



which were included in the Internal Affairs report dated October 3, 2022.<sup>1</sup> In that regard, the Commission acknowledges that the ALJ, who has the benefit of hearing and seeing the witnesses, is generally in a better position to determine the credibility and veracity of the witnesses. *See Matter of J.W.D.*, 149 N.J. 108 (1997). “[T]rial courts’ credibility findings . . . are often influenced by matters such as observations of the character and demeanor of the witnesses and common human experience that are not transmitted by the record.” *See also, In re Taylor*, 158 N.J. 644 (1999) (quoting *State v. Locurto*, 157 N.J. 463, 474 (1999)). Additionally, such credibility findings need not be explicitly enunciated if the record as a whole makes the findings clear. *Id.* at 659 (citing *Locurto, supra*). The Commission appropriately gives due deference to such determinations. However, in its *de novo* review of the record, the Commission has the authority to reverse or modify an ALJ’s decision if it is not supported by sufficient credible evidence or was otherwise arbitrary. *See N.J.S.A. 52:14B-10(c); Cavaliere u. Public Employees Retirement System*, 368 N.J. Super. 527 (App. Div. 2004). The Commission finds no persuasive evidence in the record or in the appellant’s exceptions to demonstrate that the ALJ’s credibility determinations of the witnesses who testified, or her findings and conclusions based on those determinations, were arbitrary, capricious or unreasonable. Accordingly, the Commission affirms those determinations and the findings and conclusions made therefrom.

Regarding the penalty, similar to its review of the underlying charges, the Commission’s review of the penalty is *de novo*. In addition to its consideration of the seriousness of the underlying incident in determining the proper penalty, the Commission also utilizes, when appropriate, the concept of progressive discipline. *West New York v. Bock*, 38 N.J. 500 (1962). In determining the propriety of the penalty, several factors must be considered, including the nature of the appellant’s offense, the concept of progressive discipline, and the employee’s prior record. *George v. North Princeton Developmental Center*, 96 N.J.A.R. 2d (CSV) 463. However, it is well established that where the underlying conduct is of an egregious nature, the imposition of a penalty up to and including removal is appropriate, regardless of an individual’s disciplinary history. *See Henry v. Rahway State Prison*, 81 N.J. 571 (1980). It is settled that the theory of progressive discipline is not a “fixed and immutable rule to be followed without question.” Rather, it is recognized that some disciplinary infractions are so serious that removal is appropriate notwithstanding a largely unblemished prior record. *See Carter v. Bordentown*, 191 N.J. 474 (2007).

In this matter, the Commission agrees with the ALJ that removal is the only appropriate penalty. While the Commission notes that the appellant was a long-term employee at the time of her removal, it cannot be ignored that she had a previous history of similar misconduct. In this regard, the ALJ noted that from 2013 to 2022,

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<sup>1</sup> Hearsay evidence is admissible before the OAL as long as some legally competent evidence exists to support each ultimate finding of fact to an extent sufficient to provide assurances of reliability and to avoid the fact or appearance of arbitrariness. *See N.J.A.C. 1:1-15.5(b)* (Also known as the Residuum Rule).

the appellant received two written warnings, a one-day suspension, and a five-day suspension<sup>2</sup> due to verbal altercations with other employees. In addition, in 2022, the appellant was referred to the Metro Employee Assistance program for conflict resolution and anger management. In the present matter, despite her participation in this program and prior discipline, the appellant was the aggressor and she had to be restrained by a fellow employee and two Police Officers. Given this history and in light of the egregious misconduct presented in this matter, the application of progressive discipline supports the appellant's removal from employment. Accordingly, the charges as upheld by the ALJ are sustained, and the penalty of removal is not disproportionate to the offense.

### ORDER

The Civil Service Commission finds that the appointing authority's action in removing the appellant was justified. The Commission, therefore, affirms that action and dismisses the appeal of Leah Boyer.

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 18<sup>TH</sup> DAY OF MARCH, 2026

*Dolores Gorczyca*

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Dolores Gorczyca  
Member  
Civil Service Commission

Inquiries  
and  
Correspondence

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

Attachment

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<sup>2</sup> It is noted that a review of the available record does not find a Preliminary Notice of Disciplinary Action (PNDA) or Final Notice of Disciplinary Action (FNDA) which indicates a five-day suspension. However, as noted by the ALJ, the appellant was served with an FNDA dated July 20, 2016 for conduct arising from a conversation between the appellant and another employee and she was given a three-day suspension.



