STATE OF NEW JERSEY

In the Matter of Karen Walsh,
Superior Court of New Jersey,
Morris/Sussex Vicinage

CSC Docket No. 2023-2701
OAL Docket No. CSV 05314-23

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

ISSUED: APRIL 7, 2026

The appeal of Karen Walsh, a Judiciary Clerk 3 with the Superior Court of New Jersey, Morris/Sussex Vicinage, of her 10 working day suspension, effective May 1, 2023, on charges, was heard by Administrative Law Judge Matthew G. Miller (ALJ), who rendered his initial decision on February 11, 2026. No exceptions were filed.

Having considered the record and the attached ALJ's initial decision, and having made an independent evaluation of the record, the Civil Service Commission (Commission), at its meeting on March 18, 2026, adopted the ALJ's Findings of Fact and Conclusions of Law and his recommendation to uphold the 10 working day suspension.

ORDER

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

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 18TH DAY OF MARCH, 2026

Mary Cruz
Acting Chairperson
Civil Service Commission

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Attachment

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION
OAL DKT. NO. CSV 05314-23
AGENCY DKT. NO. 2023-2701

IN THE MATTER OF KAREN WALSH,
SUPERIOR COURT OF NEW JERSEY,
MORRIS/SUSSEX VICINAGE

Michael Farhi, Esq., for appellant, Karen Walsh (Kates Nussman Ellis Farhi & Earle LLP, attorneys)

Thomas Russo, Esq., for respondent, Superior Court of New Jersey, Morris/Sussex Vicinage (Administrative Office of the Courts, attorneys)

Record Closed: December 31, 2025 Decided: February 11, 2026

BEFORE **MATTHEW G. MILLER,** ALJ:

STATEMENT OF THE CASE

Appellant, Karen Walsh, a court clerk ("Judiciary Clerk 3" or "JC-3") at the Morris County Courthouse, appeals the ten-day suspension imposed by respondent, Superior Court of New Jersey, Morris/Sussex Vicinage ("SCNJ" or "Vicinage") arising out of incidents that occurred on July 11, 2022 and July 13, 2022. Respondent generally alleges that on these occasions, Ms. Walsh failed to notify the proper authorities concerning the

recall of an arrest warrant and the issuance of a transport order, respectively, resulting in the improper arrest of a member of the public and a defendant in recovery court spending additional time in the Morris County Jail, since he lost his bed in a drug treatment facility.

This suspension was served by Ms. Walsh from May 1, 2023 through May 12, 2023.

PROCEDURAL HISTORY

On or about August 26, 2022, respondent served Ms. Walsh with a Preliminary Notice of Disciplinary Action ("PNDA") charging her with incompetency, inefficiency or failure to perform duties; neglect of duty and other sufficient cause per a violation of Code of Conduct, Canon 1 – performance of duties in violation of N.J.A.C. 4A:2-2.3(a)(1), (7) and (12).

A departmental hearing was held on January 25, 2023, and on or about April 17, 2023, respondent served a Ms. Walsh with an April 14, 2023, Final Notice of Disciplinary Action ("FNDA"), in which she was notified that all charges against her had been sustained and that she was being suspended for ten working days from May 1, 2023 through May 12, 2023.

The appellant timely requested a fair hearing, and the matter was transmitted to the Office of Administrative Law on June 14, 2023, for a hearing as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A.52:14F-1 to -13. The matter was conferenced on September 8, October 4, and November 30, 2023. Following a May 10, 2024, conference, Ms. Walsh changed attorneys and additional conferences were held on June 17, July 15, September 4, and November 4, 2024.

After an April 7, 2025, hearing date was adjourned due to the illness of an attorney, the hearing commenced on April 9, 2025, and concluded on July 9, 2025.

The record was held open for the submission of post-hearing submissions and argument and formally closed on December 31, 2025.

CHARGES AND SPECIFICATIONS

While the charges and findings remained the same, there was a modest difference in the description of the events in question from the PNDA to the FNDA.

As noted, respondent sustained all of the charges listed in the PNDA (J-1) in the FNDA. (J-2.) Those are violations of 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)(7), neglect of duty; and N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause. As to the final charge, Ms. Walsh was found to have violated the Code of Conduct for Judiciary Employees, Canon 1 – Performance of Duties.

The relevant specifications listed in the PNDA were:

> Karen Walsh is the primary recovery court clerk with Judge Hanna.
>
> Mr. JS a participant in recovery court was supposed to be transported to treatment facility on July 15. Ms. Walsh did not notify the treatment facility and (JS)[1] lost his bed. He was not able to leave the jail for another 5 days and was actually transported July 20.
>
> The order for release was issued to the Monroe County Jail in Pennsylvania for (AS) to be released on July 11. Ms. Walsh did not follow the procedures and failed to notify the warrant squad which resulted in Mr. AS being arrested in NJ on Route 80 and taken to Allamuchy Barracks on August 10.
>
> [J-1.]

The FNDA described the events as follows:

> Karen Walsh is the primary recovery court clerk with Judge Hanna. Ms. Walsh did not notify the correct parties and a client lost his bed and remained in jail for another 5 days.

[1] For the sake of privacy, the members of the public involved in these incidents will be referred to by their initials.

> Ms. Walsh did not follow the procedures and failed to notify the warrant squad which resulted in another client being arrested in NJ on Route 80 and taken to Allamuchy Barracks.
>
> [J-2.]

