



STATE OF NEW JERSEY

**DECISION OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Tiffany Cobourne,
Camden County Board of Social
Services

CSC Docket No. 2022-1531
OAL Docket No. CSV 00661-2022

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ISSUED: August 4, 2026

The appeal of Tiffany Cobourne, Human Services Specialist 2, Camden County Board of Social Services, of her 60 working day suspension, effective December 7, 2021, on charges, was heard by Administrative Law Judge Carl V. Buck III (ALJ), who rendered his initial decision on June 23, 2026.¹ Exceptions were filed on behalf of the appellant.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, including a thorough review of the exceptions filed on behalf of the appellant, the Civil Service Commission (Commission), at its meeting of July 22, 2026, accepted and adopted the Findings of Fact and Conclusions as contained in the attached ALJ's initial decision and his recommendation to modify the penalty to a 45 working day suspension.

As indicated above, the Commission has reviewed the appellant's exceptions 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

¹ For privacy reasons, sensitive information regarding the appellant's daughter has been redacted from the ALJ's attached decision.

position to determine the credibility 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-10(c); Cavalieri v. 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, the Commission’s review, like its review of the underlying charges, 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. 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 modifying the penalty from a 60 working day suspension to a 45 working day suspension, the ALJ stated the following:

In applying progressive discipline, I weigh [the] appellant’s time with the [Camden County Board of Social Services (Board)] with one instance of discipline—albeit that that discipline carried no penalty beyond a verbal warning. Further, I do not find [the] appellant’s argument that leaving the workplace was necessary due to an emergency with her daughter to be persuasive. Considering [the] appellant’s time spent working for the Board, presumed experience, and knowledge of union rules and Board policies in the workplace and presentation in a government/business setting for a period of nine years, there can be no excuse nor any equivocation about leaving the workplace without notice

or authorization; having a fight with neighbors; and getting arrested—whether [the] appellant thought it was an emergency or not. I do find a mitigating factor in that the charge of misuse of public property is not founded.

Accordingly, I **CONCLUDE** that a forty-five-day suspension is the appropriate penalty.

The Commission agrees with the above assessment and finds that a 45 working day suspension is neither disproportionate to the offense nor shocking to the conscience.

Since the appellant's suspension has been modified, the appellant is entitled to 15 working days of back pay, benefits, and seniority pursuant to *N.J.A.C.* 4A:2-2.10. However, she is not entitled to counsel fees. *N.J.A.C.* 4A:2-2.12(a) provides for the award of counsel fees only where an employee has prevailed on all or substantially all of the primary issues in an appeal of a major disciplinary action. The primary issue in the disciplinary appeal is the merits of the charges. See *Johnny Walcott v. City of Plainfield*, 282 *N.J. Super.* 121,128 (App. Div. 1995); *In the Matter of Robert Dean* (MSB, decided January 12, 1993); *In the Matter of Ralph Cozzino* (MSB, decided September 21, 1989). In the case at hand, although one charge was dismissed and the penalty was modified by the Commission, charges were sustained, and major discipline was imposed. Consequently, as the appellant has failed to meet the standard set forth in *N.J.A.C.* 4A:2-2.12, counsel fees must be denied.

This decision resolves the merits of the dispute between the parties concerning the disciplinary charges and the penalty imposed by the appointing authority. However, per the decision of the Superior Court of New Jersey, Appellate Division, *Dolores Phillips v. Department of Corrections*, Docket No. A-5581-01T2F (App. Div. Feb. 26, 2003), the Commission's decision will not become final until any outstanding issues concerning back pay are finally resolved.

ORDER

The Civil Service Commission finds that the action of the appointing authority in suspending the appellant was justified. However, it modifies the 60 working day suspension of the appellant to a 45 working day suspension.

The Commission further orders that the appellant be granted 15 working days of back pay, benefits, and seniority as provided for in *N.J.A.C.* 4A:2-2.10. Pursuant to *N.J.A.C.* 4A:2-2.10, the parties shall make a good faith effort to resolve any dispute as to the amount of back pay. Counsel fees are denied.