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

**INITIAL DECISION**

OAL DKT. NO. CSV 05138-23

AGENCY DKT. NO. 2023-2652

**IN THE MATTER OF LEAH BOYER,  
CITY OF TRENTON, DEPARTMENT  
OF ADMINISTRATION.**

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**Leah D. Boyer**, appellant, pro se

**Palmer J. Richardson, Esq.**, for respondent, (City of Trenton, Department of Administration, attorneys)

Record Closed: January 2, 2026

Decided: February 9, 2026

**BEFORE NICOLE T. MINUTOLI, ALJ:**

**STATEMENT OF THE CASE**

Appellant Leah Boyer appeals the decision of respondent City of Trenton Department of Administration (Trenton) to remove her from her position as principal payroll clerk for alleged violations of N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee, and N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause, specifically, misconduct, violation of N.J.S.A. 40A:14-147. Boyer denies the charges and asserts that Trenton failed to meet its burden of proving them. Should Boyer be removed from her position as principal payroll clerk with Trenton? Yes. Trenton established by a

preponderance of the competent, relevant, and credible evidence that Boyer committed the offenses by engaging in a verbal altercation with a fellow employee, walking aggressively toward that employee in a boisterous manner, and having to be restrained by another employee.

### **PROCEDURAL HISTORY**

On September 20, 2022, Trenton served Boyer with a Preliminary Notice of Disciplinary Action, charging her with violations of N.J.A.C. 4A:2-2.3(a)(6) (conduct unbecoming of a public employee); N.J.S.A. 40A:14-147 (misconduct); and N.J.A.C. 4A:2-2.3(a)(12) (other sufficient cause, specifically misconduct). On September 28, 2022, Trenton Police Department (TPD) served Boyer with an Amended Preliminary Notice of Disciplinary Action, charging her with numerous violations of N.J.A.C. 4A:2-2.3(a)(6) (conduct unbecoming a public employee); N.J.S.A. 40A:14-147 (misconduct); and N.J.A.C. 4A:2-2.3(a)(12) (other sufficient cause).

On March 27, 2023, following the conclusion of a departmental hearing, Trenton served Boyer with a Final Notice of Disciplinary Action (FNDA), sustaining one violation of N.J.A.C. 4A:2-2.3(a)(6) (conduct unbecoming a public employee), and one violation of N.J.A.C. 4A:2-2.3(a)(12) (other sufficient cause), specifically, N.J.S.A. 40A:14-147 (misconduct). Both charges stem from alleged conduct on September 19, 2022, during which Boyer engaged in a verbal altercation with a fellow employee, walked aggressively toward the employee in a boisterous manner, and was restrained by another employee.

On April 17, 2023, Boyer filed an appeal with the Civil Service Commission (CSC). On June 12, 2023, the CSC transmitted the matter to the Office of Administrative Law, where it was filed for determination as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -23.

On May 7 and May 8, 2025, and August 20, 2025, the parties appeared for in-person hearings, during which testimony was taken, and documents were admitted into evidence. The record remained open for the parties to obtain transcripts and submit post-hearing briefs. I received post-hearing briefs, and on January 2, 2026, I closed the record.

**DISCUSSION AND FINDINGS OF FACT**

Based upon the testimony the parties provided and my assessment of their credibility, together with the documents and videos the parties submitted and my evaluation of their sufficiency, I **FIND** the following **FACTS**:

At the time of the alleged incident on September 19, 2022, Boyer was employed by the TPD's Fiscal Management Unit (the Unit) as a principal payroll clerk. She had worked in the Unit since approximately August 2022, following her transfer from the City's Business Administrator's Office. In total, Boyer had been employed by the City of Trenton for approximately fifteen years in various titles.

Geve Rene has been a clerk typist in the Unit since January 2022. After ninety days of performing the duties of a clerk typist, she was advised that her supervisor, a principal payroll clerk, would be leaving and that she would be promoted to that title. Rene's supervisor began training her to assume the principal payroll clerk position, and in June 2022, when the supervisor left, Rene was performing the principal payroll clerk duties. (R-2.)

In late July 2022, Rene was informed that Boyer had been appointed to the principal payroll clerk position and that she would not receive the title. Rene was upset and disappointed but did not feel any anger towards Boyer. (R-2.)

In August 2022, Boyer was transferred to the Unit as a principal payroll clerk, supervising Rene and reporting to lieutenant Alexis Durlacher.

