



STATE OF NEW JERSEY

In the Matter of Keeon Rodgers,
Hudson County, Department of
Parks, Engineering and Planning

CSC Docket No. 2021-1346
OAL Docket No. CSV 03386-21

**DECISION OF THE
CIVIL SERVICE COMMISSION**

ISSUED: August 4, 2026

The appeal of Keeon Rodgers, a Truck Driver with Hudson County, Department of Parks, Engineering and Planning, of his 60 working day suspension on charges, effective December 14, 2020, was heard by Administrative Law Judge Ernest M. Bongiovanni (ALJ), who rendered his initial decision on June 25, 2026. Exceptions were filed on behalf of the appellant.

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 filed by the appellant, the Civil Service Commission (Commission), at its meeting on July 22, 2026, adopted the ALJ's Findings of Fact and Conclusions of Law as contained in the ALJ's initial decision, and recommendation to uphold the charges of insubordination and neglect of duty, and the recommendation to reverse the charge of conduct unbecoming an employee and other sufficient cause.

Regarding the charges, the Commission agrees with the ALJ's determinations, which were substantially based on her 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 credibility and veracity of the witnesses. *See Matter of J.W.D.*, 149 N.J. 108 (1997). "[T]rial courts' credibility findings . . . are often influenced by matters such as observations of the character and demeanor of the witnesses and common human experience that are not transmitted by the record." *See also, In re*

Taylor, 158 N.J. 644 (1999) (quoting *State v. Locurto*, 157 N.J. 463, 474 (1999)). Additionally, such credibility findings need not be explicitly enunciated if the record as a whole makes the findings clear. *Id.* at 659 (citing *Locurto, supra*). The Commission appropriately gives due deference to such determinations. However, in its *de novo* review of the record, the Commission has the authority to reverse or modify an ALJ's decision if it is not supported by sufficient credible evidence or was otherwise arbitrary. See N.J.S.A. 52:14B-10(c); *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.

The Commission makes the following comments. As indicated above, the Commission thoroughly reviewed the exceptions filed by the appellant in this matter. However, the Commission finds the exceptions unpersuasive, as the ALJ's findings and conclusions in upholding the charges as noted above were based on his thorough assessment of the record and are not arbitrary, capricious, unreasonable or legally incorrect. Concerning the appellant's assertion that he presented corroborating testimony from an employee in support of his claims, which was ignored by the ALJ, the Commission is not persuaded. The ALJ found that:

[I] did not find this witness particularly credible. He gave confused and contradictory details about when and what happened and substituted at times speculation for observation.

With respect to the appellant's arguments that the charges related to filming his supervisor and coworker should have been dismissed as protected union activity, the ALJ did not find the appellant's testimony credible as to why he was filming, noting that:

I disbelieve Rodgers['] story that he showed up at a worksite on his day off[,] November 13, 2020[,] because he was going to go to the office (or garage) to write up a complaint against another supervisor as that complaint stems from events allegedly that occurred months earlier, and the report he produced as his proof, the "write up" was dated November 6, a week earlier than the events of November 13. Further, all the other men present signed Matthews' memo representing his version of what happened that day. Further still, Matthews' claim that Rodgers had once before filmed him while at work at

Lincoln Park rings true in explaining his interest in what Rodgers was doing there that day. Finally, Rodgers' claim that he was not in fact filming the man makes little sense in light of Rodgers' own claim was that he was watching the men because[,] as a union delegate[,] he was tracking safety violations.

Further, the ALJ found that the testimony of the appointing authority's witnesses was credible and consistent with the documentary evidence. The Commission acknowledges that the ALJ, who has the benefit of hearing and seeing the witnesses, is generally in a better position to determine the credibility and veracity of the witnesses. *See Matter of J.W.D.*, 149 N.J. 108 (1997). "[T]rial courts' credibility findings . . . are often influenced by matters such as observations of the character and demeanor of the witnesses and common human experience that are not transmitted by the record." *See also, In re Taylor*, 158 N.J. 644 (1999) (quoting *State v. Locurto*, 157 N.J. 463, 474 (1999)). Additionally, such credibility findings need not be explicitly enunciated if the record as a whole makes the findings clear. *Id.* at 659 (citing *Locurto, supra*). The Commission appropriately gives due deference to such determinations. However, in its *de novo* review of the record, the Commission has the authority to reverse or modify an ALJ's decision if it is not supported by sufficient credible evidence or was otherwise arbitrary. *See N.J.S.A. 52:14B-10(c); Cavalieri v. Public Employees Retirement System*, 368 N.J. Super. 527 (App. Div. 2004). Therefore, the appointing authority satisfied its burden of proof with respect to the charges of insubordination, neglect of duty, the Commission agrees with the ALJ that the conduct unbecoming and other sufficient cause charges should be dismissed.

