



STATE OF NEW JERSEY

In the Matter of Julio Rodriguez, City	:	FINAL ADMINISTRATIVE ACTION
of Hoboken, Department of Parks	:	OF THE
Recreation and Public Works	:	CIVIL SERVICE COMMISSION

CSC Docket No. 2026-1594	:
OAL Docket No. CSV 02080-26	:
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ISSUED: August 18, 2026

The appeal of Julio Rodriguez, a Truck Driver, with the City of Hoboken, Department of Parks, Recreation and Public Works, of his six working day suspension, on charges, was heard by Administrative Law Judge Gerard Hughes (ALJ), who rendered his initial decision on June 30, 2026. No exceptions were filed.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, the Civil Service Commission (Commission), at its meeting on August 12, 2026, adopted the ALJ's Findings of Facts and Conclusions of Law and his recommendation to modify the six working day suspension to a four working day suspension.

Since the suspension has been modified, the appellant is entitled to two working days of back pay, benefits, and seniority pursuant to *N.J.A.C. 4A:2-2.10*. However, he 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 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.

ORDER

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

granted two working days of back pay, benefits, and seniority.

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 12th DAY OF August, 2026

A handwritten signature in cursive script, appearing to read "Mary Cruz", is written over a horizontal line.

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 02080-26
AGENCY DKT. NO. 2026-1594

**IN THE MATTER OF JULIO RODRIGUEZ,
CITY OF HOBOKEN, DEPARTMENT OF PARKS
RECREATION AND PUBLIC WORKS,**

Julio Rodriguez, appellant, pro se

Hannah Cuning-Valente, Esq., Assistant Corporation Counsel, for respondent

Record Closed: May 28, 2026

Decided: June 30, 2026

BEFORE, **GERARD HUGHES**, ALJ:

STATEMENT OF THE CASE

Appellant, Julio Rodriguez, a truck driver for the Hoboken Department of Parks, Recreation, and Public Works (Hoboken), cursed at his supervisor and called him an “idiot” in response to an assignment that Rodriguez deemed unsafe. Did Rodriguez engage in insubordination, conduct unbecoming a public employee, and other sufficient cause? Yes. Under case law, conduct that is disobedient, offends publicly accepted standards of decency, and violates the implicit standard of good behavior justifies these charges.

PROCEDURAL HISTORY

On August 7, 2025, Hoboken served Rodriguez with a Preliminary Notice of Disciplinary Action. Hoboken charged Rodriguez with insubordination, chronic or excessive absenteeism or lateness, conduct unbecoming a public employee, and other sufficient cause under N.J.A.C. 4A:2-2.3(a). The notice specifies that Rodriguez took an overly long lunch break, returned to work out of uniform, and cursed at his supervisor in response to an order. Hoboken sought to impose a 15-working-days suspension.

Rodriguez requested a departmental hearing. On December 2, 2025, the hearing was held, and on January 5, 2026, Hoboken issued a Final Notice of Disciplinary Action (FNDA). The FNDA sustained charges of insubordination, conduct unbecoming a public employee, and other sufficient cause, but not chronic or excessive absenteeism or lateness, based on the following specifications, and imposed a six-working-days suspension:

On July 26, 2025, you returned to work without a City of Hoboken uniform. You were not authorized by your supervisor to change your clothes. On July 27th, your supervisor asked you to unload the container at St. Ann's Feast and you responded, "I'm not touching a fucking thing", and followed it by "You're a fucking idiot".

On January 6, 2026, Rodriguez appealed the determination.

On February 5, 2026, the Civil Service Commission, Division of Appeals and Regulatory Affairs, transmitted the case to Office of Administrative Law under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the office, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6.

On May 18, 2026, I held the hearing.

On May 28, 2026, the parties submitted written summations, and I closed the record upon their receipt.

DISCUSSION AND FINDINGS OF FACT

Since November 2023, Julio Rodriguez has been employed as a truck driver for Hoboken. He drives a sanitation truck and performs other related tasks. While Rodriguez has been employed with Hoboken for about three years, he has worked as a truck driver in various capacities for about 35 years.

Rodriguez worked both days the weekend of July 26-27, 2025. The St. Ann's Feast, an annual Italian American street festival that draws thousands of people, was also occurring that weekend in Hoboken. Rodriguez's supervisor, Ernest Dimino, a Supervisor Laborer 3 and Hoboken employee for about 25 years, was also working. While Rodriguez and Dimino have only worked together since 2023, they have known each other for about 25 years. Separate interactions between Rodriguez and Dimino that weekend led to the disciplinary charges at issue.

