STATE OF NEW JERSEY

In the Matter of Vanessa Howard, Monmouth County, Department of Corrections and Youth Services	:	**FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION**
CSC Docket No. 2023-2131 OAL Docket. No. CSV 03268-23	:	

ISSUED: APRIL 27, 2026

The appeal of Vanessa Howard, then a County Correctional Police Sergeant, with Monmouth County, Department of Corrections and Youth Services, of her 45 working day suspension, on charges, was heard by Administrative Law Judge William T. Cooper III (ALJ), who rendered his initial decision on January 9, 2026. Exceptions and replies were filed by the appellant, and replies were filed on behalf of the appointing authority.

Having considered the record and the attached ALJ's initial decision, and having made an independent evaluation of the record, including a thorough review of the exceptions and replies filed by the parties, the Civil Service Commission (Commission) at its meeting of April 8, 2026, accepted and adopted the Findings of Fact and Conclusions of Law as contained in the ALJ's initial decision and his recommendation to uphold the 45 working day suspension.

As indicated above, the Commission has reviewed the appellant's exceptions and replies in this matter and finds them unconvincing. The Commission makes the following comment. The Commission agrees with the ALJ's determinations regarding the charges, which were substantially based on his assessment of the credibility of the testimony of the witnesses. In this 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 creditability and veracity of the witness. *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-l0(c); *Cavalieri u. Public Employees Retirement System*, 368 *N.J. Super.* 527 (App. Div. 2004). The Commission finds no persuasive evidence in the record to demonstrate that the ALJ's credibility determinations, or his findings and conclusions based on those determinations, were arbitrary, capricious or unreasonable. Accordingly, the Commission finds nothing in the record to question those determinations or 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 considering the seriousness of the underlying incident in determining the proper penalty, the Commission 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). Moreover, the Commission emphasizes that a County Correctional Police Sergeant, as a law enforcement officer, is held to a higher standard than a civilian public employee. *See Moorestown v. Armstrong*, 89 *N.J. Super.* 560 (App. Div. 1965), *cert. denied,* 47 *N.J.* 80 (1966). *See also, In re Phillips*, 117 *N.J.* 567 (1990).

In recommending that the charges be sustained and that the 45 working day suspension be upheld, the ALJ stated the following:

> The medical staff had determined that they needed assistance from the [County Correctional Police Officers]; the medical staff was exhausted after performing CPR on the [inmate] for an extended period, and the [inmate] was a large male who would be heavy to carry down the flight of stairs. A true life-and-death struggle was occurring, and instead of

providing the necessary assistance as requested, appellant chose to deny it. This denial occurred at a critical point when time was of the essence.

* * *

The aggravating factor here is that appellant's actions violated her basic responsibility to protect and preserve the health and safety of the inmates lodged at the Monmouth County Correctional Institution. Further, appellant's decision to deny the medical staff's request for assistance was a direct violation of the policy to assist medical personnel when necessary. More troubling is the fact that this failure occurred after appellant had been counseled not to overrule medical decisions. Finally, appellant's actions on April 17, 2022, exhibited a lack of understanding of the rules and regulations and also an inability to properly assess circumstances in an emergent situation.

Here, it is clear that as a superior-level law enforcement officer, who, per above, is held to a higher standard, the appellant's misconduct was improper and worthy of a significant disciplinary penalty. As such, the Commission finds the penalty of a 45 working day suspension neither disproportionate to the offense nor a shock to the conscience.

ORDER

The Civil Service Commission finds that the action of the appointing authority in suspending the appellant was justified. The Commission, therefore, affirms that action and dismisses the appeal of Vanessa Howard.

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 8TH DAY OF APRIL, 2026

Mary Cruz
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Dulce A. Sulit-Villamor
Director
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Attachment

State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION
OAL DKT. NO. CSV 03268-23
AGENCY DKT. NO. 2023-2131

IN THE MATTER OF VANESSA HOWARD, MONMOUTH COUNTY DEPARTMENT OF CORRECTIONS AND YOUTH SERVICES.

