



STATE OF NEW JERSEY

In the Matter of Dorota Kolodrubiec,
Middlesex County

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

CSC Docket No. 2026-2328

Request for Interim Relief

ISSUED: August 12, 2026 (SLK)

Dorota Kolodrubiec, a Correctional Police Officer with the Middlesex County Department of Corrections, represented by Stuart J. Alterman, Esq. and Donna O'Brien, Esq., requests interim relief for retroactive pay pursuant to the 180-day rule.

In her request, the appellant presents that she was issued a Preliminary Notice of Disciplinary Action (PNDA) on June 30, 2025 and then an amended PNDA was issued on July 3, 2025, suspending her without pay. A departmental hearing was scheduled for November 6, 2025, and the appellant's counsel, due to an emergency, requested that the hearing be rescheduled. Thereafter, the hearing was held on December 11, 2025. The parties submitted closing briefs on January 12, 2026. The appellant states that pursuant to *N.J.A.C. 4A:2-2.6(d)*, the appointing authority was to render a decision within 20 days of the hearing. She indicates that as of the time of this submission, it had been 84 days without a decision by the appointing authority. Moreover, under the 180-day rule, a final determination must be made within 180 days from the date the officer was suspended without pay, less delays by the officer, and if a final decision is not made within this timeframe, the officer shall begin to receive her base pay on the 181st day. She states that in this matter the 181st day commenced on February 4, 2026. The appellant presents that on May 5, 2026, the hearing officer recommended that she be disciplined and she takes exception to the hearing officer's findings. Subsequently, the appointing authority issued a Final Notice of Disciplinary Action (FNDA) on May 7, 2026 removing the appellant,

effective July 3, 2025. Thereafter, the appellant filed a Notice of Appeal to the Office of Administrative Law (OAL) on May 11, 2026.

The appellant argues that pursuant to *N.J.S.A.* 40A:14-2021(b)(1) and *N.J.A.C.* 4A:2-2.13, the period between July 3, 2024 and February 4, 2026 encompassed the 180 days, including any tolling period, and she should have been returned to the payroll on February 4, 2026.

In response, the appointing authority, represented by Arthur R. Thibault, Jr., Esq., describes the circumstances that led to the appellant's removal. It states that in response to the June 30, 2025 PNDA, the appellant's counsel requested a litany of discovery and that the hearing be scheduled once discovery was complete. Thereafter, the appointing authority indicates that the parties initially agreed to hold the hearing on November 6, 2025. However, the hearing was rescheduled and held on December 11, 2025 after the appellant's counsel requested an adjournment due to an emergency. Further, the parties submitted closing briefs to the hearing officer on January 12, 2026. The appointing authority asserts that the appellant erroneously counts the 180-days as being from July 3, 2025 until February 4, 2026. The appointing authority believes that the matter is moot since it issued a FNDA on May 7, 2026 removing the appellant.

The appointing authority argues that the appellant has not met the standard for interim relief. It states that the appellant has not presented any evidence indicating that her removal will be dismissed as falsification of records, which is part of the charges against her, is a criminal offense and exempt from the 180-day rule. The appointing authority asserts that the appellant miscounts the 180-day rule clock and has provided no evidence that she will suffer irreparable harm if not immediately restored to paid status as she can receive back pay if she wins on appeal. It contends that it would be against the public interest to restore the appellant to the payroll where it is likely that the appellant's discipline will be upheld.

The appointing authority emphasizes that the appellant has not demonstrated that she will likely succeed on the merits, nor has she demonstrated that her suspension violated the 180-day rule. The appointing authority reiterates that criminal behavior is exempt from the 180-day rule, and even if *arguendo*, the appellant's actions were not considered criminal, the appellant has miscalculated the 180-day period. It presents that the parties agreed to schedule the hearing once discovery was completed, which led to the hearing initially being scheduled on November 6, 2025. However, it was adjourned to December 11, 2025, per the request of the appellant's counsel. The appointing authority argues that the controlling statute provides that any agreed upon postponements by the parties do not count towards the 180-day clock. Therefore, it contends that the 180-days were tolled until December 11, 2025. It presents that between December 11, 2025 and May 11, 2026, the date of the appeal, was only 151 calendar days, with the FNDA being issued on

May 7, 2026, which was 147 days. Therefore, it argues that the instant request is premature. The appointing authority also reiterates that the appellant has not met the other prongs for interim relief, *i.e.* irreparable harm and the public interest, as previously stated.