The parties must inform the Commission, in writing, if there is any dispute as to back pay within 60 days of issuance of this decision. In the absence of such notice,

the Commission will assume that all outstanding issues have been amicably resolved by the parties and this decision shall become a final administrative determination pursuant to R. 2:2-3(a)(2). After such time, any further review of this matter shall be pursued in the Superior Court of New Jersey, Appellate Division

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 22ND DAY OF JULY, 2026



Mary Cruz
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Shannon L. Dalton
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
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Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSV 00661-2022

AGENCY DKT. NO. 2022-1531

**IN THE MATTER OF TIFFANY
COBOURNE, CAMDEN COUNTY
BOARD OF SOCIAL SERVICES.**

Kevin C. Watkins, Esq., for appellant Tiffany Cobourne (Law Office of Kevin C. Watkins, attorneys)

Charles G. Opperman, Esq., for respondent Camden County Board of Social Services

Record Closed: April 27, 2026

Decided: June 23, 2026

BEFORE **CARL V. BUCK III**, ALJ:

STATEMENT OF THE CASE

Appellant Tiffany Cobourne (Cobourne or appellant) appeals the decision of respondent Camden County Board of Social Services (respondent or Camden or Board), to suspend Cobourne from her position as a Human Services Specialist 2 (HSS 2) for sixty days for violations of:

1. N.J.A.C. 4A:2-2.3(a)(8), misuse of public property;
2. N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee;
3. N.J.A.C. 4A:2-2.3(a)(7), neglect of duty; and
4. N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause.

The Preliminary Notice of Disciplinary Action (PNDA) was issued on October 8, 2021.

The issue is whether Cobourne engaged in conduct per the charges detailed above and whether the Board's imposition of the penalty of sixty working days was warranted.

PROCEDURAL HISTORY

On September 28, 2021, events involving appellant led to an investigation and charges against her. On October 8, 2021, respondent served appellant with a PNDA charging her with violations of:

1. N.J.A.C. 4A:2-2.3(a)(8), misuse of public property;
2. N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee;
3. N.J.A.C. 4A:2-2.3(a)(7), neglect of duty; and
4. N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause.

The PNDA called for appellant's termination.

A departmental hearing was held on November 18, 2021, and on December 7, 2021, respondent issued a Final Notice of Disciplinary Action (FNDA) to appellant sustaining all charges against her, with notice that she would be suspended for sixty working days beginning December 7, 2021.

Appellant filed an appeal of the penalty on December 23, 2021. On January 21, 2022, the Civil Service Commission (CSC) transmitted this matter to the Office of

Administrative Law (OAL), which filed it for determination as a contested case under N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13 on January 26, 2022.

Many conferences were held with the parties. Appellant made a motion for discovery on September 9, 2022. Respondent replied, and oral argument on the motion was held on September 29, 2022. I denied the motion for discovery. Additional conferences were held, with the hearing on the main case commencing on July 6, 2023.

At the conclusion of respondent's case, appellant's counsel made a verbal "motion to dismiss charges" as detailed in an Order issued by me on December 4, 2023. A copy of the self-explanatory Order denying the motion is attached as Exhibit C-1.

Dates for recommencement of the hearing were scheduled, and the final date of the initial hearing was held on November 18, 2024. The record was held open for submissions by the parties. Respondent's final brief was submitted on March 28, 2025. On March 28, 2025, appellant requested additional time for submission, and appellant's final brief was submitted on April 4, 2025. The record then closed on April 11, 2025. The record was reopened to clarify exhibits of the parties, and a conference between the parties was held on February 5, 2026, and the record was closed after submissions were confirmed on April 27, 2026.

FACTUAL DISCUSSION AND FINDINGS

The following is undisputed, and I, therefore, **FIND** the following as **FACT**:

1. At the time of the incident, appellant was employed by respondent as an HSS 2.
2. As the result of an incident occurring September 28, 2021, respondent conducted an investigation and on October 8, 2021, issued the PNDA, described above, to appellant.