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 may be appropriate notwithstanding a largely unblemished prior record. *See Carter v. Bordentown*, 191 N.J. 474 (2007).

In the instant matter, in recommending the 60 working day suspension in this matter, the ALJ noted that:

[T]here is more than sufficient evidence that the sixty-day working day suspension[,] while certainly a heavy penalty[,] was reasonable under the circumstances and not an abuse of discretion. After a review of Rodgers prior disciplinary history, the penalty is justified in serving the principle of incrementalism.

The Commission agrees. Accordingly, given the appellant's behavior, the 60 working day suspension is clearly the appropriate penalty.

ORDER

The Civil Service Commission finds that the appointing authority's action of imposing the 60 working day suspension was justified. The Commission therefore affirms that action and dismisses the appeal of Keeon Rodgers.

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 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
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT NO. CSV 03386-21

AGENCY REF. NO. 2021-1346

KEEON RODGERS

Petitioner,

v.

**HUDSON COUNTY, DEPARTMENT OF
PARKS, ENGINEERING & PLANNING**

Respondent.

Seth B. Kennedy, Esq. (Oxfeld Cohen, PC) for petitioner

Leorardo Rinaldi, Assistant County Counsel, (County of Hudson-County
Counsel) for respondent

Record Closed: March 27, 2026

Decided: June 25, 2026

BEFORE **ERNEST M. BONGIOVANNI**, ALJ:

STATEMENT OF THE CASE

Keeon Rodgers (Rodgers or appellant) challenges the Final Notice of Disciplinary Action (FNDA) dated February 19, 2021, imposing a sixty-day working suspension for insubordination in violation of N.J.A.C. 4A:2.2-3(a)(2), neglect of duty, conduct

unbecoming, and other sufficient cause and other sufficient cause, in violation of N.J.A.C. 4A:2-2.3(a)(12).

The Civil Service Commission transmitted the contested case pursuant to N.J.S.A. 52:14B-1 to 15 and N.J.S.A. 52:14F-1 to 13 to the Office of Administrative Law, (OAL) where it was filed on March 31, 2021.

The parties to their credit attempted to negotiate a settlement of the case. However, negotiations were protracted, attorneys changed, at least one motion was heard and adjournments including one on the date of the plenary hearing, were, in retrospect, too often granted. Finally, the hearing was held at the OAL on March 10, 2026. The parties were invited to submit post hearing briefs but declined, except that a brief addressing a possible adverse inference for failure to call a witness was filed by appellant on March 27, 2026, at which time the record closed. An Order of Extension of time within which to enter a decision was entered May 11, 2026, extending the time for Decision to June 25, 2026.

ISSUES

The issues in this case are whether there is sufficient credible evidence to sustain the charges against Rodgers of Insubordination, and/or Neglect of Duty, Conduct Unbecoming and Other Sufficient Cause brought by the respondent the Hudson County Department of Parks Engineering and Planning, and if so should the 60-day working day suspension be sustained or another penalty imposed?

FACTUAL DISCUSSION AND FINDINGS

Keeon Rogers is currently a county employed CDL truck driver and previously a park maintenance worker in the County Parks Department and a union delegate for his local. His immediate supervisor at the time of the incidents complained of was Lionel Matthews, at the time the Assistant Supervisor for North Hudson County Parks. Matthews was primarily stationed at J.J. Braddock Park and had twenty years' experience in the County Parks system, much of that time as a Supervisor.

Matthews, the only witness who testified for respondent, explained he had a history with Rodgers, first at Lincoln Park, then at J.J. Braddock Park. As part of his supervisory duties, Matthews gives directions to employees as to specific or general tasks each day, tracks their break times, and shift time.