TESTIMONY

FOR RESPONDENT:

Benjamin Dalessandro, Court Services Supervisor 2 (Team Leader) – Morris-Sussex Vicinage – Criminal Division, Superior Court of New Jersey

Mr. Dalessandro has been a team leader in the Criminal Division since July 2016. He testified that the Recovery Court (formerly known as "Drug Court") set up consists of a coordinator, a probation officer and a clerk. The goal of Recovery Court is to assist people with their addictions and remove them from the criminal justice system.

He testified that he has supervised Ms. Walsh on multiple occasions on various teams and he was her immediate supervisor when she was working as the court clerk for the Hon. Robert M. Hanna, J.S.C. in Recovery Court. She is now working in the Probation Department.

Mr. Dalessandro reviewed the PNDA and the separate incidents listed on it. He noted that there is an error on the PNDA; Ms. Walsh did not have to notify the treatment facility of the transport order but had to notify the jail. He also noted that the detainee's first initial was incorrect. When he discussed the email with Ms. Walsh, he testified that she admitted that she never sent the email to the jail and he testified that this error led the detainee to spend five extra days in the Morris County Jail because the bed, which was available at the treatment facility, had been occupied by the time they discovered the problem.

He then compared the "error" email on the subject case to one sent two days later concerning the same prisoner. The error email did not include the Jail Records email address, while the "correct" one did.

As for the matter involving the vacation of the bench warrant, Mr. Dalessandro testified that Ms. Walsh prepared the order to vacate but never sent it out. While he testified that the order was faxed to the Monroe County Jail, she never sent the order to the Warrant Squad at the Morris County Jail. Since they never received it, the warrant was never removed from the National Crime Information Computer ("NCIC") and was therefore still active as far as anyone checking the system would know. A.S. was then arrested during a traffic stop on Interstate 80 and was detained until Mr. Dalessandro could sort out the mistake.

He testified that Ms. Walsh had handled these cases before and had signed off on her training (which had been handled by Laura DeMarco) on September 24, 2021. (R-3.)

On cross-examination, Mr. Dalessandro testified that Ms. Walsh had joined the recovery team in April 2022 and he believed that she had been on the intake team immediately before that. She had also been on a trial team, where she would have had similar duties to those in Recovery Court; the primary difference being that she would have had maybe three times the number of warrants and transport orders in Recovery Court.

In reviewing the "error" email (which he was copied on), he noted that he supervised five of its recipients in addition to Ms. Walsh but did not notice that it was missing the email address for the jail. He noted that the error was corrected on July 15. He denied responsibility for a lack of oversight, testifying that he could not be expected to review every routine email that he received to see if an address was missing. Rather, he would focus on the content of the email.

He did not disagree that the July 11 and July 13 errors were "aberrations" and while he agreed that not all errors warrant a referral for formal discipline, here the impact of those errors was severe. He confirmed that Ms. Walsh was working remotely (per her

regular work schedule) on July 11, 2022. Her work hours, however, were the same and she never complained of being overworked.

Daniel J. Kenny, Operations Manager – Morris-Sussex Vicinage, Superior Court of New Jersey

Mr. Kenny has been the Operations Manager of the Morris-Sussex Vicinage for ten months. Prior to that, he had been the Criminal Division Manager for eleven to twelve years. The Division was broken into five teams: Recovery, Trial, Intake, Records and Pre-trial. Each division has a team leader who reports to the assistant manager, who reports to the manager, who reports to the trial court administrator. He is responsible for the day-to-day operations of the Division, including the hiring and assigning of employees.

Mr. Kenny testified that Ms. Walsh was hired as a Judicial Clerk-2 ("JC-2") during his tenure and she is currently assigned to the Probation Department. She had been assigned to the Criminal Division for ten or eleven years and had been promoted to a JC-3. At the time of the incidents, she was working in Recovery Court and her supervisor was Mr. Dalessandro.

Mr. Kenny reviewed the PNDA and noted that the incidents were classified as "loss of liberty" cases. The errors were definitely Ms. Walsh's responsibility. He noted that the failure to forward the transport order to the correct person caused the detainee to spend five unnecessary days in jail. He also testified that there was training on the protocols of both transport and vacation orders.

On cross-examination, Mr. Kenny confirmed that a JC-2 is an entry-level position. New workers learn the basics, and in Morris County, they would cross-train in different divisions. Ms. Walsh then applied for the JC-3 position, which is a court clerk position.

There are protocols in place for employees who make a mistake, but those protocols are impacted by the severity of the offense. As to whether these incidents were "aberrations," Mr. Kenny conceded that they weren't "her norm." (T:1 at 154:1–2.)

Brian Maroldi, Assistant Manager, Human Resources Division – Morris-Sussex Vicinage, Superior Court of New Jersey

Mr. Maroldi testified that he is currently employed as the Human Resources Division Manager, having started as a JC-2 in 2015 in the Probation Division. His job responsibilities include taking the lead on disciplinary actions and investigations, and he is also the custodian of records. He confirmed that Ms. Walsh currently works in the Probation Division.

On cross-examination, Mr. Maroldi confirmed that the Code of Conduct does not require employees to be "perfect."

FOR APPELLANT:

Karen Walsh

Ms. Walsh first reviewed her curriculum vitae, testifying that she has worked in the court system for eleven years. (A-1.) She was hired as a JC-2 in 2014 and was promoted to JC-3 in 2015. Her responsibilities as a JC-2 were generally clerical, but JC-3s go into the courtroom and actually clerk for judges. She believed that she was promoted due to her "credible, reliable, dependable work ethic." (T2 at 7:17.)