3. The event commenced with a telephone call from appellant's daughter to appellant regarding a personal need that the daughter encountered that morning at school.
4. The PNDA called for removal of appellant from her position.
5. Appellant timely requested a departmental hearing.
6. The departmental hearing was conducted on November 18, 2021. Appellant was represented at the hearing by union vice president Stephen Johnson.
7. A letter dated November 30, 2021, to Catherine Binowski, Esq., Camden County Board of Human Resources from hearing officer Leon Dembo, Esq., stated that, at the hearing, respondent determined to sustain the charges in the PNDA with a modification that the penalty should be reduced from removal to a suspension of sixty days without pay.
8. The FNDA, described above, was issued December 7, 2021.
9. Appellant filed a timely appeal with the Civil Service Commission on December 23, 2023.

Testimony

Kelly Mendez (Mendez) had been appellant's supervisor for approximately a year before the incident. She had had neither performance issues nor conflicts with appellant before this incident. There was one incident Mendez recalled where appellant was speaking with Stephanie McIntyre and "had words" with McIntyre. Mendez brought appellant into her office and asked her about this, to which appellant started screaming and yelling at Mendez and accusing her of saying something that appellant did not say. Mendez said she had the right to question this, and appellant left Mendez's office. Mendez issued a disciplinary notice for insubordination for that event; this discipline was grieved by appellant and remained in place. Mendez, in later testimony, stated that the charges were not sustained.

On the day of the incident, Mendez clocked in at 9:04 a.m. Mendez stated that employees are instructed to text her or the supervisor on staff or the administrator if they are going to be late. She received an email at about 12:14 p.m. where appellant stated that appellant was told by Linda Johnson that Mendez was looking for appellant. In the email appellant stated she had an emergency and was taking an early lunch. Mendez was questioned on normal work hours, which were 8:30 a.m. to 4:30 p.m. If employees were sick or late, they needed to report to their supervisor by 8:45 a.m. Appellant did not request to use her personal, sick, or vacation time that day. She was made aware of the incident the next day as some of the employees were discussing the incident. Mendez contacted HR by email to advise them in this matter and testified to the September 30, 2021, email she sent to HR requesting guidance. She was not informed as to any disciplinary action taken against appellant.

Mendez was asked about an employee taking an “early lunch.” She stated that an early lunch was not permitted before 11:30 a.m., per the policy and manual. This was per the union contract and the CCBSS policy manual.

Mendez spoke to the process that was used to bring disciplinary action against an individual under her supervision, dealing with the concept of progressive discipline, speaking with the employee, and the levels of review. Mendez initiated the discipline, but the action was taken over by HR. This could or could not occur depending on the case.

Salama McFarland (McFarland) is an assistant administrator who supervised both Mendez and appellant. She testified to incidents involving appellant in 2019 stating that her recollection was that there were reports of incidents with specialists regarding cases where it was reported that appellant was being “very disagreeable” and they “did not feel comfortable” giving back errors dealing with appellant. McFarland believed there were incidences of challenges by appellant to Mendez’s authority. She testified to Exhibit R-F, which was a grievance of appellant to Mendez’s request for disciplinary action for an insubordination issue in 2019. The disciplinary result of that incident was initially for a three-day suspension and was ultimately reduced to a verbal warning. McFarland stated that appellant did not have an effective way of communicating.

Quadaysha Whaley (Whaley) is a neighbor of Cobourne and testified to the events of September 28, 2021, adjacent to her home. Whaley had a “Genie” video camera that recorded the event, and portions of that video were subsequently posted to social media. Whaley stated she did not post the video. She testified to the video and the time differences and stated that she took pictures of the video, and the time changes were due to “rewinding” and her “screen recording” portions of the video. A portion of the video was posted on Facebook. Whaley said she did not post it to Facebook, but she did send it to the Board about a week later. She testified that she did not alter the video.

She stated that she took sticks from appellant’s flowerpot and dropped them in the street. Appellant pushed her and then hit Whaley with a stick. Whaley stated that she and Cobourne called the cops, and “we were still arguing when the cops showed up.”

Whaley stated she knocked over the pots purposely as they were in the street. She previously had called the police about the pots, who told Cobourne it was illegal to put them in the street. Appellant moved the pots out of the street, which led to problems with Whaley parking. Whaley stated she was not parked in front of her driveway although she may have stopped in front of Cobourne’s driveway.