In reply, the appellant maintains that it was bad faith for the hearing officer to take so long in rendering a decision and notes that it was only done after she filed for interim relief. The appellant explains that she believes she will win on the merits and highlights that the Prosecutor's Office did not pursue the matter as being criminal. She also argues that her loss of salary, including health insurance, as a single mother of son who has medical issues which gave rise to her use of intermittent FMLA/FLA when no care was available, is evidence of irreparable harm. The appellant contends that as a result of this agency's alleged erroneous decision to close the matter, she is suffering severe financial hardship, including the loss of health insurance, which she now maintains by paying a monthly premium. She explains why this is such a hardship due to her son's medical conditions requiring prescription medications. She emphasizes that the loss of health insurance is irreparable harm that cannot await the conclusion of the OAL proceeding.

Further, in reply to a letter from this agency indicating that the matter was closed since the matter is with the OAL, the appellant asserts that the 180-day rule is a mandatory statutory right to pay restoration upon the passage of 180 days without a final determination, which does not depend on an OAL appeal, and cannot be closed by this agency. She emphasizes that Civil Service rules authorize the Civil Service Commission (Commission) to grant interim relief while an appeal is pending. Further, the appellant asserts that the right to be returned to payroll after 180 days is a statutory right, where the statute defines, exhaustively, the only circumstances that toll or delay the 181st-day, all of which require delay attributable to the officer. She contends that this agency does not have a legally cognizable basis for extending the 180-day period. The appellant emphasizes that the Commission retains independent supervisory authority over interim relief notwithstanding an OAL referral and the OAL's jurisdiction over the case does not divest the Commission of its authority to enforce the 180-day rule. Therefore, the Commission deciding her request regarding the 180-day rule should not be considered fragmented litigation as stated in the letter closing the matter, since she is not asking for the Commission to decide the underlying charges. Rather, she is only requesting a ruling regarding the 180-day rule.

The appellant requests, in the alternative, that if the Commission determines that the OAL's jurisdiction over the contested case precludes a direct order for pay restoration at this time, the Commission issue an order: (1) reopening the Commission's interim relief file for the limited purpose of entering a determination on the 180-day rule pay restoration issue; (ii) issuing a directive to the Administrative Law Judge (ALJ) to treat pay restoration under *N.J.S.A.* 40A:14-201 as a threshold

issue to be decided by the OAL at the earliest practicable opportunity, separate from and prior to the merits hearing; and (iii) clarifying that the Commission retains supervisory authority over interim pay relief notwithstanding OAL referral.

CONCLUSION

N.J.A.C. 4A:2-1.2(c) provides the following factors for consideration in evaluating petitions for interim relief:

1. Clear likelihood of success on the merits by the petitioner;
2. Danger of immediate or irreparable harm;
3. Absence of substantial injury to other parties; and
4. The public interest.

N.J.S.A. 40A:14-201(2)a states, in pertinent part, that a final determination on a law enforcement officer's suspension and termination shall be rendered within 180 calendar days from the date the officer is suspended without pay. If a final determination is not rendered within those 180 days, as hereinafter calculated, the officer shall, commencing on the 181st calendar day, begin again to receive the base salary he was being paid at the time of his suspension and shall continue to do so until a final determination on the officer's termination is rendered. *See also, N.J.A.C.* 4A:2-2.13. *N.J.S.A.* 40A:14-201 and *N.J.A.C.* 4A:2-2.13 also provide for certain days that do not count towards the 180 days calculation.

N.J.A.C. 4A:2-2.13 provides that, except where a hearing is required by law, this chapter or *N.J.A.C.* 4A:8, or where the Commission finds that a material and controlling dispute of fact exists that can only be resolved by a hearing, an appeal will be reviewed on a written record.

In this matter, there appears to be a misunderstanding of this agency's June 1, 2026, letter which indicated that it was closing the subject interim relief request as the matter was already at the OAL as a contested case. The letter did not preclude the appellant from seeking a determination regarding the 180-day rule as it specifically advised that "the request to restore Kolodrubiec to pay status pursuant to the 180-day rule can be addressed by an Administrative Law Judge during the hearing along with any other issues related to Kolodrubiec's discipline." The letter did not state, or otherwise imply, that the determination of the ruling regarding the 180-day rule needed to wait until the ALJ issues its initial decision. On the contrary, parties at the OAL regularly make motions, including motions regarding the 180-day rule, that result in the ALJ making rulings prior to the initial decision. Moreover, by indicating the subject request should be addressed by the ALJ, the Commission did not relinquish its authority over the subject request. However, as there are issues of material fact regarding the counting and tolling of days pursuant to *N.J.S.A.* 40A:14-201 and *N.J.A.C.* 4A:2-2.13, it was appropriate for this agency to instruct that the

matter be raised at the OAL. *See N.J.A.C. 4A:2-2.13.* Accordingly, any motion for reinstatement to pay status under *N.J.S.A. 40A:14-201* and *N.J.A.C. 4A:2-2.13* must be made to the ALJ assigned to the matter.

ORDER

Therefore, it is ordered that this request be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY TSHE
CIVIL SERVICE COMMISSION ON
THE 12TH DAY OF AUGUST, 2026



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