Raymond L. Hamlin, Esq., for appellant Vanessa Howard (Hunt, Hamlin & Ridley, attorneys)

Steven W. Kleinman, Special County Counsel, for respondent Monmouth County Department of Corrections and Youth Services

Record Closed: November 26, 2025 Decided: January 9, 2026

BEFORE **WILLIAM T. COOPER III**, ALJ:

STATEMENT OF THE CASE

Appellant Vanessa Howard, an employee of respondent Monmouth County Department of Corrections and Youth Services ("County"), appeals disciplinary action seeking a forty-five-working-day suspension for the alleged 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)(6), Conduct unbecoming a public employee; 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, specifically, violation of Monmouth

County Policy section 5, Employee Conduct and Workplace Rules and Regulations regarding Workplace Rules, Monmouth County Sheriff's Office, Corrections Division, Policy and Procedures Code 66 (Medical Response Policy), Monmouth County Sheriff's Office, Corrections Division, Rules and Regulations sections 3.13 (Code of Ethics), 3.05.110, 3.20.030, 3.20.060, and Monmouth County Sheriff's Office, Corrections Division, Post Order 26 Floor Sergeant.

Two issues are to be addressed in this case. The first issue is whether respondent has proven the disciplinary charges against appellant by a preponderance of the evidence; if the disciplinary charges have been proven by a preponderance of the evidence, then the second issue is whether the forty-five-working-day suspension is reasonable.

PROCEDURAL HISTORY

On October 22, 2022, the County filed a Preliminary Notice of Disciplinary Action (PNDA) against appellant, charging that on April 17, 2022, the following violations were committed: 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)(6), Conduct unbecoming a public employee; 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, specifically, violation of Monmouth County Policy section 5 Employee Conduct and Workplace Rules and Regulations regarding Workplace Rules, Monmouth County Sheriff's Office, Corrections Division, Policy and Procedures Code 66 (Medical Response Policy), Monmouth County Sheriff's Office, Corrections Division, Rules and Regulations sections 3.13 (Code of Ethics), 3.05.110, 3.20.030, 3.20.060, and Monmouth County Sheriff's Office, Corrections Division, Post Order 26 Floor Sergeant.

The specifications for the charges were as follows:

> You are a County Correctional Police Sergeant with the Monmouth County Sheriff's Office, Corrections Division, at the Monmouth County Correctional Institution ("MCCI"), a high security facility that houses inmates.

> On April 17, 2022, you violated numerous rules, regulations, policies and procedures of the Monmouth County Sheriff's Office Corrections Division, along with your Post Orders, as enumerated in the above charges. More specifically, on that date you were serving as the on-scene supervisor when a medical emergency arose in A-1 involving an inmate. You directed Officers Auguste, Dill, and Ricchiuti to stand by and not assist medical personnel with carrying the stricken inmate down a flight of stairs to a stretcher. This resulted in a delay exceeding two minutes for the medical personnel to be in position to transport the inmate to CentraState Medical Center. You also failed to notify the Watch Commander of the request for assistance from medical personnel and failed to document their request or your order to stand by rather than assist the medical personnel in any of your official reports pertaining to this incident.
>
> Your actions during the course of this incident were neglectful, unprofessional, and unacceptable and placed the health and safety of an inmate at additional risk, as well as exposing the County to liability and damaged the public trust regarding the quality of care provided to inmates at the MCCI. As a County Corrections Police Sergeant, a supervisory law enforcement position, your judgment is held to a higher standard, which you did not meet in this instance. This conduct cannot be tolerated by the Monmouth County Sheriff's Office, Corrections Division, or the County of Monmouth.
>
> Based upon the instant charges, your department has recommended disciplinary action of a sixty (60) day suspension without pay is required.

Appellant requested a departmental hearing on the PNDA violations, which was held, resulting in a Final Notice of Disciplinary Action (FNDA) being issued to appellant on October 28, 2022, sustaining the charges as set forth above and suspending her without pay for a total of forty-five working days.