A review of the video apparently showed Cobourne shoving Whaley at timestamp 1:45 in the video. Whaley was holding her son and put her son down and then did try to hit Cobourne, and others on site tried to stop the fight. Cobourne continued, picked up a stick, and started swinging the stick. Whaley chased Cobourne down the street.

Cobourne told Whaley that Cobourne knew that Whaley received food stamps and she would make it her business to have them cancelled. Whaley testified that she did not know how Cobourne obtained that information.

On cross-examination she testified that there are no parking problems on the street but there is someone on the street who keeps calling the police and reports on Whaley and the woman across the street. If Whaley’s car is too close to the yellow, the police

knock on her door; if the neighbor (Lakesha Crew) is on her sidewalk, the police knock on her door. Neither know who is making these reports to the police.

On the day of the event, Whaley stated the pots were in the street on the side of the yellow and that she knocked over the pots twice, kicking them over about fifteen minutes before Cobourne arrived. The pots had been there for a few months before the incident because she had called the police and the parking authority. Whaley stated that Cobourne stated Cobourne saw Whaley knock over the pots and that is why Cobourne came home.

Whaley later contradicted her initial statement regarding the Facebook posting; where Whaley initially stated she did not post the video to Facebook, she now stated that she, and others, posted the video to Facebook. She stated she filed charges for simple assault against Cobourne but ultimately dropped her charges in conjunction with Cobourne dropping her charges of harassment against Whaley.

Tiffany Cobourne (Cobourne or appellant) testified to the incident and the timeframes involved. She was employed as an HSS 2 at the Board and had been working in the case management department since January 2012. She began as a case manager but is now a social worker and has been for a little over a year.

She testified she had been reprimanded for a timekeeping protocol issue on September 28, 2021. She stated she had left her workstation at approximately 8:32 a.m. that morning as she took her lunch early to tend to an issue with her daughter that she was made aware of by a text from her daughter at 8:29 a.m. She usually took her lunch between 1:00 p.m. and 2:00 p.m. Kellyanne Dalton was her supervisor. She stated that the policy information laid out by Mendez was not correct.

On the morning in question, appellant received a telephone call from her daughter, who was at school. Her daughter had [REDACTED] and did not have a change of clothes, although a friend of her daughter's had offered a jacket for the daughter to wrap around herself. There was no other family member who could take

clothing to the school. Appellant decided to leave work, go home, get a set of clothes, and take the clothes to her daughter at school.

She stated there was no supervisor at the time she received the call from her daughter. Appellant spoke with Linda Johnson and told her to tell Kelly (Mendez) that she was leaving because her daughter had had an accident. As appellant was leaving, she encountered a coworker in case management, Natalice Farmer (Farmer). Farmer said she was not feeling well and she needed something to eat and was going to a nearby store. Appellant said that Farmer could come to her house, get something to eat, and wait in her car as she took clothing into the school to take to her daughter. When she arrived at her house, her yellow painted flowerpot had been knocked over into her driveway. She had to back her car into the driveway; she could not pull in due to other cars blocking her driveway. When she got home, her neighbor, Quadaysha Whaley, had her car parked in front of appellant's driveway. Whaley moved up and appellant saw that the flowerpot was knocked over.

Farmer tried to move the flowerpot, but she could not move it as it was eighty pounds. Cobourne stated that Whaley told Cobourne that Whaley knocked over the flowerpot with her car and would continue to do so every day at 12:00 p.m. when Whaley picked up her son. Whaley puts cones in her driveway, and the police came to tell her she can't do that. Appellant's flowerpot, which Whaley knocked into her driveway, impeded her from going into her driveway.

As a result of the incident, appellant got a "gash" in her left leg and "head injuries." She went to an urgent care after work for treatment.

