



STATE OF NEW JERSEY

In the Matter of William Scaglione,
Department of Labor and Workforce
Development

CSC Docket No. 2026-990

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

Minor Discipline Appeal

ISSUED: July 22, 2026 (SLK)

William Scaglione, a Member Board of Review with the Department of Labor and Workforce Development, appeals an Official Written Reprimand (OWR).

By way of background, it was alleged that on June 11, 2025, the appellant behaved disrespectfully towards an Assistant Commissioner during a conversation with him and a Board of Review Executive Secretary (Executive Secretary). After a departmental hearing, it was found that the appellant's comments and demeanor during this conversation were unprofessional, especially when directed towards a member of the executive staff. The appointing authority found the appellant's behavior during this conversation constituted conduct unbecoming a public employee, which resulted in him being issued an OWR.

On appeal, the appellant questions the Hearing Officer's decision. In this regard, the appellant notes that the Hearing Officer indicated in his report that the Assistant Commissioner "felt" that the comments were demeaning to him, although he did note that the comments were not made directly to him. The appellant questions how the Assistant Commissioner's testimony was given more weight about what the appellant's intent was. The appellant asserts that no evidence was produced that established that his testimony that the Assistant Commissioner was being dismissive, acting in a provocative manner and was being condescending, was inaccurate. The appellant argues that under such conditions "any human being has a natural right to respond in a potentially emotional manner." The appellant

provides that an inference that executive staff, on any level, are exempt from a subordinate's natural human response reaction when provoked is unreasonable. The appellant maintains that regardless, he did not use any profanity or name calling, and he did not yell. Moreover, the appellant contends that the Hearing Officer's finding that he spoke in an elevated manner and became heated, was an embellishment of a statement he made during closing. He maintains that the word heated is subject to a high degree of subjectivity, and to say that a "discussion could get a little heated is not the same in intent or design as the finding of fact that a party actually became heated."

Additionally, the appellant claims that he was not provided with sufficient due process. The appellant emphasizes that State workers are afforded due process rights concerning disciplinary matters, and he notes that he received the PNDA without prior notice that he was even subject to discipline.

Moreover, the appellant asserts that the appointing authority had records that were used to initiate this disciplinary matter, which were not released to him when he requested discovery, as they were considered "privileged and confidential." The appellant also questions where the complaint originated from since the Assistant Commissioner did not find the alleged offensive behavior sufficient to file a personal complaint. Additionally, the appellant argues that although he submitted several documents during the hearing, the Hearing Officer found that they had no relevance to the Preliminary Notice of Disciplinary Action (PNDA). Further, the appellant asserts that the meeting on June 11, 2025, was initiated by a potential witness and not by him as was stated in the Hearing Officer's report. However, that person was not called as a witness.

Finally, the appellant contends that there was a "disproportionate application of the weight of evidence," and a lack of specificity in the charges. Instead, he claims that hearsay evidence was used which skewed towards the Assistant Commissioner's testimony, thereby limiting tangible evidence towards him. The appellant maintains that this suggests that there was bias against him during the hearing.

In response, the appointing authority states that the appellant has presented no new evidence that suggests that the Hearing Officer erred in his decision. Further, it notes that the appellant was apprised of the name of the potential witness that led to the issuance of the OWR as this person was listed as someone who may testify. It emphasizes that it has the prerogative to determine which witnesses it calls to testify. Additionally, the appointing authority notes that the appellant had the opportunity to present his own witnesses.

Regarding the appellant's behavior, the appointing authority presents that during the hearing, the Assistant Commissioner described how the appellant "raised his voice and acted in an unprofessional manner," which he elaborates to include the

“disrespectful and argumentative manner in which Mr. Scaglione’s comments were made.” Additionally, it highlights that the appellant conceded in his closing statement that he spoke in an elevated voice and he “became heated.” Further, through basic observation, it presents that the Assistant Commissioner found the appellant’s conduct and tone inappropriate for a workplace setting, especially towards executive staff. Also, the appointing authority emphasizes that it was the Hearing Officer’s role to determine credibility. Moreover, it provides that contrary to the appellant’s assertion that the Hearing Officer was not impartial, there is nothing to support this claim and no basis to find that the report be considered hearsay.

Additionally, the appointing authority states that it provided the appellant with all the documents it used to support its case during discovery. Moreover, it notes that it was management’s prerogative to take appropriate action, including discipline, to address his inappropriate and unprofessional conduct. The appointing authority contends that the appellant was afforded the same due process that is given to any other employee including a full hearing. Further, the appellant has failed to provide any evidence to support a determination that his minor discipline was based on invidious discrimination or other violations of Civil Service rules. Finally, while it provides it was not obligated to do so, it highlights that the Hearing Officer included a sunset clause which allows for the expungement of the OWR after a period of one year following the Final Notice of Disciplinary Action if the appellant requests in writing, and if he has not be served with a PNDA for misconduct of any nature prior to the expiration of the one-year period.

In reply, the appellant maintains that the appointing authority violated “Civil Service” rules *N.J.A.C.* 1:4A-10(b) and (c). Further, the appellant provides that in response to the PNDA, he requested the entire file documenting his case as well as a summary of the testimony of the appointing authority’s witnesses, but it failed to do so. He notes that he presented this issue during the departmental hearing, but this was not addressed in the report. Further, the appellant states that when he asked the Hearing Officer why he was not provided the complete file, the Hearing Officer responded that it was “privileged.” However, he contends that this is not a valid reason and violates *N.J.A.C.* 1-4A-10(b). Therefore, the appellant questions how he is supposed to defend against the allegation without this information.