During the first two weeks of working together, Rene and Boyer were cordial toward each other. Rene showed Boyer the locations of office paperwork, assisted in locating information on the server, and provided additional information to help Boyer complete payroll. Boyer asked Rene questions to understand the position and its responsibilities. After two weeks, Boyer's demeanor changed. She became rude and nasty toward Rene and other employees. There was noticeable tension between Boyer

and Rene. (R-1; R-2; R-3.) Before Boyer began working in the Unit, there was no tension in the Unit.

On or about August 10, 2022, Boyer took all payroll duties away from Rene, leaving Rene with no duties or responsibilities. Boyer explained that she intended to perform all duties herself because that was how she would learn them. Although Durlacher advised Boyer against this, she gave Boyer the flexibility to use her own methods. Durlacher also assigned Rene to assist Vivian Arrington in the procurement component of the Unit.<sup>1</sup> (R-1; R-2; R-14.)

On or about August 18, 2022, Boyer requested that Rene analyze, assemble, print, and send an overtime report. Rene asserted that it was outside the scope of her clerk-typist duties. After Boyer explained the responsibilities of her position, Rene agreed and performed the requested work. Rene continued to work with Arrington and had little contact or communication with Boyer. (R-2; R-14.)

On or about September 18, 2022, at approximately 3:25 p.m. in the Fiscal Management Unit, a conversation between Boyer and Rene regarding first-aid kits for the TPD escalated into a verbal altercation. Specifically, a police lieutenant visited the Unit and requested that Arrington and Rene order first-aid kits. Boyer, overhearing the conversation, interjected herself into the discussion, even though ordering first-aid kits is handled by the procurement component, not payroll. Arrington requested that Rene review the costs of the first-aid kits with the vendor. (R-1; R-2; R-3.)

Five to ten minutes later, Boyer walked out of her office and approached Rene, who was at her desk working. Boyer, in an antagonistic way, asked Rene if she had "anything to say to her." Rene replied that if she had something to say, she would have said it. Boyer continued, stating that Rene was disrespecting her in front of Arrington. At this point, Boyer was facing Rene directly. Boyer continued to antagonize Rene, yelling and asking if she was mad because Boyer was the "senior payroll clerk." (R-1; R-2; R-3.)

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<sup>1</sup> The Fiscal Management Unit consists of a payroll and a procurement component. Each component has different duties and responsibilities.

Rene responded by telling Boyer to “get a degree,” that Boyer was good for “lying on your back and having children,” and “nobody wants you.” Boyer was shocked by Rene’s personal attack and became increasingly loud. At that point, Arrington, who had heard the altercation thus far, left her office and attempted to move Boyer into her office. Arrington intervened because Boyer was in Rene’s “face,” and she feared a physical altercation would have transpired. Arrington tried to calm Boyer and hold her back, but Boyer became louder and more aggressive. (R-1; R-2.)

Police officer Nadia Lopez and another police officer overheard the commotion and came to assist. With the help of Arrington, the three were trying to keep Boyer away from Rene for fear that Boyer would strike Rene. As Arrington was attempting to get Boyer away and into her office, Boyer was yelling, “Get the fuck off me.”<sup>2</sup> (R-1; R-3.) Boyer was eventually moved into her office.

Boyer was the aggressor in this altercation, and had Arrington and Lopez not intervened, the argument would have escalated into physical violence.<sup>3</sup> (R-1.)

Boyer’s disciplinary history was also made part of the record through R-9, R-17, R-18, and R-19.

On or about June 10, 2013, Boyer was served with a Final Notice of Disciplinary Action for violating N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming of a public employee, specifically, yelling and disrupting a court in session, using inappropriate language, and leaving a meeting abruptly before it concluded. (R-17.) Boyer was given a one-day suspension.

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<sup>2</sup> Boyer either said “get the fuck off me” or “get your fucking hands off me.”

<sup>3</sup> Police officer Nadia Lopez did not testify; however, she was interviewed by the Internal Affairs Unit (IA), and her interview was included in the IA report dated October 3, 2022, marked as R-1. Although the interview notes constitute hearsay, I am permitted to rely on them because two other witnesses corroborate Lopez’s statements.

On June 13, 2013, Boyer was issued a written warning for short-term sick abuse. (R-18.)

On July 22, 2016, Boyer was served with a Final Notice of Disciplinary Action for a violation of N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee, specifically, conduct arising from a conversation between Boyer and another employee. (R-19.) Boyer was given a three-day suspension.