She was shown a portion of a video identifying the location of her car in the street and Whaley's car. The video begins at 8:50 a.m. but jumps to 8:54 a.m. At 8:54 a.m., appellant is bending down with Farmer next to her. At 8:58 a.m., appellant stated this was "after the fight" and showed several people in front of the house. The video now goes to 8:54 a.m. and shows Whaley's son while appellant and Whaley are "already fighting." The video goes to 8:54.20. Appellant said she was fighting with Whaley at this point and Whaley stated she was going to get appellant and Farmer fired. At a point in

the video, Whaley puts down her son, picks up a stick, and throws the stick at appellant, and the stick hits appellant. Appellant stated on cross-examination that she had a fight during her early lunch and the timeframe was extended because she was arrested.

On cross-examination Cobourne was questioned about placing items in the street. She stated that she cannot place items in the street. She stated she received permission from the city to place her flowerpots in the street.

She was also questioned on her written statement, which said she left at approximately 8:30 a.m. and returned at approximately 11:30 a.m. However, she stated in prior testimony that she returned between 11:45 a.m. and 12:00 p.m.

After the incident, Cobourne stated that Farmer told her to wait until the police arrived. Cobourne was arrested, her mother came to get Cobourne at jail, and they then went to Cobourne's house. Cobourne changed her clothes (as they were bloody), got her daughter's clothing, and took the clothing to school, and her mother took appellant to work.

She was questioned about her statement issued on October 1, 2021, giving a return time of about 11:00 a.m., and on questioning she stated she returned to work between 11:45 a.m. and 12:00 p.m. She received discipline and served the time but stated she did not know who issued her the discipline nor how it was qualified for her time.

Natalice Farmer (Farmer) is a case manager with the Board and has been employed there for eighteen years. She testified to her job responsibilities, lunchtime and payroll issues. She testified to the incident date, and that morning she was not feeling well and looked for a coworker who had some sugar. She ran into appellant outside the building and told her she did not feel well. Appellant told her that she had to do something for her daughter, and Farmer decided to go to her house with her as she lived five minutes away.

On arriving at appellant's house, one of her flowerpots was blocking her driveway. Farmer tried to move the pot, and appellant got out and moved the pot. Appellant was parked as if she was going into her driveway and proceeded to move the flowerpot. As she was lifting the flowerpot, her neighbor yelled "Yes I did it and what are you going to do about it." The neighbor then picked up something and threw it at appellant. The neighbor then put her son down and charged at appellant. Farmer testified she did not see appellant hitting the neighbor.

The neighbors came out voicing various opinions on the situation, and Farmer wanted to leave. Appellant did not want to leave. Farmer thought that appellant wanted to wait for the police. The police ultimately came to the scene. Appellant let Farmer take her car back to work, and on appellant returning to work, appellant told Farmer that she was arrested. Farmer estimated she was away from work for "maybe thirty minutes," and she initially did not anticipate being out of the office for any time.

Farmer had not notified her superior, Mendez, that she was leaving the building. She stated she did let a coworker, Linda Johnson, know she was going to get something to eat as she did not feel well. She notified Mendez when she returned and explained the situation.

Farmer testified to the practices of requesting vacation and personal time, which need to be handed in at least a few days before the time. This differed from sick time, which could occur any time. She received a penalty for taking unauthorized time.

Additional Findings

It is the obligation of the fact finder to weigh the credibility of the witnesses before making a decision. Credibility is the value that a fact finder gives to a witness' testimony. Credibility is best described as that quality of testimony or evidence that makes it worthy of belief. "Testimony to be believed must not only proceed from the mouth of a credible witness but must be credible in itself. It must be such as the common experience and observation of mankind can approve as probable in the circumstances." In re Estate of Perrone, 5 N.J. 514, 522 (1950). To assess credibility, the fact finder should consider the

witness' interest in the outcome, motive, or bias. 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).

As the fact finder, I had the ability to observe the demeanor, tone, and physical actions of appellant and the witnesses and counsel during the hearing. Appellant comported herself in a manner that suggested she was reasonably credible concerning the date of the event. However, the escapade that is the date of the event could not be created otherwise.