In Autumn of 2020, as part of a plan to avoid contact during the pre-vaccine covid epidemic, the Parks Department began using split shifts with some men working 8-12 shifts and the others 12-4 shifts, but with full 8 hour daily pay. The one major change in the work set up was, as the men were only working half a day, they would get no lunch break and just one 15-minute break, for food (however in practice they also got a 15 minute “clean up time” before leaving for the day).

On November 4, 2020, at the start of the 12 to 4 shift, Matthews was “getting the guys out of the garage.” when appellant Rodgers arrived at about 12:05 Rodgers told Matthews that the men “don’t start until 12:30 they are on their lunch.” When Matthews asked, “what lunch?” and pointed out the men were only working 4 hours and therefore getting a 15-minute break (at 1:45 p.m.), Rodgers replied that “Bobby,”¹ had been allowing the men to have lunch at noon and start work at 12:30 for the first week and a half of this split shift operation. Matthews directed his men to meet at this pile of leaves where Rodgers as the CDL Truck Driver would meet them. He warned Rodgers that if he didn’t meet the men until 12:30, he would mark him as coming in at 12:30.

Notwithstanding the warning Rodgers showed up in the park with the truck at 12:25. In a memo Matthews wrote that day, he stated that Rodgers’ failure to work as directed, “wasted about 20 minutes” of their time. He pointed out this was the third time he had to “right up” (sic) Rodgers. He complained that “No supervisor should have to come to work and don’t know what Kevin they are going to get.” [R-5] ²

¹ Robert Sostre. the Hudson County Parks Supervisor

² I find that Rodgers did not in any material way differ in his testimony on this incident with Matthews.

On November 13, 2020, Matthews was with three other employees who were carrying large branches near a dumpster while two held a large log, while another who is certified to use a chainsaw was snapping off a branch when they noticed Rodgers who was not on duty pointing his cell phone at Matthews and them as if he were recording them. Matthews told Rodgers he should not be recording them and that he and the other employees were not giving him permission to record them. Matthews also asked why Rodgers was there at all. Rodgers said he was there to write up something at the direction of Russell Falacara who was the Parks Deputy Director. Rogers later testified this “write up” was about some other supervisor who had been harassing him. However, Matthews noticed that Rodgers continued at the site while the men were working and didn’t write down anything.

Matthews continued that he memorialized these events in a memo dated November 13, 2020 (R-4). In it, he points out that soon after Matthews got back to the garage, Russell Falacara showed up. He told Matthews he didn’t tell Rodgers to come to the work site in order to write up the supervisor who was harassing him³ but rather to simply put his complaints to paper, when he had time to do it, not at the work site when Rodgers wasn’t working. Also in the memo, Matthews wrote that he told Russell Falacara that he and the men believed Rodgers was recording him because he had done that a year ago in Lincoln Park without permission. As Matthews explained that to Falacara, the memo states that “Keon busts out and starts cursing at me using nothing but profanity.” Matthes finally told Rodgers if he didn’t stop with this aggression, he would call the Sheriff and have Rodgers escorted out. The memo ended with a statement that “I will not take a union delegate who is going to come in when he wants dictates what he wants, record and takes people pictures when he wants and talk to me as a supervisor like that.” Significantly, this memo was signed not just by Matthews but also signed by the other three employees, Harry Rivera, Johnathan Vega and Garabed Maskofian. who were carrying the logs and witnessed these events.

³ Falacara said Rodgers claimed the supervisor who was harassing him was Robert Sostic-but Sostic was also the supervisor that Rodgers testified told him that during the new split shifts the men could take 30 minutes at the beginning of the shift to take lunch!

On December 11, 2020, there was another altercation between Matthews and Rodgers. While the exact events and sequence are somewhat confused and in dispute, it is clear that Matthews thought he observed Rodgers leave the park while on duty and come back later carrying a large brown bag, one Matthews believed came from a nearby store. Rodgers questioned Matthews' knowledge as Rodgers could have had the bag the whole day. Matthews said he didn't know and that's why he asked where he got the bag. Rodgers said, his voice escalating "Man this my own time anyway." Matthews said he didn't have any time meaning Rodgers was not on his 15-minute break (it was approximately 11:15). Rogers replied, "That bullshit piece of paper the office made up that's not real that's made up, you can't tell me when I can and cannot take lunch." Matthews warned Rodgers if he went in the garage and began eating lunch he was going to write him up. Rodgers said he didn't care and despite Matthews' warning Rodgers not to speak to him like that. Rodgers continued in a profanity-laced aggressive diatribe against Matthews (R-3). Matthews didn't have his own phone, so he asked another employee to call the Hudson County Sheriff. Rodgers finally left at the request of the Sheriff.