On January 31, 2022, Boyer was issued a written warning for conduct unbecoming of an employee arising from a verbal altercation with Ericka Randall on November 21, 2021. (R-9.) Boyer was referred to the Metro Employee Assistance (Metro) program for conflict resolution and anger management. Boyer introduced P-1 into evidence, a memorandum from Metro confirming that Boyer had spoken with its counselor and would continue to meet with her private therapist.

### **DISCUSSION AND 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). An employee may be subject to discipline for several reasons, including conduct unbecoming a public employee, N.J.A.C. 4A:2-2.3(a)(6), and misconduct, N.J.S.A. 40A:14-147. Major disciplinary action for such infractions may include removal, disciplinary demotion, or suspension for more than five working days. N.J.A.C. 4A:2-2.2(a).

The Act protects classified employees from arbitrary dismissal and other onerous sanctions. See In re Shavers-Johnson, 2014 N.J. AGEN LEXIS 439 (July 30, 2014), adopted, 2014 N.J. AGEN LEXIS 1049 (Sept. 3, 2014); Prosecutor’s Detectives & Investigators Ass’n v. Hudson Cnty. Bd. of 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). To determine whether a penalty is reasonable, the employee’s record may be reviewed to determine the appropriate penalty for the specific offense at issue. “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.” Shavers-Johnson, 2014 N.J. AGEN LEXIS 439 at \*44. Major disciplinary action may include suspension or removal, depending on the incident in question and the employee’s record. See West New York v. Bock, 38 N.J. 500, 522–24 (1962) (describing progressive discipline).

The issue to be addressed here is whether a preponderance of the credible evidence establishes that Boyer’s actions violate the FNDA’s charges. If so, the question is whether the violation warrants removal under the FNDA or any other penalty.

The appellant is charged with violating N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee; N.J.A.C. 4A:2-2.3(a)(7), and N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause, specifically, misconduct, N.J.S.A. 40A:14-147.

### **Conduct Unbecoming a Public Employee**

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 02768-02, Initial Decision (Feb. 24, 2003), adopted, Merit Sys. Bd. (Apr. 9, 2003), <http://njlaw.rutgers.edu/collections/oal/>. “Conduct unbecoming a public employee” is an elastic phrase that encompasses conduct that adversely affects the morale or efficiency of a governmental unit or tends 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 improper behavior under the circumstances; it may be less serious than a violation of the law, but it is inappropriate for a public employee because it disrupts governmental operations.

Here, I found that Boyer was the aggressor in the altercation between herself and Rene. Boyer antagonized Rene, escalating the situation to the point that she required restraint by three TPD employees. In addition, Boyer's response to Arrington's efforts to de-escalate the situation was improper and further demonstrated Boyer's volatile, combative behavior.

Boyer's aggressive actions towards Rene and Arrington constitute unbecoming conduct of a public employee. Such behavior disrupts the orderly operation of government by creating an unsafe and hostile work environment, diverting attention and resources from public duties, and impairing effective communication and collaboration among staff. Boyer, as a public employee, was expected to demonstrate professionalism, self-control, and respect in the performance of her duties, but failed to do so. I **CONCLUDE** that Trenton has met its burden of proving that Boyer's actions on September 18, 2022, constitute conduct unbecoming of a public employee, violating N.J.A.C. 4A:2-2.3(a)(6).

### **Other Sufficient Cause**

There is no definition of "other sufficient cause" in the New Jersey Administrative Code; it is generally understood to mean all other offenses arising from the charges against the appellant. There have been cases when the charge of other sufficient cause has been dismissed when "[r]espondent has not given any substance to the allegation." Simmons v. City of Newark, 2006 N.J. AGEN LEXIS 68 \*113 (Feb. 22, 2006), adopted, 2006 N.J. AGEN LEXIS 565 (Apr. 5, 2006).

Trenton determined Boyer's conduct on September 18, 2022, violated N.J.A.C. 4A:2-2.3(a)(12), specifically, misconduct defined under N.J.S.A. 40A:14-147. I agree. Under N.J.S.A. 40A:14-147, a permanent member or officer of a municipal police department may only be removed for just cause, which includes misconduct or

disobedience of rules and regulations established for the department. Here, I found that Boyer was the aggressor, antagonized Rene and Arrington, and would have become physically violent absent restraint. Her actions were in direct conflict with Trenton's workplace-violence policy and misconduct policy. Therefore, I **CONCLUDE** that Boyer violated N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause, and misconduct defined under N.J.S.A. 40A:14-147.