Appellant timely appealed, and the matter was transmitted to the Office of Administrative Law (OAL), where it was filed as a contested case on April 14, 2023. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13.

Plenary hearings were conducted on July 28, 2025, and August 5, 2025, and 27, 2025. The record remained open for the parties to submit closing statements. Post-

hearing submissions were received on behalf of appellant and respondent, and on November 26, 2025, the record closed.

DISCUSSION AND FINDINGS OF FACT

For testimony to be believed, it must not only come from the mouth of a credible witness, but it also must be credible in itself. It must elicit evidence that is from such common experience and observation that it can be approved as proper under the circumstances. See Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961). A credibility determination requires an overall assessment of the witness's story in light of its rationality or internal consistency and the manner in which it "hangs together" with other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963). Also, "the interest, motive, bias, or prejudice of a witness 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.), certif. denied, 10 N.J. 316 (1952) (citation omitted).

A trier of fact may reject testimony because it is inherently incredible, or because it is inconsistent with other testimony or with common experience, or because it is overborne by other testimony. Congleton v. Pura-Tex Stone Corp., 53 N.J. Super. 282, 287 (App. Div. 1958).

In this case testimony was presented by County correction employees investigator William Beckenstein; correction officers (COs) Ryan Dill and Jeremy Auguste; captain Shawn Reece; Kristin Freeman, a nursing employee of CFG Health; Salvatore Murante and Joseph Milano, emergency medical technicians (EMTs) of Quality Medical Transport; and appellant. The witnesses' testimony concerning the events of April 17, 2022, was consistent and presented in a clear and concise manner. I did not detect any animus toward appellant in the testimony of COs Dill and Auguste, Nurse Freeman, EMTs Murante and Milano, Investigator Beckenstein, or Captain Reece. I found these witnesses to be credible.

The testimony from appellant was also clear and concise and generally consistent with that of the other witnesses. Appellant does not deny giving a command to COs not to assist medical staff or EMTs/medics in carrying an inmate who was experiencing a medical emergency down to the first floor. She testified that it was her understanding that medical staff were responsible for performing medical activities and correction staff were responsible for performing correctional activities. Further, she noted that there was blood and IV fluid on the floor and she had a concern that one of the COs who were present would come into contact with it. Overall, it was apparent that appellant failed to grasp the severity of the incident and that she had misinterpreted a prior instruction received regarding the roles of medical and correctional staff in medical situations. As such, I cannot accept her as entirely credible.

The credible testimony established, I **FIND** that on April 17, 2022, appellant was in respondent's employ as a sergeant and was on duty at the correctional facility in her supervisory role when an inmate who occupied cell 210 on the second tier of the housing unit ("the I/M") ingested an unknown substance. Video from the housing unit showed that at approximately 8:32 a.m. the I/M entered cell 210 and immediately hung a window block on the door and then closed the door. At 9:07 a.m. another inmate peered into cell 210 and noticed that the I/M was slumping over a desk chair in the cell; correction officers were notified; and a medical alert, known as a Code 66, was called. County correctional medical personnel who were already present in the housing unit dispensing medication to other inmates immediately responded to cell 210 and began to attend to the unresponsive I/M. COs Auguste and Dill were also present to assist medical personnel. County correctional medical personnel and the COs assisted the I/M to the floor of the cell, where he was laid flat to be evaluated. The inmate had no pulse and was not breathing so cardiopulmonary resuscitation (CPR) was initiated. EMTs Murante and Milano arrived at approximately 9:21 a.m. and observed correctional medical personnel performing CPR and took over this task. At approximately 9:27 a.m. additional EMTs/medics arrived, and they took over administering CPR. After approximately thirty minutes of performing CPR a heart rhythm was detected, and it was determined at approximately 9:51 a.m. that the I/M should be immediately transported to the hospital.

