



STATE OF NEW JERSEY

In the Matter of J.J., Passaic County

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

CSC Docket No. 2025-2432

Administrative Appeal

ISSUED: February 25, 2026 (SLK)

J.J., a former Building Maintenance Worker with Passaic County, appeals her resignation in good standing effective February 7, 2024.

In her appeal filed on May 9, 2025, the appellant presents that she began her employment as a Building Maintenance Worker on August 2, 2022. Further, she indicates that on December 13, 2023, she received notice that she was being disciplined following an incident involving workplace harassment. The appellant also claims that she was harassed and responded in self-defense, and she indicates that she received a second disciplinary action on January 2, 2024, also in response to harassment. Additionally, the appellant states that she reported to human resources the individuals who she claimed were harassing her, but it did not take any meaningful steps to stop the harassment that she was receiving. Moreover, the appellant indicates that when she approached her union, instead of advocating on her behalf, it presented her with a resignation letter and threatened that if she did not sign it, she would be “blackballed” from working with the county in the future. Further, the appellant maintains that she never drew up the resignation papers as the union representative did. She contends that by law, she was supposed to do so on her own. The appellant also submits that she was not allowed to step foot inside the courthouse to find out about her appeals. She states that since she never previously had a county or State job, she did not know the protocol that she was supposed to resign on her own. Finally, the appellant emphasizes her vulnerable mental and emotional state at that time because she was grieving the loss of her

father and grandmother, and without support from either human resources or her union, she signed the resignation letter under duress to escape the hostile environment. Therefore, the appellant argues that her resignation was not voluntary. Rather, it was based on coercion, intimidation, and the failure of the employer and her union to protect her from workplace harassment.

In response, the appointing authority, represented by Nadege D. Allwaters, County Counsel, presents that the appellant was a Building Maintenance Worker until February 15, 2024, when she signed a settlement agreement which allowed her to resign in good standing in exchange for the dismissal of all disciplinary charges. It notes that her supervisor cited her for poor job performance. Additionally, the appointing authority indicates that the appellant had been cited for insubordination, conduct unbecoming a public employee, failing to follow directives, ignoring feedback, failing to perform assigned tasks, being disrespectful, and raising her voice at others in the workplace. It asserts that the appellant has a documented history of not performing her duties and sitting and using her phone while on duty. Moreover, the appointing authority provides that the appellant's conduct first led to a settlement where she served an 11-day suspension from December 15, 2023 to December 29, 2023. Thereafter, it states that the appellant received additional disciplinary write ups for conduct and performance issues which led to a second settlement, where on February 15, 2024, the appellant voluntarily resigned in good standing in exchange for the dismissal of all pending charges.

Additionally, the appointing authority argues that the Civil Service Commission (Commission) lacks jurisdiction over the appellant's voluntary resignation. It notes that *N.J.S.A. 11A:2-14* and *N.J.S.A. 11A:2-6* provide that the Commission is authorized to render decisions regarding removal, suspensions, a fine or disciplinary demotion and termination at the end of a working test period. Further, the appointing authority highlights that under *N.J.S.A. 11A:2-15*, appeals to the Commission must be filed within 20 days of the final written determination. It contends that the Commission has not been granted jurisdiction over voluntary resignations that fall outside of its statutorily defined scope. The appointing authority claims that under New Jersey law, voluntary resignations are not appealable to the Commission. It emphasizes that settlement agreements are binding contracts that should be enforced. Further, the appointing authority reiterates that the appellant's appeal is untimely as her May 9, 2025 appeal was filed approximately 15 months after the 20-day time period for filing appeals. Moreover, it asserts that even considering exceptions to the time period, her appeal is still untimely. The appointing authority underscores that the settlement is binding, enforceable, and governed by contract law principles and New Jersey law strongly favors the enforcement of settlement agreements. It believes that the appellant benefited from the settlement agreement as she was able to resign in good standing rather than face potential termination or further disciplinary action. The appointing authority asserts that there was no evidence that the agreement was executed under

fraud, duress, or other circumstances that would render it unenforceable. It contends that under Civil Service law and rules, the appellant's documented performance and conduct issues provided legitimate grounds to discipline her. Additionally, the appointing authority maintains that it followed proper procedural requirements for disciplinary actions by first issuing a Preliminary Notice of Disciplinary Action and then a Final Notice of Disciplinary Action. Finally, it states that it demonstrated a reasonable approach to progressive discipline.

CONCLUSION

N.J.A.C. 4A:2-6.1(d) provides that where it is alleged that a resignation was the result of duress or coercion, an appeal may be made to the Commission under *N.J.A.C.* 4A:2-1.1.

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:2-1.4(c) provides that the burden of proof shall be on the appellant in this matter.