She was transferred to Recovery Court in late 2022 and her responsibilities included data entry and support for the court team. She was not provided with any specific training for this assignment. Ms. Walsh then reviewed the bench warrant protocol (R-3), which she testified was signed off on yearly.

The focus of Ms. Walsh's testimony shifted to the July 13, 2022, incident. At that time, her supervisor/team leader was Mr. Dalessandro. That day, she prepared a transport order for K.S. at the behest of Judge Hanna and authored an email forwarding that order to the appropriate parties, including Mr. Dalessandro. She did not have to prepare these orders when she was clerking in criminal court, since that was generally

done by counsel. Once she moved to Recovery Court and the preparation of those orders became more common, she began to prepare them.

She would prepare them just by copying how another clerk did them. The order would be prepared (R-1a) and attached to the email and this order was sent out on July 13, 2022, at 9:15 a.m. She admittedly made a mistake when she forwarded the order by omitting the Morris County Jail from the email list. Mr. Dalessandro was on the email chain "(b)ecause he was required to check my work for accuracy and . . . errors." (T2 at 16:5-6.) She did not hear from him about the error either that day or the next. The amended order was forwarded to all the proper parties on July 15, 2022 at 1:52 p.m.

Ms. Walsh became aware of the problem on July 15 when she received an email from K.S.'s substance abuse evaluator asking why he hadn't been transported. After seeing a number of back-and-forth emails about whether he could be transported that day, she told Judge Hanna what had happened and he prepared another order. She testified that no one spoke to her about the issue until she was advised of the disciplinary charges against her.

Focus then shifted to the July 11, 2022, issue with the A.S. order to vacate. Ms. Walsh was working from home that day and had an online meeting through "Teams." She would work remotely twice a week (Mondays and Thursdays). During the meeting, Mr. Dalessandro asked her to stay on at the end because Judge Hanna wanted to place something on the record using Court Smart. She wasn't exactly sure what it was, but she knew that it involved a phone call between Judge Hanna and the Monroe County (Pa.) Jail.

The upshot of the call was that the order could not be emailed to Monroe County, but it had to be faxed. Once the call ended, she prepared the order but realized that she could not fax it from home. Therefore, she emailed it, along with a fax cover sheet, to Mr. Dalessandro and Judge Hanna's law clerk and asked them to find someone in the courthouse to fax it to Monroe County. (A-2.) She then emailed the cover sheet and order to Mr. Dalessandro and Judge Hanna's secretary to fax to Monroe County. (R-4a.)

There was some confusion concerning the fax number (A-6), but the order was eventually successfully transmitted to Monroe County. (R-4a.) Later that day, Ms. Walsh sent an email to Mr. Dalessandro stating that they hadn't heard anything back from Monroe County, so everything must have been "well received." (A-4.) This was a unique order for her, since she had never dealt with having to fax something or transmit it out of state. All of the other orders to vacate she had created concerned the Morris County Jail and Sheriff's Office.

However, Ms. Walsh admitted that an error was made here as well. She did not realize that the order also had to be served to the Morris County Sheriff. She claimed not to have received any guidance from Mr. D'alessando and did not hear from him about this issue until August 12, 2022, the day after A.S. was detained during a traffic stop because the warrant was still active in the NCIC database.

She reviewed a memo from Mr. Kenny (R-6a) that discussed the issue. The memo accurately reflected her conversation with Mr. Dalessandro, in which she admitted that she had not forwarded the order to the Morris County Sheriff's Office. In fact, she testified that she never sent an email but simply vacated the warrant from Promis/Gavel and their own systems (which was accurate). When she was approached by Mr. Dalessandro that day, she was shocked because she knew that she had removed the warrant from the system.

The policy and procedure for vacating a bench warrant is detailed in R-3. Ms. Walsh testified that as soon as reasonably possible after the conclusion of the calendar, the court clerk "will email the appropriate departments, team leaders, court offices and backup court offices . . . indicating the outcome of each case listed." (T2 at 46:18–24.)

As for A.S., he was not on the calendar that day and the entire procedure was unusual. In fact, there was no court calendar that day. For this case, she knew that the order had to be faxed to Monroe County, but "I didn't know if . . . it was a detainer. I didn't know if it was to be sent to the sheriff's department or not." (T2 at 48:13–15.)

In reviewing R-3, she testified that Mr. Dalessandro's responsibility was to review emails and orders for accuracy and make corrections as necessary. She believed that if she had failed to send the order to the correct parties, he would have told her. Therefore, she had no idea that anything had been done improperly. Ms. Walsh testified that in recovery court, Mr. Dalessandro was the primary supervisor. Immediately below him in the hierarchy was Migdaris Lennon (the Drug Court Coordinator) and Ms. Walsh would be next. She also noted that there was no "Court Action Sheet" in A.S.'s case, only the order to vacate.

The A.S. email had fewer recipients than normal because there was no prosecutor or probation officer involved since this case was not on the normal calendar. She reiterated that she was unclear as to whether she was supposed to send an email to the Sheriff's Department.

She testified that she discovered the error without anyone telling her, told Judge Hanna about it, and corrected it. She did not believe that she was either incompetent or inefficient.

Ms. Walsh next addressed her prior discipline, which arose from an incident that occurred on February 11, 2019. She settled the accusation for a three-day suspension, down from a recommended ten days in the PNDA. She did not lie to Judge Enright about her actions but acknowledged to him that she had made a mistake. She testified that a box to release the prisoner had been pre-checked on a form and she failed to uncheck it and change it to "remanded."