Cobourne did not offer documentary or other evidence to support her assertions that she was allowed to take an "early lunch" almost immediately after clocking in. She stated she needed to take an "early lunch" because of a personal issue her daughter experienced. Taking this action created a cascade of presumably unexpected events. She did not tell anyone in authority that she needed to leave—or why. Initially it must be stated that she had been working at the Board for about nine years at the time of the event. An employee of nine years should have known of Board policies and practices regarding unauthorized leaving the workplace. She should have known that she needed to tell someone in a position of authority that she needed to leave. If no one was present, she could have called, texted, or emailed them. She did not. She did not call, text, or email anyone in authority while she was on her way to her house. She did not call, text, or email anyone in authority during the altercation or while she was waiting for the police to arrive. She did not call, text, or email anyone in authority while she was at the police station waiting for her mother to pick her up (it was stated that her mother was in Burlington, some thirty minutes or so away). She did not call, text, or email anyone in authority while she was on her way back to her house to get changed and get items for her daughter. She did not call, text, or email anyone in authority while she was on her way to her daughter's school. She did not call, text, or email anyone in authority while she was on her way back to her office. No recorded message was made by appellant until approximately 12:14 p.m.—three hours and forty-five minutes after she left the office.

An employee of nine years should have known of Board policies and practices regarding taking an “early lunch.” Making an argument that appellant was taking an “early lunch,” without notice to or approval of someone in a supervisory position, and when the workday had just begun, is specious at best.

An employee of nine years should have known of Board policies and practices regarding the expectations of supervisors for employees—both “on” and “off” the clock. To the altercation with Whaley, the testimony and video show various aspects of what occurred. The definitive is that an altercation involving appellant occurred and was of such a level that she was arrested.

Kelly Mendez and Salama McFarland both testified credibly concerning their understanding of the Board’s policies and procedures. Mendez spoke about the practice of progressive discipline, her involvement in the process regarding the event, and the fact that HR took over the discipline in this case. Mendez was specific about the issues of hours, lunch time, “early lunch,” and the union contract and Board policies. McFarland testified to prior discipline and that appellant did not have an effective way of communicating. I find their testimony to be completely credible.

Natalice Farmer was dropped in an imbroglio not totally of her making, but she could have avoided involvement if she did not leave the building. She testified credibly as to the events that occurred—to an extent. She testified credibly as to what occurred before and after the altercation and her reporting to Mendez when she returned. However, an employee of eighteen years should have known of Board policies and practices regarding unauthorized leaving the workplace. She should have known that she needed to tell someone in a position of authority that she needed to leave before doing so.

Quadaysha Whaley also testified credibly—to an extent. There is obvious animosity between Whaley and Cobourne that was evident during their respective testimony. History and background of the existence of the flowerpots, animosity between various neighbors, and police involvement fleshed out salient issues.

The various versions of the altercation from three perspectives show some overlap and some disparities. Therefore, the respective stories are taken with more than a grain of salt.

LEGAL ANALYSIS AND CONCLUSIONS

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 incompetency, inefficiency or failure to perform duties, N.J.A.C. 4A:2-2.3(a)(1); insubordination, N.J.A.C. 4A:2-2.3(a)(2); conduct unbecoming a public employee, N.J.A.C. 4A:2-2.3(a)(6); and neglect of duty, N.J.A.C. 4A:2-2.3(a)(7).

Major discipline for such infractions may include removal, disciplinary demotion, or suspension or fine for more than five working days at any one time. N.J.A.C. 4A:2-2.2(a). On appeal from the imposition of such discipline, the appointing authority has the burden of proving justification for the action, N.J.S.A. 11A:2-21, N.J.A.C. 4A:2-1.4(a), and the employee’s guilt by a preponderance of the competent, credible evidence. Atkinson v. Parsekian, 37 N.J. 143 (1962); In re Polk, 90 N.J. 550 (1982). Preponderance may be described as the greater weight of the credible evidence. State v. Lewis, 67 N.J. 47 (1975).

N.J.A.C. 4A:2-2.3(a)(8), Misuse of public property

Cobourne has been charged with “Misuse of public property,” which charge is self-evident. Through the testimony and documentary evidence I can find no support for this charge. I find that due to the totality of the circumstances and documentation provided, appellant did not violate this standard.