### **PENALTY**

The next question is the appropriate level of discipline. When dealing with the question of penalty in a de novo review of a disciplinary action against an employee, it is necessary to reevaluate the proofs and "penalty" on appeal based on the charges. N.J.S.A. 11A:2-19; Henry v. Rahway State Prison, 81 N.J. 571 (1980); Bock, 38 N.J. 500 (1962). Several factors must be considered in determining the appropriateness of a penalty, including the nature of the employee's offense, the concept of progressive discipline, and the employee's prior record. George v. N. Princeton Dev. Ctr., 96 N.J.A.R.2d (CSV) 463. According to Bock, progressive-discipline concepts involving increasingly severe penalties are used where appropriate. See In re Parlow, 192 N.J. Super. 247 (App. Div. 1983). Major discipline may include suspension, removal, or demotion, depending on the incident in question and the employee's record. See Bock, 38 N.J. at 522-24.

Trenton argues that the removal is warranted because the September 19, 2022, incident was not an isolated incident but a culmination of Boyer's escalating and continued violent behavior towards coworkers. Trenton argues that this, together with the other violations for which Boyer was charged, justifies removal. Boyer's prior undisputed disciplinary history from 2013 through 2022 includes two written warnings, a one-day suspension, and a five-day suspension, arising from charges of conduct unbecoming a public employee stemming from verbal altercations with other employees.

In this case, I consider Boyer's conduct extremely serious. Boyer's conduct exhibited a significant lack of judgment on her part. Further, Boyer's aggression toward coworkers was not curbed with prior discipline. This type of behavior is not tolerated and

disrupts the orderly operation of governmental functions, creating an unsafe and hostile work environment. Based upon the totality of the evidence and with due consideration of Boyer's prior disciplinary record, I **CONCLUDE** that the penalty of removal is reasonable, appropriate, and consistent with the policy of progressive discipline.

**ORDER**

I hereby **ORDER** that the appeal of appellant Leah Boyer of charges of (1) conduct unbecoming a public employee in violation of N.J.A.C. 4A:2-2.3(a)(6), and (2) other sufficient cause in violation of N.J.A.C. 4A:2-2.3(a)(12), specifically, misconduct, in violation of N.J.S.A. 40A:14-147, is **DENIED**. The decision of respondent, the City of Trenton, to remove appellant for violating those charges is **AFFIRMED**.

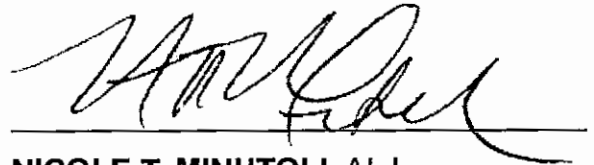
I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

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.

February 9, 2026

DATE



NICOLE T. MINUTOLI, ALJ

Date Received at Agency:

February 9, 2026

Date Mailed to Parties:

February 9, 2026

NTM/tc

**APPENDIX**

**Witnesses**

**For appellant**

Leah Boyer

**For respondent**

Otis Wood

Vivian Arrington

Geve Rene

Shae Campbell

Ronette Chew

**Exhibits**

**For appellant**

P-1 Metro Employee Assistance Service letter, November 10, 2022

**For respondent**

R-1 Trenton Police Department, Internal Affairs Unit, Incident Report, October 3, 2022

R-2 Video—Geve Rene and Shae Campbell

R-3 Video—Vivian Arrington

R-4 Not in evidence

R-5 Not in evidence

R-6 Not in evidence

R-7 Record of July 27, 2022, incident from Shae Campbell and Sherin Elashry

R-8 Letter of November 24, 2021, recording incident of November 24, 2021

R-9 January 31, 2022, written warning

- R-10 Trenton's workplace violence policy
- R-11 September 11, 2019, statement of Shawn Williams
- R-12 Not in evidence
- R-13 Preliminary Notice of Disciplinary Action, dated September 28, 2022
- R-14 Trenton Police Department, Administrative Report, September 20, 2022
- R-15 Boyer email to Rene, September 12, 2022
- R-16 Ronette Chew statement, November 24, 2021
- R-17 Preliminary Notice of Disciplinary Action and Final Notice of Disciplinary Action, May 23, 2013
- R-18 Written warning, June 13, 2013
- R-19 Final Notice of Disciplinary Action, July 20, 2016
- R-20 Final Notice of Disciplinary Action, March 21, 2023