Rodgers' story differed in some details with Matthews primarily by trying to justify almost all his actions as being legitimate as a union delegate. For example, he claimed he was watching Matthews and the three men with logs because he was concerned they weren't wearing the proper authorized safety equipment such as helmets and safety glass. However, he undercut his credibility on that point by claiming that he did not point his camera at the men and was not photographing or filming them. Likewise, the grievance that he claimed Falacara told him to go to the worksite and write up that day was in fact written up by Rogers a week earlier according to the date " November 6, 2020" written on it. (P-1) The write up, or grievance, alleged several occasions during the summer season, when Supervisor Robert Sostik denied he and 4 or 5 employees' overtime to qualified employees made to clean toilets in the restrooms. Further his story that he had recently worked out an arrangement with Sostik that the men would get a half hour lunch at the beginning of each split session, was undercut by the fact that only recently Rodgers had been the victim of denial of overtime by the same supervisor. Finally, Rodgers testimony that after the County posted a clarification of the

work schedule by informing anyone who believed they could take a lunch during the split shift was wrong and would be disciplined if they ignore this clarification, he no longer took lunch in contravention of the policy, or Matthews' enforcement of it is contradicted by his belligerence of Matthews and his open mocking of the policy.

CREDIBILITY

When witnesses present conflicting testimony, it is the duty of the trier of fact to weigh each witness's credibility and make a factual finding. Credibility is the value that a fact finder assigns to the testimony of a witness, and it incorporates the overall assessment of the witness's story considering its rationality, consistency, and how it comports with other evidence. Carbo v. United States, 314 F.2D 718 (9TH Cir. 1963); see In Re Polk, 90 N.J. 550 (1982). Credibility findings "are often influenced by matters such as observations of the character and demeanor of witnesses and common human experience that are not transmitted by the record." State v. Locurto, 157 N.J. 463, 474 (1999). A fact finder is expected to base decisions on credibility on his or her common sense, intuition or experience. Barnes v. United States, 412 U.S. 847, 93 S.Ct. 2357, 37 L.Ed.2d 380 (1973).

The finder of fact is not bound to believe the testimony of any witnesses, and credibility does not automatically rest on the party with more witnesses. In Re Perrone, 5 N.J. 514 (1950). Testimony may be disbelieved but may not be disregarded at administrative proceedings.. Middleton Twp. V. Murdoch, 73 N.J. Super 511 (App. Div. 1962). Credible testimony must not only proceed from the mouth of a credible witness but must be credible in itself. Spagnuolo v. Bonnet, 16 N.J. 546, 554-555 (1954).

Here, Matthews was a much more credible witness. He stuck to what he remembered about the facts and despite perhaps having reason to do so did not attempt to impugn Rodger's character or honesty, He did not impress me as one who had a grudge against Rodgers. On the other hand, Rodgers' self-serving comments gave the impression that he overexaggerated the special treatment he was entitled to as a delegate of the union local. As pointed out earlier, his story was undermined by his own less than credible and/or contradictory statements. While he tried to bolster his

story that when Matthews saw him leave the area believing him to go to a nearby store to get lunch by having another employee testify that Rodgers had lost his car keys and went back to look for them, I did not find this witness particularly credible. He gave confused and contradictory details about when and what happened and substituted at times speculation for observation. Moreover, Matthews essential facts seemed much more likely to have actually happened, having an organic sense of truth while Rodgers' story seemed more like after the fact excuses.

FINDINGS OF FACTS

Based on the evidence presented at the hearing, as well as with the opportunity to observe the witnesses and assess their credibility, I **FIND** the following **FACTS**.