I **FIND** that the I/M was a large individual, over six feet tall and weighing around 250 pounds. The I/M was on the second floor, and he would have to be carried by hand on the backboard down a flight of stairs to an awaiting stretcher on the first floor. The medical personnel and the EMTs were exhausted from administering CPR, and they requested assistance in carrying the I/M from the second floor to the first floor from correction officers who were present. COs Dill and Auguste instantly bent down to assist with lifting the I/M up but were directed by appellant, their superior officer, to step away and to let the medical personnel bring the I/M down the stairs. Appellant does not deny issuing the order to stand down to the officers, and I so **FIND**.

Investigator Beckenstein testified that the decision by appellant not to assist the medical staff in carrying the I/M caused a delay of approximately two minutes in transporting the I/M to the hospital. I cannot quantify the exact length of time it took; however, I do **FIND** that appellant's order to the COs not to assist medical staff caused a delay in evacuating the I/M to the hospital.

As the I/M was being removed from cell 210 to a backboard at the entrance to the cell an intravenous line (IV) in the I/M's arm was caught on the cell door frame and was pulled out of the I/M's arm, resulting in fluids being spilled onto the floor. Appellant testified that she was concerned that COs may come into contact with this fluid; however, neither CO Dill nor CO Auguste shared this concern, as both testified that they were ready, willing, and able to assist medical personnel in carrying the I/M. I **FIND** that any fluid that was on the floor was minimal and of no consequence.

I **FIND** that Captain Reece had previously counseled appellant regarding a prior internal complaint from the medical staff regarding appellant overruling a medical decision. According to Captain Reece, he advised appellant that medical staff is to make medical decisions and custody staff is to make custody decisions. Captain Reece also noted that all employees have an obligation to assist in an emergency situation because in those instances minutes matter. I **FIND** that appellant overruled the medical staff's request for assistance in carrying the I/M to the first floor when she issued the order to the COs to stand down. I further **FIND** that appellant, in issuing the order, failed to assist the medical staff in an emergency situation.

DISCUSSION AND CONCLUSIONS OF LAW

Two issues are to be addressed in this case. The first issue is whether respondent has proven the disciplinary charges against appellant by a preponderance of the evidence; if the disciplinary charges have been proven by a preponderance of the evidence, then the second issue is whether the forty-five-working-day suspension is reasonable.

The Civil Service Act, N.J.S.A. 11A:1-1 et seq., governs a public employee's rights and duties. The Act is an important inducement to attract qualified personnel to public service and is liberally construed toward attainment of merit appointments and broad tenure protection. Essex Council No. 1, N.J. Civil Serv. Ass'n v. Gibson, 114 N.J. Super. 576, 581 (Law Div. 1971), rev'd on other grounds, 118 N.J. Super. 583 (App. Div. 1972); 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. N.J.S.A. 11A:1-2(a). Such an employee may be subject to major discipline. N.J.S.A. 11A:1-2(b), N.J.S.A. 11A:2-20; N.J.A.C. 4A:2-2.2; N.J.A.C. 4A:2-2.3(a).

An appeal to the Civil Service Commission requires the OAL to conduct a de novo hearing to determine an appellant's guilt or innocence, as well as the appropriate penalty if the charges are sustained. In re Morrison, 216 N.J. Super. 143 (App. Div. 1987). The respondent has the burden of proof and must establish by a fair preponderance of the credible evidence that the appellant was guilty of the charges. N.J.S.A. 11A:2-21; N.J.A.C. 4A:2-1.4(a); Atkinson v. Parsekian, 37 N.J. 143, 149 (1962); In re Polk, 90 N.J. 550, 561 (1982). Evidence is found to preponderate if it establishes the reasonable probability of the fact alleged and generates a reliable belief that the tendered hypothesis, in all human likelihood, is true. See Loew v. Union Beach, 56 N.J. Super. 93, 104 (App. Div. 1959), overruled on other grounds, Dwyer v. Ford Motor Co., 36 N.J. 487 (1962).