I therefore **CONCLUDE** that the Board has not proved by a preponderance of the credible evidence that appellant engaged in conduct connected to misuse of public property.

N.J.A.C. 4A:2-2.3(a)(6), Conduct unbecoming a public employee

Cobourne has been charged with “Conduct unbecoming a public employee,” which encompasses conduct that adversely affects the morale or efficiency of a governmental unit or that has a tendency to destroy public respect for government employees and confidence in the operation of governmental services. Karins v. City of Atl. City, 152 N.J. 532, 554 (1998). It is sufficient that the complained-of conduct and its attending circumstances “be such as to offend publicly accepted standards of decency.” Id. at 555 (citation omitted). 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) (citation omitted). Using profanity towards another employee has been found to be conduct unbecoming a public employee. In re Garcia, CSV 10202-12, Final Decision (May 21, 2014), <https://njlaw.rutgers.edu/OAL/index.php>.

Here, appellant left work, without notice to or authorization by anyone in a position of authority. Appellant asserted that her daughter’s situation, having unexpectedly [REDACTED], was an emergency and justified her actions in leaving without notice. I disagree. While important, appellant’s daughter’s situation was not a situation that demanded action immediately—foregoing the few minutes it would have taken to provide notice and/or obtain authority from a superior. The chain the departure led to involved a fight with neighbors and appellant’s arrest. As such, the altercation and arrest had the clear potential to adversely affect the morale and/or efficiency of the Board’s operations. I therefore **CONCLUDE** that the Board has proved by a preponderance of the credible evidence that appellant did engage in conduct unbecoming a public employee.

N.J.A.C. 4A:2-2.3(a)(7), Neglect of duty

Cobourne has been charged with “Neglect of duty,” which has been interpreted to mean that an employee “neglected to perform an act required by his or her job title or was negligent in its discharge.” In re Glenn, CSV 05072-07, Initial Decision (February 5, 2009), adopted, Civil Service Commission (March 27, 2009), <https://njlaw.rutgers.edu/OAL/index.php>. 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. 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 owed to the performance of the job.

As an HSS 2, Cobourne performs a service to her employer and its clients in the community, and her behavior and professionalism is subject to public scrutiny. Engaging in behavior that leads to an altercation and arrest while on duty is not what the Board expects of an employee. Her duty required that her actions not put the Board, a potential client, or a fellow employee in jeopardy. Here, she did so.

I therefore **CONCLUDE** that the Board has proved by a preponderance of the credible evidence that appellant did engage in neglect of duty.

N.J.A.C. 4A:2-2.3(a)(12), Other sufficient cause

Appellant has also been charged with a violation of N.J.A.C. 4A:2-2.3(a)(12) (other sufficient cause). “Other sufficient cause” is essentially the catchall provision for conduct that is not specified in the eleven listed causes at N.J.A.C. 4A:2-2.3 as the reason for which an employee may be subject to discipline. Such cause has been described as other conduct, not delineated within the regulation, that would “violat[e] the implicit standard of good behavior that devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct.” In re Harkcom, 2020 N.J. AGEN

LEXIS 448 at *35 (April 13, 2020), adopted, Comm'r 2020 N.J. AGEN LEXIS 195 (May 22, 2020).

Specifically, appellant is charged with violating the other detailed sections and regulations that have been sustained. I therefore **CONCLUDE** that the Board has proved by a preponderance of the credible evidence the charge of other sufficient cause.

Penalty

In West New York v. Bock, 38 N.J. 500, 522 (1962), our Supreme Court first recognized the concept of progressive discipline, under which “past misconduct can be a factor in the determination of the appropriate penalty for present misconduct.” In re Herrmann, 192 N.J. 19, 29 (2007) (citing Bock, 38 N.J. at 522). The Court therein concluded that “consideration of past record is inherently relevant” in a disciplinary proceeding, and held that an employee’s “past record” includes “an employee’s reasonably recent history of promotions, commendations and the like on the one hand and, on the other, formally adjudicated disciplinary actions as well as instances of misconduct informally adjudicated, so to speak, by having been previously called to the attention of and admitted by the employee.” Bock, 38 N.J. at 523–24.