On cross-examination, Ms. Walsh conceded that an important part of Recovery Court is ensuring that a participant receives treatment. However, she denied that her error in K.S.'s case caused him to "lose several days of treatment that otherwise he would have received." (T2 at 76:20–23.) She acknowledged, however, that her error caused him not to be transported to the facility in a timely manner.

She excused the problem with the order to vacate by claiming that it was a "one-off" and that she thought that, because the Pennsylvania facility was involved, she did not have to involve the Morris County Sheriff's Office.

Ms. Walsh then reviewed a July 20, 2020, self-assessment training form (R-12), in which she confirmed that she had received bench warrant training and jail discharge training.

Concerning the A.S. case, she confirmed that she deactivated the warrant from Promis/Gavel, but also that she has very little knowledge of the NCIC database and how it works and that she has no access to it, although she knows that the Sheriff's Office does. She claimed that she was neither trained nor taught that the Warrant Squad needs to be notified of an order to vacate.

As to the A.S. matter, since this was not a "court matter," she treated the case differently. In reviewing R-3, she acknowledged that it was an "oversight" when she did not email the warrant squad. However, she was unclear whether this was a detainer or something else, and she reiterated that, in effect, nobody checked her work.

Ms. Walsh confirmed that she started in Recovery Court in May 2022 but did not regularly issue transport orders until early–mid June. She had done some of these orders, but not a lot. She claimed to have cut and pasted the distribution list for the transportation orders from other emails. She would go to her sent emails, cut and paste the distribution list and use the list for the next order. However, for the K.S. email, she cut and pasted the drug counsellor's email chain, which does not include the jail.

As for the A.S. email, she acknowledged that she had been preparing orders to vacate on a semi-regular basis. Here, she was focused on getting the order to Monroe County and she again pointed to the fact that Mr. Dalessandro didn't point out her failure to send the order to the warrant squad. However, she could not provide a specific reason as to why she didn't supply it to them again, just citing the general confusion and a lack of training.

APPLICABLE LAW

Civil service employees' rights and duties are governed by the Civil Service Act and regulations promulgated pursuant thereto. N.J.S.A. 11A:1-1 to 11A:12-6; N.J.A.C. 4A:1-1.1. The Act is an important inducement to attract qualified people to public service and is to be liberally applied toward merit appointment and tenure protection. Mastrobattista v. Essex Cnty. Park Comm'n, 46 N.J. 138, 147 (1965). However, consistent with public policy and civil service law, a public entity should not be burdened with an employee who fails to perform his or her duties satisfactorily or who engages in misconduct related to his duties. N.J.S.A. 11A:1-2(a).

A civil service employee who commits a wrongful act related to his or her duties, or gives other just cause, may be subject to major discipline. N.J.S.A. 11A:2-6; N.J.S.A. 11A:2-20; N.J.A.C. 4A:2-2.2; N.J.A.C. 4A:2-2.3. In an appeal from such discipline, the appointing authority bears the burden of proving the charges upon which it relied by a preponderance of the competent, relevant, and credible evidence. N.J.S.A. 11A:2-21; N.J.A.C. 4A:2-1.4(a); Atkinson v. Parsekian, 37 N.J. 143 (1962); In re Polk License Revocation, 90 N.J. 550 (1982); The evidence must be such as to lead a reasonably cautious mind to a given conclusion. Bornstein v. Metro. Bottling Co., 26 N.J. 263 (1958). Therefore, the tribunal must "decide in favor of the party on whose side the weight of the evidence preponderates, and according to the reasonable probability of truth." Jackson v. Del., Lackawanna and W. R.R. Co., 111 N.J.L. 487, 490 (E. & A. 1933). For reasonable probability to exist, the evidence must be such as to "generate belief that the tendered hypothesis is in all human likelihood the fact." Loew v. Union Beach, 56 N.J. Super. 93, 104 (App. Div. 1959). Preponderance may also be described as the greater weight of credible evidence in the case, not necessarily dependent on the number of witnesses, but having the greater convincing power. State v. Lewis, 67 N.J. 47 (1975).

In appeals concerning major disciplinary actions brought against classified employees, the burden of proof is on the appointing authority. N.J.A.C. 4A:2-1.4(a). The standard of proof in administrative proceedings is a preponderance of the credible evidence. In re Polk, 90 N.J. 550 (1982); Atkinson v. Parsekian, 37 N.J. 143 (1962). The evidence must be such as to lead a reasonably cautious mind to the given conclusion.

Bornstein, 26 N.J. 263, 275 (1958). The preponderance may also be described as the greater weight of credible evidence in a case, not necessarily dependent on the number of witnesses, but having the greater convincing power. State v. Lewis, 67 N.J. 47 (1975).

Where facts are contested, the trier of fact must assess and weigh the credibility of the witnesses for purposes of making factual findings as to the disputed facts. Credibility is defined as: "The quality that makes something (as a witness or some evidence) worthy of belief." *Credibility*, Black's Law Dictionary (10th ed. 2014).

Credibility is the value that a finder of the facts gives to a witness's testimony. It requires an overall assessment of the witness's story in light of its rationality, internal consistency, and the manner in which it "hangs together" with the other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963).