Appellant's status as a correctional police officer subjects her to a higher standard of conduct than an ordinary public employee. In re Phillips, 117 N.J. 567, 576–77 (1990).

Law-enforcement employees, such as a correction officer, represent "law and order to the citizenry and must present an image of personal integrity and dependability in order to have the respect of the public." Twp. of Moorestown v. Armstrong, 89 N.J. Super. 560, 566 (App. Div. 1965), certif. denied, 47 N.J. 80 (1966). In military-like settings such as police departments and prisons, it is of paramount importance to maintain strict discipline of employees. Rivell v. Civil Serv. Comm'n, 115 N.J. Super. 64, 72 (App. Div.), certif. denied, 59 N.J. 269 (1971); City of Newark v. Massey, 93 N.J. Super. 317 (App. Div. 1967).

This case involves major disciplinary action, brought by respondent against appellant, seeking a forty-five-working-day suspension. The FNDA charged appellant with 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)(3), Inability to perform duties; 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), Neglect of duty; and N.J.A.C. 4A:2-2.3(a)(12), Other sufficient cause, specifically, violation of Monmouth County Policy section 5 Employee Conduct and Workplace Rules and Regulations regarding Workplace Rules, Monmouth County Sheriff's Office, Corrections Division, Policy and Procedures Code 66 (Medical Response Policy), Monmouth County Sheriff's Office, Corrections Division, Rules and Regulations sections 3.13 (Code of Ethics), 3.05.110, 3.20.030, 3.20.060, and Monmouth County Sheriff's Office, Corrections Division, Post Order 26 Floor Sergeant.

There is no definition in the New Jersey Administrative Code for "incompetency, inefficiency or failure to perform duties" in violation of N.J.A.C. 4A:2-2.3(a)(1). However, it has been determined that 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, MSB (January 24, 2000), http://njlaw.rutgers.edu/collections/oal/ (citing Steinel v. City of Jersey City, 7 N.J.A.R. 91 (1983); Clark v. New Jersey Dep't of Agriculture, 1 N.J.A.R. 315 (1980)). "Inefficiency" has been defined as the act of being incapable of doing or indisposed to do things required in a timely and satisfactory manner. Glenn v. Twp. of Irvington, CSV 5051-03,

Initial Decision (February 25, 2005), adopted, MSB (May 25, 2005), http://njlaw.rutgers.edu/collections/oal/. Inefficiency, incompetence, or failure to perform duties exists where conduct fails to meet, obtain, or produce the effects or results intended for the necessary and adequate performance of the job. While not defined specifically, "failure to perform duties" can be understood to mean failure to take an action reasonably anticipated from the duties of the position as set forth in the civil service regulations and job description.

"Conduct unbecoming a public employee" in violation of N.J.A.C. 4A:2-2.3(a)(6) has been described as an "elastic" phrase that includes "'conduct which adversely affects the morale or efficiency'" of the public entity or "'which has a tendency to destroy public respect for [public] employees and confidence in the operation of [public] services.'" In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960) (citation omitted); see Karins v. City of Atl. City, 152 N.J. 532 (1998). Unbecoming conduct by a police officer need not be predicated upon a violation of the employer's rules or policies. See City of Asbury Park v. Dep't of Civil Serv., 17 N.J. 419, 429 (1955). Rather, it "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." In re Tuch, 159 N.J. Super. 219, 224 (App. Div. 1978).

"Neglect of duty" in violation of N.J.A.C. 4A:2-2.3(a)(7) has been interpreted to mean that an "an employee . . . neglected to perform an act required by his or her job title or was negligent in its discharge." In re Glenn, CSV 5072-07, Initial Decision (February 5, 2009) (citation omitted), adopted, Civil Service Commission (March 27, 2009), http://njlaw.rutgers.edu/collections/oal/. The term "neglect" means a deviation from the normal standards of conduct. In re Kerlin, 151 N.J. Super. 179, 186 (App. Div. 1977). "Duty" means conformance to "'the legal standard of reasonable conduct in the light of the apparent risk.'" Wytupeck v. Camden, 25 N.J. 450, 461 (1957) (citation omitted). Neglect of duty can arise from omitting to perform a required duty as well as from misconduct or misdoing. Cf. State v. Dunphy, 19 N.J. 531, 534 (1955). Neglect of duty does not require an intentional or willful act; however, there must be some evidence that the employee somehow breached a duty owing to the performance of the job.