Additionally, the appellant argues that the Hearing Officer was not impartial as he is the Director of the appointing authority’s Labor Relations Unit and the superior of the person who signed off on the Preliminary Notice of Disciplinary Action. He asserts that the Hearing Officer’s agreement that the requesting information was “privileged” was evidence of his bias. Moreover, because the departmental hearing was not recorded, he claims that the proceedings were inherently flawed and are nothing more than hearsay. The appellant emphasizes that it is the appointing authority that has the burden of proof. He claims that he never testified that he

became “heated,” which he cannot substantiate because there is no recording, and his explanation of his testimony where he says he got “a little heated” was misconstrued.

The appellant reiterates that the report failed to include that the Assistant Commissioner, under cross examination, testified that he did not contact Labor Relations to report alleged inappropriate conduct towards him and the Assistant Commissioner was not aware of the complaint against the appellant until advised two months later by Labor Relations. Also, he notes that the Assistant Commissioner testified that he did not contact the appellant to address the alleged inappropriate behavior. Therefore, the appellant believes that this establishes that the Assistant Commissioner did not believe that the appellant’s conduct was inappropriate, and the Executive Secretary must have been the one to make the complaint.

The appellant presents that he disagrees with the Hearing Officer’s decision to discount the Executive Secretary’s June 12, 2025, email addressed to the Assistant Commissioner as hearsay and no relevance to the PNDA. Specifically, he asserts that the Executive Secretary, who he believes initiated the complaint absent any evidence to suggest otherwise, was beholden to the Assistant Commissioner for an increase in her pay and looked to do so clandestinely. Therefore, the appellant argues that any statements she made to the appointing authority regarding the June 11, 2025, events should be discounted as unreliable. He also disagrees with the Hearing Officer’s decision regarding email chains that he presented during the hearing as having no relevance to the charges. He provides that he submitted these emails as the foundation to establish the motivation and purpose of the meeting, which he includes for the Commission’s review. The appellant presents his long-term State service, and he believes that the appointing authority’s decision to not interview him prior to being charged places the integrity of the whole process in question.

CONCLUSION

N.J.A.C. 4A:2-3.7(a) provides that minor discipline may be appealed to the Commission. The rule further provides:

1. The [Commission] shall review the appeal upon a written record or such other proceeding as the Commission directs and determine if the appeal presents issues of general applicability in the interpretation of law, rule or policy. If such issues or evidence are not fully presented, the appeal may be dismissed without further review of the merits of the appeal and the Commission’s decision will be a final administrative decision.
2. Where such issues or evidence under (a)1 above are presented, the Commission will render a final administrative decision

upon a written record or such other proceeding as the Commission directs.

This standard is in keeping with the established grievance and minor disciplinary procedure policy that such actions should terminate at the departmental level. In considering minor discipline actions, the Commission generally defers to the judgment of the appointing authority as the responsibility for the development and implementation of performance standards, policies and procedures is entrusted by statute to the appointing authority. The Commission will also not disturb minor discipline proceedings unless there is substantial credible evidence that such judgments and conclusions were motivated by invidious discrimination considerations, such as age, race or gender bias or were in violation of Civil Service rules. *See e.g., In the Matter of Oveston Cox* (CSC, decided February 24, 2010).

In this matter, the Hearing Officer found that during the appellant's closing, the appellant stated that he spoke in an elevated voice, that he was passionate, and that he became heated during the incident. Further, while the appellant asserts that this is an embellishment of his closing statement, he acknowledges on appeal that the discussion got "a little heated" and states that he gave a "natural human response reaction."

Concerning the appellant's comments regarding discovery, the Commission does not have jurisdiction to address discovery process for departmental hearings. *See In the Matter of Ritchie Ortiz* (CSC, decided October 16, 2013). Additionally, referring to the appellant's belief that the hearing violated Civil Service certain regulations, the regulations that the appellant cite refer to hearings at the Office of Administrative Law regarding major discipline, resignations not in good standing, and terminations at the conclusion of a working test period due to unsatisfactory job performance and are not applicable to department hearings involving minor discipline proceedings. Furthermore, regarding the Hearing Officer's credibility determinations, Hearing Officer decisions are not complete and comprehensive transcripts of departmental hearings. In reviewing these matters, this agency must rely on the experience and judgment of Hearing Officers to adequately summarize testimony and make reasonable and rational conclusions. Generally, this agency will not disturb a Hearing Officer's judgment in minor discipline proceedings unless there is substantial credible evidence that such judgments and conclusions were motivated by invidious discrimination or were in conflict with Civil Service rules. However, the appellant has not provided any evidence or argument that his appeal presents issues of general applicability in the interpretation of law, rule or policy, such as the judgments and conclusions were motivated by invidious discrimination considerations, such as age, race or gender bias or were in violation of Civil Service rules. Accordingly, as the appellant was afforded a full departmental hearing, his claims do not meet the standard in *N.J.A.C. 4A:2-3.7(a)2*.

ORDER

Therefore, it is ordered that this appeal be denied.

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



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