Accordingly, credibility does not mean determining who is telling the truth but rather requires a determination of whose testimony is "worthy of belief" based upon numerous factors. Credibility is not based on who presented the most witnesses. Instead, it is "the interest, motive, bias, or prejudice of a witness [that] may affect his credibility and justify the . . . [trier of fact], whose province it is to pass upon the credibility of an interested witness, in disbelieving his testimony." State v. Salimone, 19 N.J. Super. 600, 608 (App. Div. 1952), certif. denied, 10 N.J. 316 (1952) (citation omitted). The process entails observing the witnesses' demeanor, evaluating their ability to recall specific details, evaluating the consistency of their testimony under direct and cross-examination, determining the significance of any inconsistent statements, and otherwise gathering a sense of their candor with the court. Thus, "[c]redibility involves more than demeanor. It apprehends the overall evaluation of testimony in the light of its rationality or internal consistency and the manner in which it hangs together with other evidence." Carbo, 314 F.2d 718, 749 (1963).

When determining the appropriate penalty to be imposed, the Board must consider an employee's past record, including reasonably recent commendations and prior disciplinary actions. West New York v. Bock, 38 N.J. 500 (1962.) Depending on the conduct complained of and the employee's disciplinary history, major discipline may be

imposed. Id. at 522–24. Major discipline may include removal, disciplinary demotion, suspension for no greater than six months or a fine. N.J.S.A 11A:2-6(a); N.J.S.A. 11A:2-20; N.J.A.C. 4A:2-2.2; N.J.A.C. 4A2-2.4.

A system of progressive discipline has evolved in New Jersey to serve the goals of providing employees with job security and protecting them from arbitrary employment decisions. The concept of progressive discipline is related to an employee's past record. The use of progressive discipline benefits employees and is strongly encouraged. The core of this concept is the nature, number and proximity of prior disciplinary infractions evaluated by progressively increasing penalties. It underscores the philosophy that an appointing authority has a responsibility to encourage the development of employee potential. See generally, In re Stallworth, 208 N.J. 182 (2011).

The concepts of progressive and major discipline have no fixed definitions and are case-specific. As noted in In re Carter, 191 N.J. 474 (2007);

> Even so, we have not regarded the theory of progressive discipline as a fixed and immutable rule to be followed without question. Instead, we have recognized that some disciplinary infractions are so serious that removal is appropriate notwithstanding a largely unblemished prior record. See, Rawlings v. Police Dep't of Jersey City, 133 N.J. 182, 197–98, 627 A.2d 602 (1993) (upholding dismissal of police officer who refused drug screening as "fairly proportionate" to offense). In doing so, we have referred to analogous decisions to discern the test to be applied. See Id. at 197, 627 A.2d 602. Thus, we have noted that the question for the courts is "whether such punishment is 'so disproportionate to the offense, in the light of all the circumstances, as to be shocking to one's sense of fairness.'" In re Polk License Revocation, 90 N.J. 550, 578, 449 A.2d 7 (1982) (considering punishment in license revocation proceeding) (quoting Pell v. Bd. of Educ., 34 N.Y.2d 222, 313 N.E.2d 321, 327, 356 N.Y.S.2d 833 (1974)).
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> [Id. at 484–85.]

Both the concept and application of progressive discipline were explored in great detail in In re Stallworth, 208 N.J. 182 (2011). There, the court noted that a worker's disciplinary history can be used to both "ratchet-up" or "support" the imposition of a more

severe penalty or to mitigate that penalty. Id. at 196, cit. In re Hermann, 192 N.J. 19, 30-33. While there are "major" cases where the conduct is so egregious that the progressive disciplinary system may be bypassed, when it does not reach that level of severity, the system must be applied. In re Stallworth, 208 N.J. at 196-97, cit. Bock, 38 N.J. at 522-23; See also, In re Carter, 191 N.J. 474, 483-84 (2007).

Vitally:

> Under the concept of *progressive discipline*, one act of misconduct may result in "minor discipline" merely because it was a first offense, whereas the same misconduct, if repeated, could justify the imposition of "*major discipline*," including termination. In other words, different penalties can be imposed for the same misconduct depending on the employee's record. Thus, the contextual nature of the prior offenses is a relevant consideration when analyzing an employee's disciplinary record and renders incomplete and inadequate the Commission's imposition of discipline based on a summary conclusion that the employee's prior disciplinary record contains "only" one incidence of "major" disciplinary action.
>
> [Stallworth, 208 N.J. at 198-99.]

Ultimately, however, "it is the appraisal of the seriousness of the offense which lies at the heart of the matter." Bowden v. Bayside St. Prison, 268 N.J. Super. 301, 305 (App. Div. 1993), certif. denied, 135 N.J. 469 (1994).

Respondent Position

The respondent's argument is rather straightforward. The Vicinage points out that Ms. Walsh, albeit not particularly experienced in Recovery Court, was a seasoned court clerk who made two very basic errors, both of which had significant ramifications.

In the first incident, Ms. Walsh failed to notify the jail that an inmate was to be transported to a drug treatment facility. That failure led to an unnecessary five-day stay in the Morris County Jail and a concomitant delay in the initiation of his treatment regimen. In the second incident, Ms. Walsh failed to notify the Warrant Squad at the Morris County

Jail that the bench warrant issued for the arrest of A.S. had been vacated, which led directly to his arrest during a traffic stop a month later.

The Vicinage argues that while the errors in and of themselves were undoubtedly both unintentional and clerical, they were of a very basic nature, were key components of Ms. Walsh's job duties (for which she received training), and had significant "loss of liberty" consequences. It is pointed out that Ms. Walsh essentially admitted to the errors and that her defense focused more upon the failure of her supervisor to discover those mistakes before any consequences came to fruition.

As for the ten-day penalty, it is argued that it is commensurate with both the two infractions with which she has been charged, while taking into consideration a three-day suspension that she received in 2019. That suspension resulted from another routine clerical error in which she entered an order releasing a prisoner rather than remanding him to the Morris County Jail. The penalty is clearly in line with the concept of progressive discipline.