Saturday, July 26, 2025

On Saturday, Rodriguez arrived at work on time and set out on his route. The weekend shift runs from 6:00 a.m. to 2:00 p.m., and employees are permitted two 15-minute breaks and a one-hour lunch. Rodriguez testified that he usually does not take his 15-minute breaks and his lunchtime varies because of the nature of his work.

Rodriguez was in uniform the morning of July 26, 2025. His uniform consists of steel-toed shoes, a safety vest, a blue shirt, and blue pants. For safety reasons, workers must properly outfit themselves. Toward this end, Hoboken provides employees \$700 per year to purchase work clothes. The uniform requirement is memorialized in the labor agreement between Hoboken and its employees, which states that employees who receive a uniform allowance but do not wear their uniforms are not considered working.

Similarly, the Hoboken Employee Handbook states that employees must wear protective equipment and that their failure to do so is grounds for disciplinary action.

Rodriguez testified that he returned to the work yard from his route around 12:30 p.m., parked the truck, gave paperwork and keys to Dimino, and left for lunch around 12:40 p.m. Rodriguez was wearing his work uniform when he left for lunch. He testified that he returned to work around 1:45 p.m. Rodriguez admitted that he was gone for slightly longer than his one-hour lunch break but stated that he did not take either of his 15-minute breaks that day. Rodriguez also acknowledged that he was not in uniform when he returned to work. He was wearing a dress shirt, shorts, and loafers with no socks. Rodriguez testified that while employees routinely change in the locker room at the beginning or end of their shifts, he changed that day while he was away from the office on his lunch break. Rodriguez stayed in his car until around 2:00 p.m. and then clocked out for the day.

While he admitted that he was out of uniform when he returned to work, Rodriguez explained that he was not actually performing work duties at the time. He also explained that other employees have worked out of uniform and routinely clock in and out of work while out of uniform. Rodriguez provided photographs he took of several employees that show the employees working while not wearing safety vests or proper footwear and one employee in shorts. He also provided photographs of employees clocking in and out of work without their full uniform.

Dimino also testified about the events that day. He was stationed in the work yard and observed Rodriguez around the time of his lunch break and the end of the workday. Dimino's testimony was largely consistent with that of Rodriguez, although Dimino's account of the timeframes was slightly different. Dimino stated that Rodriguez left for lunch around 12:25 p.m., and returned around 2:00 p.m., about a half hour beyond his one-hour lunch break. Dimino testified that Rodriguez was out of uniform when he returned to the yard, which would have presented a safety hazard if he was working because he could have been cut and contracted an infection. Dimino acknowledged that employees have a grace period of about five to ten minutes at the end of the workday to change their clothes.

Given this discussion of the facts, I **FIND** that on July 26, 2025, Rodriguez arrived at work on time and in uniform. He performed the work on his route without taking either of his 15-minute breaks. At around 12:30 p.m., Rodriguez returned to the work yard in uniform. Shortly thereafter, he left for lunch while still in uniform. Shortly before 2:00 p.m., Rodriguez returned from lunch. He was out of uniform at that time, wearing a dress shirt, shorts, and loafers without socks. At 2:00 p.m., Rodriguez clocked out for the day. Aside from clocking out, Rodriguez did not perform any work functions while out of uniform. Hoboken permits employees five to ten minutes at the end of the workday to change their clothes and employees sometimes clock in or out while not in their full uniforms.

Sunday, July 27, 2025

On Sunday, Rodriguez arrived at work on time for the beginning of his shift. Dimino was in the dispatch room. Dimino advised Rodriguez that he was required to assist with unloading a 30-yard rectangular container filled with trash later in the morning because Hoboken needed the container for trash from the St. Ann's Feast. While staff would ordinarily use a truck to haul the container and unload it at the city dump, the dump was closed for the weekend. As a result, employees were needed to unload the trash from the container and place it in a trash compactor truck. This required certain employees to go into the container to pass the trash to other employees outside the container who would then load it into the compactor. Employees have performed this same process for the St. Ann's Feast in past years, and Rodriguez assisted with the process the prior year.