As the Supreme Court explained in In re Herrmann, 192 N.J. at 30, “[s]ince Bock, the concept of progressive discipline has been utilized in two ways when determining the appropriate penalty for present misconduct.” According to the Court:

First, principles of progressive discipline can support the imposition of a more severe penalty for a public employee who engages in habitual misconduct. . . .

The second use to which the principle of progressive discipline has been put is to mitigate the penalty for a current offense . . . for an employee who has a substantial record of employment that is largely or totally unblemished by significant disciplinary infractions. . . .

[T]hat is not to say that incremental discipline is a principle that must be applied in every disciplinary setting. To the contrary, judicial decisions have recognized that progressive

discipline is not a necessary consideration when . . . the misconduct is severe, when it is unbecoming to the employee's position or renders the employee unsuitable for continuation in the position, or when application of the principle would be contrary to the public interest.

[In re Hermann, 192 N.J. at 30–33 (citations omitted).]

In the matter of In re Stallworth, 208 N.J. 182 (2011), a Camden Board pump-station operator was charged with falsifying records and abusing work hours, and the administrative law judge imposed removal. The Commission modified the penalty to a four-month suspension, and the appellate court reversed it. The Court re-examined the principle of progressive discipline. Acknowledging that progressive discipline has been bypassed where the conduct is sufficiently egregious, the Court noted that “there must be fairness and generally proportionate discipline imposed for similar offenses.” In re Stallworth, 208 N.J. at 192. Finding that the totality of an employee's work history, with emphasis on the “reasonably recent past,” should be considered to assure proper progressive discipline, the Court modified and affirmed (as modified) the lower court and remanded the matter to the CSC for reconsideration.

Here, I **FIND** as **FACT** that Cobourne had one prior disciplinary action imposing a three-day suspension, which was reduced to a verbal warning.

In applying progressive discipline, I weigh appellant's time with the Board with one instance of discipline—albeit that that discipline carried no penalty beyond a verbal warning. Further, I do not find appellant's argument that leaving the workplace was necessary due to an emergency with her daughter to be persuasive. Considering appellant's time spent working for the Board, presumed experience, and knowledge of union rules and Board policies in the workplace and presentation in a government/business setting for a period of nine years, there can be no excuse nor any equivocation about leaving the workplace without notice or authorization; having a fight with neighbors; and getting arrested—whether appellant thought it was an emergency or not. I do find a mitigating factor in that the charge of misuse of public property is not founded.

Accordingly, I **CONCLUDE** that a forty-five-day suspension is the appropriate penalty.

ORDER

Based upon the foregoing, respondent justifiably charged appellant with conduct unbecoming a public employee, neglect of duty, and other sufficient cause; however, for the reasons above, the penalty should be modified as indicated. Accordingly, I **ORDER** that the charges of conduct unbecoming a public employee, neglect of duty, and other sufficient cause are hereby **AFFIRMED**, but the penalty is **MODIFIED** to a forty-five-day 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.



June 23, 2026

DATE

CARL V. BUCK III, ALJ

Date Received at Agency:

Date Mailed to Parties:

CVB/editing/tat

APPENDIX

Witnesses

For Appellant:

Tiffany Cobourne

Natalice Farmer

For Respondent:

Kelly Mendez

Salama McFarland

Quadaysha Whaley

Exhibits

For the Court:

Order – Motion for Summary Decision

For Appellant:

PX 120 Mendez to CCBSS Human Resources dated 9/30/21

PX 120a Cobourne to Mendez email dated 8/26/21

PX 121 Cobourne to daughter Trinity text string dated 9/28/21

PX 122 Mendez to Cobourne/Cobourne to Mendez emails 8/2/21

PX 123 Cobourne to Mendez e mails 8/2/21

PX 124 to 124 b Lowe's flowerpot receipt

PX 125 Cobourne Employee written statement 10/1/21

PX 126 Mendez to Diggs letter 12/30/19

PX 127 CCBSS Collective Bargaining Agreement

PX 128 CCBSS Employee Handbook

PX 129 Natalice Farmer Employee Written Statement