Appellant Position

The appellant argues that while Ms. Walsh admitted that neither of the incidents was handled properly, those errors were not entirely her fault. Rather, they were caused by a lack of proper training, a lack of proper supervision, her relative inexperience in her position, and the unusual nature of, in particular, the order of vacation incident involving K.S.

In fact, it is argued that since Ms. Walsh's errors did not rise to the level of misconduct, no discipline should be imposed. Murray v. Bd. of Rev., Dept. of Labor, 2005 N.J. Super. Unpub. 64 (App. Div., Dec. 28, 2005). Further, her conduct does not meet the definition of 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)(7), neglect of duty or N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause.

It was further argued that the assessed penalty was inappropriate and that if a suspension were to be levied at all, the ten-day penalty imposed by the respondent was excessive. It was argued that Ms. Walsh was a competent employee who admitted to what were understandable and explainable errors and that the consequences of whatever errors she did make were exacerbated by Mr. Dalessandro's failure to review her work in violation of his supervisory duties. While the ramifications of the conduct were serious, its nature was not and any penalty should be very limited.

CHARGES

As detailed above, Ms. Walsh was found to have committed three separate violations: incompetency, inefficiency, inefficiency or failure to perform duties; neglect of duty; and other sufficient cause. N.J.A.C.4A:2-2.3(a)(1), (7) and (12).

INCOMPETENCE/INEFFICIENCY/FAILURE TO PERFORM

In general, incompetence, 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. The Administrative Code provides no specific definition of these terms. N.J.A.C. 4A:2-2.3(a.) However:

> (C)ase law has determined incompetence is a "lack of the ability or qualifications necessary to perform the duties required of an individual [and] a consistent failure by an individual to perform his/her prescribed duties in a manner that is minimally acceptable for his/her position." Sotomayer v. Plainfield Police Dep't, CSV 9921-98, Initial Decision (December 6, 1999), adopted, Merit Sys. Bd. (January 24, 2000), http://njlaw.rutgers.edu/collections/oal/final/csv09921-98.pdf (citing Steinel v. City of Jersey City, 7 N.J.A.R. 91 (1983); Clark v. New Jersey Dep't of Ag., 1 N.J.A.R. 315 (1980).)
>
> [In re Ciuppa, 2014 N.J. Agen. LEXIS 206, *55 (May 16, 2023).]

NEGLECT OF DUTY

Neglect of duty is one of the grounds for disciplinary action in a civil service matter under N.J.A.C. 4A:2-2.3(a)(7). Although not defined by the regulation, it generally means that a person is not performing their job. The person may have failed to perform an act that the job requires or may have been negligent in the discharge of a duty. The duty may arise from specific statutes, post orders, policies, or the very nature of the job itself. See generally In re Calio, 2018 N.J. Super. Unpub. LEXIS 2706 (App. Div., Dec. 11, 2018); Bock, 38 N.J. 500.

OTHER SUFFICIENT CAUSE

N.J.A.C. 4A:2-2.3(a)(12) does not define "other sufficient cause," but this phrase is generally interpreted to mean violations of rules, regulations, policies and procedures. In this case, "other sufficient cause" includes the Code of Conduct for Judiciary Employees, Canon 1 – performance of duties. In re Calio.

DISCUSSION AND FINDINGS

As is often the case in discipline cases that involve what are essentially contained, time-limited events, there is overlap in the charges. Even here, where there are separate events, the mechanics of those events are similar, and the charges, to a degree, are duplicative.

While I **CONCLUDE** that Ms. Walsh is guilty of all three charges brought against her, for the purposes of the penalty, the number of guilty findings is, at best, a minor factor.[2]

First, in reviewing the evidence, I **FIND** that respondent has proven by a preponderance of the credible evidence that Ms. Walsh performed her job duties in an

[2] Parenthetically, I would note that Murray, cited by appellant in her brief, is a pension forfeiture case and is inapplicable to a disciplinary case such as this one.

inefficient and incompetent manner, both on July 11, 2022 (the "warrant" incident) and July 13, 2022 (the "transport" incident). I further **FIND** that respondent has proven that Ms. Walsh neglected her duties by being negligent in the discharge of her duties.

While I understand Ms. Walsh's argument that it was ultimately Mr. Dalessandro's responsibility to supervise her work as well as the unique nature of this particular warrant vacation, neither of those explanations excuses Ms. Walsh's clear errors which led to two separate individuals being improperly detained.

As for the warrant issue, I **FIND** that the entire "fax" issue, while confusing to a degree, is somewhat of a red herring. The only thing that the fax accomplished was confirming to the Pennsylvania facility that Judge Hanna had vacated the bench warrant, which was providing the legal authority for it to hold A.S. On its face, nothing about the faxing of the order to vacate to that facility would have any impact on how the order would be entered into the system or who else it should be forwarded to.

What is clear is that Ms. Walsh failed to notify the Morris County Sheriff's Department's Warrant Squad. This led to a failure to have the warrant marked as "vacated" in the NCIC and, eventually, to A.S.'s detention following a traffic stop a month later. By failing to notify the Warrant Squad, Ms. Walsh violated the process which she had signed off on September 24, 2021:

> Bench Warrant Vacates – the appropriate documents, including a copy of the calendar will be sent to designated parties including – (email redacted) for Pre-Disposition Fugitive, and (email redacted) for Post Disposition Warrant Squad (VOP).
>
> [R-3.]