Rodriguez testified that he had safety concerns about the process of unloading the container in this manner. He was concerned that employees could get hurt or stuck with sharp objects while grabbing trash from inside the container. Rodriguez produced photographs of the large rectangular container that day, which show it filled with an assortment of trash in a haphazard manner. The photographs also show an employee inside the container assisting with the unloading. Rodriguez distinguished the process of unloading the container from the ordinary process of handling trash, where employees grab bags at tied top ends from trash cans on the street. Rodriguez stated that he

complained to Dimino about the process of unloading the large container the prior year, but nothing was done so he was upset when he was asked to perform this same task again in 2025.

Rodriguez testified that he expressed his safety concerns to Dimino when he received the directive to assist with unloading the container. Dennis Jones, a co-worker, also testified that he heard Rodriguez state these concerns to Dimino at around 6:00 a.m. Dimino also acknowledged that Rodriguez cited safety concerns as the reason he did not want to unload the container. Yet Dimino did not agree with Rodriguez that the assignment was dangerous and insisted that Rodriguez assist.

Several minutes later, Rodriguez and Dimino continued their dispute. By this time, Jones had already left for his morning route, so he did not hear this part of the conversation. Only Rodriguez and Dimino were present and they disagreed about what was said. Dimino testified that Rodriguez said: "I'm not touching a fucking thing," and, in response to Dimino's saying that Dimino had personally unloaded the container in previous years, "well you're a fucking idiot." Rodriguez testified that he did not curse at Dimino or call him an idiot. Dimino testified that he was "startled" following this exchange. He stated that he immediately drove to see the head supervisor, James Davis, at the St. Ann's Feast to explain what occurred. According to Dimino, Davis told him to calm down and return to the office to write everything down about the interaction with Rodriguez. Rodriguez also talked to Davis when he encountered him on his route. Davis was off duty at the time. Davis told Rodriguez that he would be disciplined if he did not assist with unloading the container.

While I believe that Rodriguez had safety concerns about unloading the container, I find Dimino's account of the language Rodriguez used during their dispute to be more reliable. Following the exchange, Dimino immediately relayed what occurred to Davis, who was the head supervisor in charge of discipline. As instructed by Davis, Dimino then went back to the office to document the dispute. I do not think that Dimino would have fabricated Rodriguez's words to get him in trouble, as they had known each other personally for decades and Dimino never tried to discipline Rodriguez before. I believe

that Rodriguez was upset about the directive to unload the container and reacted by cursing at Dimino and calling him an idiot.

Although Rodriguez denied cursing at Dimino, he testified that other employees, including Dimino, curse all the time while on the job. In fact, he described cursing to be “second nature” in his department. Additionally, one of the pictures provided by Rodriguez shows an employee giving the camera the middle finger while seated next to Dimino in a truck. The employee appears to be simply messing around, but I find it indicative of Rodriguez’s work environment. I believe that employees routinely curse while on the job.

Ultimately, Dimino and other employees began unloading the container around 9:30 a.m., while Rodriguez was still performing work on his morning route. Rodriguez eventually showed up to assist about a half hour later, and the job was completed around 10:15 a.m.

Given this discussion of the facts, I **FIND** that on July 27, 2025, Dimino directed Rodriguez to assist with unloading the 30-yard container after he completed his morning route. Rodriguez had safety concerns about this assignment, specifically that he could be injured or stuck with a sharp object. Rodriguez initially refused the assignment and had a verbal dispute with Dimino. Rodriguez expressed his safety concerns and then said to Dimino, “I am not touching a fucking thing,” and called Dimino “a fucking idiot” in response to Dimino’s saying that Dimino had personally unloaded the container in prior years. Employees in Rodriguez’s department routinely curse while on the job. Rodriguez assisted with unloading the container about a half hour after other employees had begun the job, but he was on his morning route before he arrived.

DISCUSSION AND CONCLUSIONS OF LAW

In appeals concerning major disciplinary actions, the appointing authority bears the burden of proof. N.J.A.C. 4A:2-1.4(a). The burden of proof is by a preponderance of the evidence, Atkinson v. Parsekian, 37 N.J. 143, 149 (1962), and the hearing is de novo, Henry v. Rahway State Prison, 81 N.J. 571, 579 (1980). On such appeals, the Civil

Service Commission may increase or decrease the penalty, N.J.S.A. 11A:2-19, and the concept of progressive discipline guides that determination, In re Carter, 191 N.J. 474, 483–86 (2007). Thus, an employee’s prior disciplinary record is inherently relevant to determining an appropriate penalty for a subsequent offense, id. at 483, and the question upon appellate review is whether such punishment is “so disproportionate to the offense, in the light of all the circumstances, as to be shocking to one’s sense of fairness,” id. at 484 (quoting In re Polk, 90 N.J. 550, 578 (1982) (internal quotations omitted)).