Initially, it is noted that the Commission disagrees with the appointing authority's assertion that it does not have jurisdiction. The appellant alleges that she did not voluntarily resign in good standing, and her resignation was made under duress. Accordingly, the Commission has the authority to review this matter. See *N.J.A.C.* 4A:2-6.1(d).

However, the Commission agrees that this matter is untimely and cannot be considered. Specifically, agency records indicate that the appellant resigned in good standing, effective, February 7, 2024,¹ while the appellant's appeal was received on May 9, 2025, which is well after the 20-day time period to submit an appeal. See *N.J.A.C.* 4A:2-1.1(b).

Regarding the merits, for information purposes only, *N.J.A.C.* 4A:2-6.1(d) allows an employee to appeal a resignation in good standing if the resignation was the result of duress or coercion. In this regard, an appellant has the burden of proving by a preponderance of the evidence that the resignation was the result of duress or coercion on the appointing authority's part. In New Jersey, the law concerning the concept of duress has been extensively examined. As stated by Administrative Law Judge Robert S. Miller and affirmed in *In the Matter of Dean Fuller* (MSB, decided May 27, 1997):

¹ The appointing authority indicates that the appellant's resignation in good standing was effective February 15, 2024. However, the County and Municipal Personnel System indicates that her resignation was effective February 7, 2024.

Duress is a force, threat of force, moral compulsion, or psychological pressure that causes the subject of such pressure to become overborne and deprived of the exercise of free will. *Rubenstein v. Rubenstein*, 20 *N.J.* 359, 366 (1956) . . . This test is subjective, and looks to the condition of the mind of the person subjected to coercive measures, not to whether the duress is of “such severity as to overcome the will of a person of ordinary firmness.” [*Shanley & Fisher, P.C. v. Sisselman*, 215 *N.J. Super.* 200, 212 (App. Div. 1987)] (citation omitted). Therefore, “the exigencies of the situation in which the alleged victim finds himself must be taken into account.” *Id.* at 213, quoting *Ross Systems v. Linden Dari-Delite, Inc.*, 35 *N.J.* 329, 336 (1961).

However, a party will not be relieved of contractual obligations “in all instances where the pressure used has had its designed effect, in all cases where he has been deprived of the exercise of his free will and constrained by the other to act contrary to his inclination and best interests.” *Wolf v. Marlton Corp.*, 57 *N.J. Super.* 278, 286 (App. Div. 1959). Rather, “the pressure must be wrongful, and not all pressure is wrongful.” *Rubenstein, supra* at 367. Further, “it is not enough that the person obtaining the benefit threatened intentionally to injure . . . provided his threatened action was legal . . .” *Wolf, supra* at 286, quoting 5 Williston, *Contracts* (rev. ed. 1937), § 1618, p. 4523.

It is a “familiar general rule . . . that a threat to do what one has a legal right to do does not constitute duress.” *Wolf, supra* at 287. “A ‘threat’ is a necessary element of duress, and an announced intention to exercise a legal right cannot constitute a threat.” *Garsham v. Universal Resources Holding, Inc.*, 641 *F. Supp.* 1359 (D.N.J. 1986). Thus, as long as the legal right is not exercised oppressively or as a means of extorting a settlement, the pressure generated by pursuit of that right cannot legally constitute duress. *See generally, Great Bay Hotel & Casino, Inc. v. Tose*, 1991 *W.L.* 639131 (D.N.J. 1991) (unrep.) and citations therein.

An appointing authority has a legal right to pursue disciplinary action against an employee. Thus, the pursuit of disciplinary action cannot constitute duress unless an appointing authority pursued its legal right in an oppressive manner or purely as a means to extort a settlement. As stated by the court in *Ewert v. Lichtman*, 141 *N.J. Eq.* 34, 36 (Ch. Div. 1947):

Assuredly action taken by one voluntarily and as a result of a deliberate choice of available alternatives cannot ordinarily be ascribed to duress. (citation omitted). Thus, although the appellant may have accepted the

settlement under the weight of adversity and was subject to stress, courts . . . should act with supreme caution in abrogating and countermanding such dealings. The qualities of the bargain which the litigant once regarded as expedient and pragmatic ought not to be reprocessed by the court into actionable duress. *Id.* at 38.

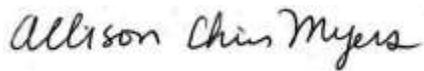
In this matter, while Commission can appreciate the personal issues that the appellant was experiencing at the time she resigned, under Civil Service law and rules, a resignation in the face of discipline is not considered duress or coercion. Rather, it is considered a personal choice based on the belief that she would be removed from employment otherwise. *See In the Matter of Claudia Grant* (MSB, decided June 8, 2005). Additionally, the appellant's belief that she was not represented properly by her union does not negate her personal choice to resign in the face of discipline.

ORDER

Therefore, it is ordered that this appeal be dismissed as untimely.

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 25TH DAY OF FEBRUARY, 2026



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