1. It is undisputed that on November 3, 2020, at approximately 12:05 PM Rodgers refused a direct order that he report to work immediately and deliberately reported to work late at 12:25 claiming that the prior supervisor was allowing the men to report at 12:30 to have lunch at the beginning of a 12-4 work session (where the employees were also getting 8 hours pay.)
2. The claim that the prior supervisor or any supervisor informed Rodgers that the men could report a half hour late for the 12-noon shift is unsupported and contradicted by Matthews' contemporary recording that he warned Rodgers he was mistaken. Further even if the prior supervisor told Rodgers that was the case, that furnished no justification for Rodgers to blatantly and in front of other employees refuse to report to work on time in light of what the new supervisor, Matthews directed. Finally, Rodgers appears to have been the only employee who believed the men could take a lunch at the beginning of each shift as no evidence was presented that any other employee did so.
3. I disbelieve Rodgers story that he showed up at a worksite on his day off November 13, 2020 because he was going to go to the office (or garage) to write up a complaint against another supervisor as that complaint stems from events allegedly that occurred months earlier, and the report he produced as

- his proof, the “write up” was dated November 6, a week earlier than the events of November 13. Further, all the other men present signed Matthews’ memo representing his version of what happened that day. Further still, Matthews’ claim that Rodgers had once before filmed him while at work at Lincoln Park rings true in explaining his interest in what Rodgers was doing there that day. Finally, Rodgers claim that he was not in fact filming the men makes little sense in light of Rodgers own claim was that he was watching the men because as a union delegate he was tracking safety violations.
4. As for the events of December 11, 2020, regardless of the details, it is clear an altercation occurred after Matthews asked Rodgers if he had left the park to go get lunch. It is obvious that Matthews was concerned about continued disregard of his orders and the County policy on lunch breaks and it is clear even from Rodgers story that he disputed Matthews’ concerns, and he likely used aggressive and continuous profanity towards his supervisor. He did not dispute that he only left the scene after the Sheriff arrived and told him to do so.
 5. No other evidence other than Rodgers’ self-serving testimony was put forth to suggest that any other employee believed because of the actions of the immediate past supervisor of the park that they could take lunch at the beginning of the shift

LEGAL ANALYSIS AND CONCLUSIONS

The Civil Service Act, N.J.S.A. 11A:1-1 to -12.6 governs a civil service employee’s rights and duties. The act is an important inducement to attract qualified personnel to public service. It is to be liberally constructed toward attainment of merit appointments and broad tenure protection. See Essex Council No. 1 N.J. Civil Serv. Ass’n v. Gibson, 114 N.J. Super 576 (Law Div. 1971), rev’d on other grounds, 118 N.J. Super 583 (App. Div. 1972) Mastrobattista v. Essex County Park Comm’n., 46 N.J. 138, 147 (1965). The Act also recognizes that the public policy of New Jersey is to provide

appropriate appointment, supervisory and other personnel authority to public officials in order that they may execute properly their constitutional and statutory responsibilities. N.J.S.A. 11A1-2 (b). To carry out this policy, the Act also includes provisions authorizing the discipline of public employees.

The public employee who is protected by the provisions of the Civil Service Act may be subject to major discipline for a wide variety of offenses connected to his or her employment. The general causes for such discipline are set forth in N.J.A.C. 4A:2 2.3(a). In an appeal from such discipline, the appointing authority bears the burden of proving the charges upon which it relies 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); Polk, 90 N.J. 550. The evidence must be such as leading a reasonably cautious mind to a given conclusion. Bornstein v. Metro Bottling Co., 26 N.J. 263 (1958). Therefore, the judge 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., 111 N.J.L. 487, 490 (E. & A. 1933). Preponderance may 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 this case, I have found that Rodgers does not dispute the essential details of his insubordinate action of deliberate disregard of a directive to show up on time at a work site. As correctly stated by his supervisor Matthews, not only did this undercut Matthews’ authority (or tried to) but resulted in the other men wasting time as they needed Rodgers on the site to haul away leaves that they were to shovel in his truck. Rodgers casual and immediate disregard of his supervisor’s directive (even if a prior supervisor had employed a different rule, which I disbelieve) is indeed the essence, and “textbook” example of, “insubordination” and I **SUSTAIN** the determination of finding Rodgers to have been insubordinate on that day and in the two other described instances where Rodgers unjustified and obnoxious conduct was destructive to the orderly work schedules required on the job. Further, while his conduct was more willful than neglectful, he did literally neglect his duties at least in the first instance and therefore that determination of Neglect of Duties is also **SUSTAINED**.