In this case, Rodriguez is charged with insubordination, conduct unbecoming, and other sufficient cause. The Civil Service Act does not define insubordination; however, case law generally interprets the term as the refusal to obey an order of a supervisor. See, e.g., Belleville v. Coppla, 187 N.J. Super. 147 (App. Div. 1982); Rivell v. Civil Serv. Comm’n, 115 N.J. Super. 64 (App. Div.), certif. denied, 59 N.J. 269 (1971). The term “insubordination” refers to acts of non-compliance, non-cooperation, and affirmative acts of disobedience. Stanziale v. County of Monmouth Bd. of Health, 350 N.J. Super. 414 (App. Div.), certif. denied, 174 N.J. 361 (2002).

“Conduct unbecoming a public employee” is an elastic phrase encompassing conduct that adversely affects the morale or efficiency of a governmental unit or that tends to destroy public respect for governmental employees and confidence in the delivery of governmental services. Karins v. City of Atl. City, 152 N.J. 532, 554 (1998). Such misconduct does not necessarily need to violate the criminal code, a written rule, or a policy. In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). The complained-of conduct and its attending circumstances need only “be such as to offend publicly accepted standards of decency.” Karins, 152 N.J. at 555 (quoting In re Zeber, 156 A.2d 821, 825 (1959)).

The subsection of “other sufficient cause” is considered the catchall provision of the regulation and is conduct that violates 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. Asbury Park v. Dep’t of Civ. Serv., 17 N.J. 419 (1955).

In this case, the fact that Rodriguez was out of uniform when he clocked out of work does not constitute insubordination, conduct unbecoming, or other sufficient cause. While the labor agreement and employee handbook require employees to wear their uniforms and protective equipment while working, Rodriguez was not performing any actual work duties while out of uniform. He was only clocking out. Hoboken allows employees to change in the locker room at the beginning and end of their shifts, and Dimino acknowledged that employees have a grace period of about five to ten minutes at the end of their shift to change their clothes. Based on Rodriguez's testimony and the photographs he provided, other employees sometimes clock in and out of work while out of uniform. Additionally, while Hoboken in its written summation takes issue with Rodriguez's purportedly taking an overly long lunch break in conjunction with being out of uniform, it did not charge him with this conduct in the FNDA. Under these circumstances, Hoboken may not discipline Rodriguez for merely clocking out without his uniform. Accordingly, I **CONCLUDE** that the preponderance of credible evidence does not support the charges of insubordination, conduct unbecoming a public employee, or other sufficient cause for Rodriguez's being out of uniform while clocking out of work.

Rodriguez's telling his supervisor, "I'm not touching a fucking thing", and calling him "a fucking idiot" in response to an order, however, constitutes insubordination, conduct unbecoming, and other sufficient cause. These statements were disobedient, offended publicly accepted standards of decency, and violated the implicit standard of good behavior. Accordingly, I **CONCLUDE** that Rodriguez engaged in insubordination, conduct unbecoming, and other sufficient case by making these statements to Dimino.

While Rodriguez's misconduct is significant, several mitigating factors justify lowering the six-working-days suspension imposed by Hoboken: Rodriguez used this language in the heat of the moment while upset about safety concerns; Rodriguez works in an environment where employees routinely curse; Hoboken proved only one of the two specifications that led to the six-working-days suspension; and Rodriguez has no prior disciplinary history. Considering these mitigating factors, I **CONCLUDE** that Rodriguez's suspension must be reduced to a four-working-days suspension.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that Rodriguez is suspended for four working days.

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 30, 2026

DATE

GERARD HUGHES, ALJ

Date Received at Agency:

Date Mailed to Parties:

GH/am

APPENDIX

Witnesses

For Appellant:

Julio Rodriguez
Dennis Jones

For Respondent:

Ernest Dimino

Exhibits

For Appellant:

A-1 Not admitted into evidence
A-2 Photographs of other employees
A-3 Not admitted into evidence
A-4 Admitted into evidence as R-6
A-5 Photographs of container

For Respondent:

R-1 Preliminary Notice of Disciplinary Action, dated August 7, 2025
R-2 Not admitted into evidence
R-3 Final Notice of Disciplinary Action, dated January 5, 2026
R-4 Agreement between the City of Hoboken and Hoboken Municipal
Employees' Association
R-5 Not admitted into evidence
R-6 City of Hoboken Employee Handbook