Appellant has also been charged with "other sufficient cause," under N.J.A.C. 4A:2-2.3(a)(12), for violating County workplace rules or policies. Violating a rule or policy means failure to adhere to the standards set forth by the particular institution, in this case the County. The following violations are alleged:

Violation of Monmouth County Policy section 5, Employee Conduct and Workplace Rules, which states:

> The County of Monmouth expects all employees to follow certain work rules and conduct themselves in ways that protect the interests and safety of all employees, property and County worksites and premises.
>
> Employees who break workplace rules may be subject to disciplinary action, up to and including termination of employment.
>
> While it is impossible to list every action that constitutes unacceptable conduct, the following provides some examples:
>
> - Unsatisfactory performance or conduct;
> - Conduct unbecoming a public employee;
> - Inability to perform duties;
> - Incompetency, inefficiency, or failure to perform duties;
> - Neglect of duty;
> - Violation of departmental or personnel policies; and
> - Other sufficient cause: Violation of any established provision, rule, regulation, policy, procedure, or administrative directive of the Civil Service Commission, County of Monmouth, or state or federal government.

Violation of Monmouth County Policy section 5, Employee Conduct and Workplace Rules regarding Code of Ethics and Professional Conduct Policy, which states:

> The Monmouth County Code of Ethics and Professional Conduct provide all employees with guidelines on business ethics, professional conduct, and the County's perspective on

> various matters. It is the responsibility of every Monmouth County employee to comply with the policy. If employees are unsure whether an action or behavior is ethical or proper, they should discuss the matter with their manager or Department Director. Employees may also contact the County Administrator's Office or Human Resources for directions.
>
> Professional Conduct:
>
> Accountability – Every Monmouth County employee is responsible for knowing and adhering to the standards set forth in this Code and all County policies, and for raising questions if uncertain about any County policy. Moreover, all Monmouth County employees are responsible for promptly reporting any conduct, issue or concern they reasonably believe may constitute a violation or inconsistency with this policy and/or any workplace conduct policies.

Violation of Monmouth County Sheriff's Office, Corrections Division, Rules and Regulations section 3.20.030, which states:

> Members of the Division found guilty of any of the following offenses may be dismissed from the Division or suffer such other punishment as the Sheriff/Warden may direct, pursuant to applicable provisions of the New Jersey Civil Service Law and the progressive disciplinary policy. Violations of the rules and regulations:
>
> A. Failure to abide by the provision of any state order;
>
> B. Disobedience of orders:
>
> C. Conduct unbecoming an Officer or member;
>
> D. Making a false official Statement, or;
>
> E. Conviction in court of criminal jurisdiction;
>
> F. Failure to perform duties;
>
> G. Insubordination;
>
> H. Violation of the rules and regulations.

Violation of Monmouth County Sheriff's Office, Corrections Division, Rules and Regulations section 3.20.260, which states:

> Though not specifically mentioned in these rules and regulations, all behavior which threatens good order and discipline and all conduct of a nature to bring discredit upon the Division shall be acted upon by the Division according to the nature and degree of the offense and punished at the discretion of the Warden and/or Sheriff.