There is no precise definition for conduct unbecoming a public employee, and the question of whether conduct is unbecoming is made on a case-by-case basis. King v. County of Mercer, CSV 2768-02, Initial Decision (February 24, 2003), adopted, Merit Sys. Bd. (April 9, 2003), <http://njlaw.rutgers.edu/collections/oal/>. In Jones v. Essex County, CSV 3552-98, Initial Decision (May 16, 2001), adopted, Merit Sys.Bd. (June 26, 2001), <http://njlaw.rutgers.edu/collections/oal/>, it was observed that conduct unbecoming a public employee is conduct that adversely affects morale or efficiency or has a tendency to destroy public respect for governmental employees and confidence in the operation of public services. In Karins v. City of Atlantic City, 152 N.J. 532 (1998), an off-duty firefighter directed a racial epithet at an on-duty police officer during a traffic stop. The Court noted that the phrase “unbecoming conduct” is an elastic one that includes any conduct that adversely affects morale or efficiency by destroying public respect for municipal employees and confidence in the operation of municipal services.” Id. at 554. In Hartmann v. Police Department of Ridgewood, 258 N.J. Super. 32, 40 (App. Div. 1992), the court stated that a finding of misconduct need not “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.”

Regarding Civil Service Rule N.J.A.C. 4A:2-2.3(a)(6), based on my findings of fact, the profanity used by Rodgers against Matthews, while crude (Matthews seemed almost shy in recording in his memos or testifying as to the details of the profanity) the worst word was “fuck”, unfortunately, an altogether much too often, almost all purpose word, used in modern days. I can hardly find this conduct as likely to result in “destroying public respect for municipal employees and confidence in the operation of municipal services,” even if it was observed by the public (of which there is no evidence) or even if was learned of by the public. Rough language is not uncommon in outdoor work often involving heavy labor and, relatively speaking, harsher conditions (than say office work). Park laborers appropriately are not judged in their manners, the way doctors, lawyers, judges and public servants dealing on a day-to-day basis with members of the public are. I therefore cannot find his profanity laced arguing with his supervisor to be “conduct unbecoming” by this employee, even though Rodgers’

profanity towards Matthews was undeserved and inappropriate. Therefore, I do not sustain the Conduct Unbecoming charge but rather **REVERSE** that finding. Likewise, as the respondent did not articulate what conduct constituted "Other Sufficient Cause", I cannot sustain that. No other conduct except as previously described as Neglect of Duties and Insubordination could support any other violation. It would serve no purpose to find that the same conduct specifically constituting Insubordination and Neglect of Duties somehow also constitute "other sufficient cause". Therefore, I **REVERSE** that determination.

As to the penalty, there is more than sufficient evidence that the sixty-day working day suspension while certainly a heavy penalty was reasonable under the circumstances and not an abuse of discretion. After a review of Rodgers prior disciplinary history, (R-9), the penalty is justified in serving the principle of incrementalism.

CONCLUSION

In sum, I **CONCLUDE** by the preponderance of the credible evidence that Rodgers was guilty of Insubordination, and Neglect of Duties and I **SUSTAIN** and **AFFIRM** the FNDA as to those charges. As to the charge of Conduct Unbecoming a County employee and Other Sufficient Causes, I **REVERSE** those findings and/or **DISMISS** the finding of "Other Sufficient Causes" for lack of evidence. I further **CONCLUDE** that the penalty of a sixty working day suspension is reasonably appropriate, and not an abuse of discretion and is therefore **SUSTAINED**.

ORDER

It is hereby **ORDERED** that the appellant's appeal of the finding of Insubordination, and Neglect of Duties a violation of N.J.A.C. 4A:2.2-3(a)(2), is **AFFIRMED**, and

It is further **ORDERED** that the finding Conduct Unbecoming a County Employee is **REVERSED** and the finding of Other Sufficient Cause, is **DISMISSED**.

It is further **ORDERED** that the appellant's 60 working day suspension for the **SUSTAINED** charges is hereby **AFFIRMED**.

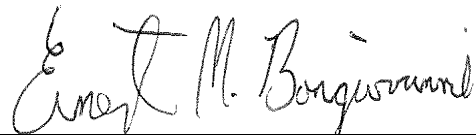
I hereby **FILE** my Initial Decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, who 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, P.O. 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 24, 2026

DATE



ERNEST M. BONGIOVANNI, ALJ

Date Sent to Agency:

06/24/26

Date Sent to Parties:

06/24/26

ke

