunity to pass her WTP. Zelenka requested a transfer and was transferred to the Intake Department with Krawiecki, a different supervisor, for two weeks but did not perform any substantive work. Zelenka failed to complete her permanency job assignments that were pending despite training by Krawiecki. Zelenka also defied Krawiecki's instructions to shadow an employee that Krawiecki designated, chose her own employee to shadow instead, and changed her training session without supervisor approval.

### **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 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 working test period. 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. In addition, N.J.A.C. 4A:4-5.4(a) and (b) provide that an employee may be separated for unsatisfactory performance at the end of the working test period. Moreover, the WTP is not the time for the employee to receive additional training to qualify him or her for the

position; 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).

To refute a release at the end of a WTP, an employee must show that the employer or appointing authority acted in bad faith. N.J.A.C. 4A:2-4.3(b). 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 judgment 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). 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 v. New Jersey Dep't of Labor, 96 N.J.A.R. 2d (CSV) 853, 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 Dep't of Code Enft, 92 N.J.A.R.2d (CSV) 155, 157.

In this case, DCF, including Zelenka's supervisors, did not show any animus or sinister motive in its assessment of Zelenka. For example, it extended Zelenka's working test period to help her pass. Ross also provided feedback, instruction, and correction, but Zelenka failed to satisfactorily perform her duties. Although Ross was out on medical leave for a brief period in November 2024, there were other supervisors available if Zelenka required assistance. The DCF also had Safe Measure Guidelines in place linked to each case to instruct the worker how to complete tasks related to her job duties. Despite those assistive tools, Zelenka failed to satisfactorily complete her WTP. Moreover, Zelenka delayed service referrals, which contradicted the Safe Measure Guidelines and caused greater risk of harm to vulnerable children and their families by preventing parents and children from obtaining the counseling and training they needed. By failing to complete parent visits, Zelenka could not assess the parents for signs of questionable behavior that could put their children at greater risk of harm, which is

contrary to the goals of DCF. Since parent meetings are required prior to the reunification of children and families, Zelenka's failure to meet with parents delayed these potential reunions. These failures by Zelenka demonstrate her lack of fitness for the job. If the transfer to the intake department with a different supervisor constituted an error, I did not find the error a fatal one since it was only about two weeks, and Zelenka was not required to perform any substantive work and only shadowed or assisted other workers.

Further, Zelenka failed to establish bad faith by DCF during that period. During this transfer period, Zelenka defied her supervisor's instruction regarding shadowing an employee and unilaterally changed her training session. Therefore, given my findings of fact and this discussion of law, I **CONCLUDE** that DCF did not show any bad faith when it concluded that Zelenka failed her WTP and that Zelenka is consequently ineligible for a new WTP.

### **ORDER**

I **ORDER** that Zelenka is **INELIGIBLE** for a new WTP 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.

December 8, 2025

DATE



**ADVIA KNIGHT FOSTER, ALJ**

Date Received at Agency:

December 8, 2025

Date Mailed to Parties:

December 8, 2025

AKF/tc

**APPENDIX**

**Witnesses**

**For petitioner:**

None

**For respondent:**

Monique Ross  
Denise Adams  
Rose Krawiecki

**Exhibits**

**Joint:**

- J-1 Request for extension of WTP, dated October 2, 2024
- J-2 Progress report, dated July 22, 2024
- J-3 Progress report, dated September 16, 2024
- J-4 Progress report, dated October 16, 2024
- J-5 Progress report, dated November 14, 2024

**For appellant:**

None

**For respondent:**

- R-1 not in evidence
- R-2 not in evidence
- R-3 not in evidence
- R-4 not in evidence
- R-5 not in evidence
- R-6 not in evidence

- R-7 Zelenka's workload search in the Spirit database
- R-8 Email chain between Zelenka and Ross, dated November 18, 2024
- R-9 Email chain between Zelenka and Durkin, dated September 19, 2024