Code 66 Medical Response Code, which states in relevant part as follows (Code 66):

> 1. Central Control is notified via radio by the Unit Officer;
> A. The officer is responsible for calling code 66 in any case in which the inmate is unresponsive, in distress or physically unable to get to medical in a safe, timely manner. Examples would include but are not limited to:
>
> i. Unconsciousness
> ii. Profuse bleeding
> iii. Choking
> iv. Seizure
> v. Presentation of a Heart Attack
> vi. Visible wound (broken bone, burn, laceration, etc.)
>
> . . . .
>
> 6. The Supervisor's responsibilities include in part:
>
> A. Notify the Watch Commander that he/she is on scene
>
> . . . .
>
> C. Assess the situation and advise the Watch Commander
> D. Direct Correctional Staff in any additional duties required
>
> 7. The Housing Unit Rover/Relief Officer responsibilities are as follows:

A. Assist with the lockdown

B. Assist with the headcount of the area

C. Provide assistance to the Housing Unit Officer and Medical Response Team if necessary

D. Perform all correctional related duties as directed by the Supervisor.

Here, the credible evidence establishes that the medical staff had requested assistance from COs in carrying an unconscious inmate from the second floor to the first floor of a housing unit. Appellant readily admits to issuing the order to the COs not to assist medical staff. In justifying her actions, appellant argues that Code 66 only requires assistance if necessary, and in her opinion the COs' assistance, although needed, was not necessary. It is noted that necessary and needed are two words that are often used interchangeably, but they do have slightly different meanings. Necessary implies something that is essential or required in order for something else to happen or be successful. Needed, on the other hand, simply suggests that something is required or desired. While both words convey a sense of importance, necessary carries a stronger connotation of urgency or vital importance. Overall, necessary is more forceful and absolute in its requirement, while needed is more flexible and open to interpretation. Appellant avers that she was not in violation of Code 66 protocols because there were sufficient medical staff and EMTs present to complete the task of moving the I/M.

This argument is unconvincing, as it focuses on semantics and fails to recognize the seriousness of the event that occurred on April 17, 2022. The medical staff had determined that they needed assistance from the COs; the medical staff was exhausted after performing CPR on the I/M for an extended period, and the I/M was a large male who would be heavy to carry down the flight of stairs. A true life-and-death struggle was occurring, and instead of providing the necessary assistance as requested, appellant chose to deny it. This denial occurred at a critical point when time was of the essence. Appellant also argues that her decision followed the counseling advice she previously received from Captain Reece. This argument is also without merit. Captain Reece had previously counseled appellant regarding appellant overruling a medical decision and explained that the medical staff is to make medical decisions and custody staff is to make

custody decisions. On April 17, 2022, the medical staff decided that assistance was needed from COs to carry an I/M down a flight of stairs, but appellant overruled the request. I **CONCLUDE** that appellant had failed to provide necessary assistance when it was requested. I further **CONCLUDE** that appellant's actions in denying the request for assistance exhibited poor judgment. I **CONCLUDE** that appellant failed to properly assess the situation on August 17, 2022, and failed to provide correctional staff with proper direction in responding to the medical emergency.

Lastly, appellant in her written submission raised the issue that appellant, the lone female sergeant in respondents' employ, was being held to a higher standard than her male counterparts. No credible evidence was submitted during the hearing that would support such a finding, and, as such, this argument is rejected as unsupported.

I **CONCLUDE** that respondent demonstrated by a preponderance of the credible evidence that appellant's conduct on April 17, 2022, constitutes a violation 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)(3), Inability to perform duties; 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)(7), Neglect of duty, and that such charges must be **SUSTAINED**. I further **CONCLUDE** that respondent demonstrated by a preponderance of the credible evidence that appellant's conduct constitutes a violation of N.J.A.C. 4A:2-2.3(a)(12), Other sufficient cause, specifically, violation of Monmouth County Policy section 5, Employee Conduct and Workplace Rules and Regulations regarding Workplace Rules, Monmouth County Sheriff's Office, Corrections Division, Policy and Procedures Code 66 (Medical Response Policy), Monmouth County Sheriff's Office, Corrections Division, Rules and Regulations sections 3.13 (Code of Ethics), 3.05.110, 3.20.030, 3.20.060, and Monmouth County Sheriff's Office, Corrections Division, Post Order 26 Floor Sergeant, and that such charge must be **SUSTAINED**.