In reviewing the only A.S.-related emails sent by Ms. Walsh in July, they were addressed to only three people: Judge Hanna's law clerk, Mr. Dalessandro, and Judge Hanna's secretary. A brief timeline will help illustrate the sequence of events that day.

a. 07/11/22 (before 12:29 p.m.) – Judge Hanna goes on the record to vacate a July 27, 2020, bench warrant issued following A.S.'s failure to appear. Ms. Walsh is working remotely. (R-4b.)

b. 07/11/22 at 12:29 p.m. – Email from Walsh to Dalessandro and Marin, asking if either is in the courthouse to fax the order to vacate to the Monroe County Jail in Pennsylvania. (A-2.)

c. 07/11/22 at 12:55 p.m. – Email from Walsh to Dalessandro and Niemiera attaching a fax coversheet to Monroe County and the signed order. (A-3.)

d. 07/11/22 at 1:35 p.m. – Email from Niemiera to Walsh and Dalessandro advising how to fax the document. (A-3.)

e. 07/11/22 at 1:41 p.m. – Email from Dalessandro to Niemiera and Walsh advising that the instructions in d. did not work. (A-6.)[3]

f. 07/11/22 at 1:56 p.m. – Email from Walsh to Niemiera confirming the dialing instructions and confirming that she is unable to fax it from her computer. (A-3.)

g. 07/11/22 at 4:30 p.m. – Email from Walsh to Dalessandro advising that she had heard nothing additional from Pennsylvania. (A-4.)

Regardless of the allegedly unusual circumstances surrounding the creation of the order, there was never an indication that the "normal" parties should not be notified of the bench warrant's vacation and I therefore **CONCLUDE** that Ms. Walsh both acted incompetently and in a manner neglectful of her duties on July 11, 2022. The fact that she asked Mr. D'Alessandro to manually fax the order to Monroe County in what was effectively a separate email would not have raised a red flag, since the only purpose of

[3] However, according to the confirmation sheet, the fax actually did go through and was received by the Monroe County Jail at 1:35 p.m. (R-4d).

that email was to supply the paperwork to him to print and physically fax, since she was unable to do so remotely.

As for the argument that the mistake was not discovered for a month, that would be logical, since once the Monroe County Jail released him, there would be no reason for anyone involved in the process to know that there was a problem . . . until A.S. had a police contact and his name was run through NCIC. Then, the problem was very quickly discovered and ultimately rectified.

Concerning the July 13, 2022, transport order, even Ms. Walsh conceded that she just missed the email address when she cut and pasted the address block from a prior email. Unfortunately, the address that she missed was, by far, the most important one, and its omission ended up causing K.S. to spend five additional days in the county jail.

To detail the sequence of events, an order to transport K.S. from the Morris County Jail to a recovery facility in Marlboro, New Jersey on July 15 was signed by Judge Hanna on July 13. At 9:15 a.m. that same day, Ms. Walsh emailed that order to a litany of persons, but, most vitally, not to "Jail Records." There is no dispute that this failure led to the K.S.'s continued detention at the Morris County Jail, since before the oversight could be corrected, the available bed at the recovery center had been occupied. While a new order was entered on July 15, K.S. could not be transported from the jail to the facility until July 21.

Once again, Ms. Walsh provided explanations/excuses for her mistake, including that Mr. Dalessandro should have caught it and that she was relatively new to her job, clerking in Recovery Court. All in all, however, I **CONCLUDE** that she made a sloppy, albeit understandable, error that, unfortunately, was not easily correctable and ultimately cost K.S. five days of freedom and delayed his potential recovery by that same amount of time.

Not that Mr. Dalessandro is facing any discipline, but I am not persuaded by Ms. Walsh's defense that he should have caught these errors and that, in essence, the ultimate outcomes were his fault. As he testified (logically), by the nature of his job, he

cannot review each and every email or document generated. An appropriate level of supervision does not include micromanagement and there has to be some level of trust in an employee, even one with a disciplinary history, that she will handle routine tasks competently. While the issue involving K.S. might have been unusual, the unusual part of the case was actually handled well. It was the "normal" part of the case that wasn't. Ms. Walsh's own testimony confirmed that while she wasn't entirely sure of how it should be handled, after a review of the policies and procedures, she admitted to making a mistake.

Even if she were unsure as to which email address the order to vacate should be sent to, the problem is that she didn't send it to either. Further, there was no explanation as to why she simply didn't ask for assistance from her supervisor, who was obviously, available.

Ultimately, I **CONCLUDE** that these were not errors caused by a lack of supervision or training or the admitted difficulties posed at times by remote work. At their most basic, the two incidents involved Ms. Walsh making careless errors on routine tasks. There is nothing about Mr. Dalessandro's alleged lack of supervision, a purported, albeit unsubstantiated, allegation of poor training or technological issues that caused these errors.

Concomitantly, as to the charge of "other sufficient cause," I also **FIND** that same has been proven by a preponderance of the credible evidence. While a separate charge, it clearly falls under the umbrella of the "failure to perform" charge and given the basis for that finding, I am compelled to **CONCLUDE** that Ms. Walsh failed to comply with Canon 1 of the Code of Conduct of Judiciary Employees. (R-9.)

PENALTY

PRIOR DISCIPLINARY HISTORY:

The limited extent of Ms. Walsh's disciplinary history is uncontested. Per N.J.A.C. 4A:2-3.1(a), "minor discipline is a formal written reprimand or a suspension or fine of five

working days or less." Discipline greater than minor discipline is deemed "major discipline" and can include removal, demotion, suspensions and fines of up to six months or termination. See generally, N.J.A.C. 4A:2-2; N.J.A.C. 4A:2-2.4(a).

Ms. Walsh has a single prior incident on her record. Per the PNDA for the same:

> On 2/11/19 Karen was the court clerk for Judge Enright. She entered release on the court action sheet instead of remand to the Morris County Correctional Facility. The court smart recording indicated that Karen confirmed with the judge that the action was a remand to the correctional facility.
>
> [R-11a.]

While she was originally to be suspended for ten working days, the matter was settled, with Ms. Walsh receiving a three-day suspension, which dropped the disciplinary category from "major" to "minor." (R-11b.)

Determining the appropriate penalty for Ms. Walsh is a little tricky, given a number of factors:

a. her disciplinary history
b. the understandable nature of the errors
c. the outsized consequences of those errors

As was noted in the testimony, the "loss of liberty" consequences of Ms. Walsh's errors are what raise the stakes in this matter. However, Ms. Walsh was aware of the nature of her job, particularly in criminal court. Mistakes, even ones as simple as "cut-and-paste," can potentially have serious ramifications. While luckily (thanks to the quick intercession of both Mr. Dalessandro and family members), A.S.'s detention time was minimal, the issue with K.S. was more significant. Once again, the mistake was corrected relatively quickly, but five extra days in the county jail are still five extra days in the county jail.

Further, Ms. Walsh had already received minor discipline arising out of a similar "careless" type error that she had made in February 2019 when she had entered "release" instead of "remand" on a Court Action Sheet. While the actual consequences of that mistake are not in evidence, the potential for a highly negative outcome is readily apparent.

However, these aren't egregious errors and I **CONCLUDE** that the ten-day suspension that was imposed by respondent struck a balance between acknowledging that it is a practical impossibility to be a mistake-free employee but also that extra care and attention has to be taken in matters that literally involve a person's freedom. When combined with the similar 2019 incident, the ten working-day suspension is entirely appropriate and consistent with the concept of progressive discipline.

ORDER

Based on the foregoing, I hereby **ORDER** that appellant, Karen Walsh, be and is hereby suspended for ten working days.

I further **ORDER** that Ms. Walsh be given credit for the ten working-day suspension that she served from May 1, 2023, through May 12, 2023, and that she not be required to serve any additional suspension.

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 11, 2026
DATE

MATTHEW G. MILLER, ALJ

Date Received at Agency: February 11, 2026

Date Mailed to Parties: February 11, 2026

MGM/sej

APPENDIX

WITNESSES

For appellant:

Karen Walsh

For respondent:

Benjamin Dalessandro
Daniel J. Kenny
Brian Maroldi

EXHIBITS

Joint:

J-1 PNDA (Aug. 26, 2022)
J-2 FNDA (Apr. 14, 2023)

For appellant:

A-1 Karen Walsh curriculum vitae
A-2 Email from Walsh to Dalessandro, Marin (July 11, 2022)
A-3 Email chain involving Walsh, Dalessandro and Niemiera (July 11, 2022)
A-4 Email from Walsh to Dalessandro (July 11, 2022)
A-5 Email from Daniel J. Kenny to Criminal Division, paperwork from court to sheriff's department (Sept. 27, 2022)
A-6 Email chain involving Dalessandro, Walsh and Niemiera (July 11, 2022)

For respondent:

R-1a Email from Karen Walsh attaching transport order for KS (July 13, 2022)
R-1b Transport Order for KS (July 13, 2022)
R-1c Email from Karen Walsh attaching transport order for KS (July 15, 2022

R-1d Transport Order for KS (July 15, 2022)

R-2a Email from Karen Walsh attaching transport order for detainee MC (June 15, 2022)

R-2b Email from Karen Walsh attaching transport order for detainee SD (June 15, 2022)

R-2c Email from Karen Walsh attaching transport order for detainee CL (June 21, 2022)

R-3 Process for Warrant Issue/Vacates, Detains and Releases acknowledged by Karen Walsh (Sept. 24, 2021)

R-4a Email from Karen Walsh attaching a fax cover sheet and order to vacate bench warrant for AS to the Monroe County (Pa.) Jail (July 11, 2022)

R-4b Order vacating bench warrant for AS (July 11, 2022)

R-4c Fax coversheet to the Monroe County Jail (July 11, 2022)

R-4d Confirmation of successful fax transmittal (July 11, 2022)

R-4e Emails from Ben Dalessandro attaching order to vacate (AS) (Aug. 11, 2022)

R-5a Email from Karen Walsh attaching order to vacate for detainee JV (June 10, 2022)

R-5b Email from Karen Walsh attaching order to vacate for detainee MM (June 10, 2022)

R-5c Email from Karen Walsh attaching order to vacate for detainee DB (June 13, 2022)

R-6 Email from Daniel J. Kenny to Susan Chait re: AS bench warrant incident (Aug. 12, 2022)

R-7 New employee hire letter from respondent to Karen Walsh (Apr. 29, 2014)

R-8 Promotion memorandum (Sept. 16, 2015)

R-9 Code of Conduct for Judiciary Employees (2014)

R-10 Signed acknowledgement form for the New Jersey Code of Conduct for All Employees (May 19, 2014)

R-11a PNDA for February 11, 2019, Karen Walsh incident (Apr. 24, 2019)

R-11b FNDA for February 11, 2019, Karen Walsh incident (Apr. 24, 2019) with settlement agreement

R-12 Court Clerk Training Summary