PENALTY

Once a determination has been made that an employee violated a statute, rule, or regulation concerning their employment, the concept of progressive discipline requires consideration. In re Stallworth, 208 N.J. 182,195–96 (2011); West New York v. Bock, 38

N.J. 500, 523. When deciding what disciplinary action is an appropriate penalty, the fact finder shall consider the nature of the sustained charges and the employee's past record. Bock, 38 N.J. at 523–24. The employee's past record is said to encompass their reasonably recent history of promotions or commendations on the one hand, and on the other hand, any "formally adjudicated disciplinary actions as well as instances of misconduct informally adjudicated . . . by having been previously called to the attention of and admitted by the employee." Id. at 524. Consideration as to the timing of the most recently adjudicated disciplinary history should also be given. Ibid.

However, the theory of progressive discipline is not a fixed rule to be followed without question. An analysis of the mitigating and aggravating factors must be undertaken before the appropriate discipline can be determined. The mitigating factors are that appellant, who began her employment as a correction officer on February 27, 2012, was promoted to the rank of sergeant and has no prior disciplinary history.

The aggravating factor here is that appellant's actions violated her basic responsibility to protect and preserve the health and safety of the inmates lodged at the Monmouth County Correctional Institution. Further, appellant's decision to deny the medical staff's request for assistance was a direct violation of the policy to assist medical personnel when necessary. More troubling is the fact that this failure occurred after appellant had been counseled not to overrule medical decisions. Finally, appellant's actions on April 17, 2022, exhibited a lack of understanding of the rules and regulations and also an inability to properly assess circumstances in an emergent situation.

Weighing the mitigating and the aggravating factors, I **CONCLUDE** that the aggravating factors outweigh the mitigating factor. Respondent sought a penalty of a forty-five-working-day suspension. I **CONCLUDE** that such a stringent penalty is appropriate to the facts surrounding the sustained charges.

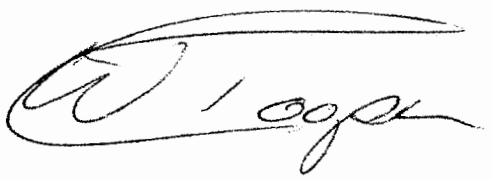
ORDER

Based on the above findings of fact and conclusions of law, I **ORDER** that a forty-five-working-day suspension be imposed on appellant.

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.



January 9, 2026
DATE

WILLIAM T. COOPER III, ALJ

Date Received at Agency: _____

Date E-Mailed to Parties: _____

WTC/am

APPENDIX

Witnesses

For appellant:

Vanessa Howard

For respondent:

Kristin Freeman

Salvatore Murante

Joseph Milano

Ryan Dill

Jeremy Auguste

Shawn Reece

William Beckenstein

Exhibits

For appellant:

P-1 through P-22 were not admitted, with consent of appellant due to documents were duplicative of respondent's exhibits.

P-23 Email dated March 15, 2022

P-24 Email dated March 18, 2022

P-25 Email dated March 18, 2022

For respondent:

R-1 Final Notice of Disciplinary Action

R-2 PNDA

R-3 IA report form

R-4 IR Case 3 IA22-014

R-5 IA statement of Vanessa Howard

R-6 Jail Incident Report 22J100166

R-7 Jail Incident Report 22J100167

R-8 Jail Incident Report 22J100172

R-9 Jail Incident Report 22J100234

R-10 Jail Incident Report 22J100235

R-11 Jail Incident Report 22J100236

R-12 Email to Cpt. Reece

R-13 IR from Salvatore Murano

R-14 IR from Joseph Milano

R-15 Post Order/Job Description #26 Zone Sergeant

R-16 Code 66 Medical Response Code

R-17 MCSO Policy and Procedure 3.13 Code of Ethics

R-18 MCSO Guide Section 5

R-19 Monmouth County Division Rules and Regulations

R-20 Employee Acknowledgement Form

R-21 Video player

R-22 Video files