STATE OF NEW JERSEY

In the Matter of John T. Arrington, Edna Mahan Correctional Facility for Women, Department of Corrections CSC Docket No. 2026-2460	**FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION** Back Pay, Counsel Fees, Interim Relief and Enforcement

ISSUED: August 12, 2026 **(SLK)**

John T. Arrington, a Senior Correctional Police Officer with the Edna Mahan Correctional Facility for Women, Department of Corrections, represented by Luretha M. Stribling, Esq. requests back pay, counsel fees, interim relief,[1] enforcement, and reinstatement pursuant to *In the Matter of John T. Arrington* (CSC, decided February 25, 2026).

By way of background, the appellant began an immediate suspension without pay on April 9, 2020, for various administrative charges and violating certain department rules and regulations. Thereafter, in response to the appellant's request for interim relief, as he had been suspended without pay for more than 180 days, pursuant to *N.J.S.A.* 40A:14-201(2)a and *N.J.A.C.* 4A:2-2.13(h)1, in *In the Matter of John Arrington* (CSC, decided April 28, 2021), the Civil Service Commission (Commission) ordered the appointing authority to pay the appellant his base pay on October 15, 2020 until he was either reinstated or until a final administrative determination was made by the Commission on any subsequent appeal of any major discipline imposed after the departmental on the current charges. Subsequently, on May 19, 2021, the appellant was issued a Final Notice of Disciplinary Action removing him. The appellant appealed his removal to the Commission, and the matter was transmitted to the Office of Administrative Law as a contested case. After the hearing, in *In the Matter of John T. Arrington* (CSC, decided February 25, 2026),

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[1] Although the appellant did not specifically request interim relief, his request for reinstatement is in essence a request for interim relief as instead of reinstating the appellant, the appointing authority immediately suspended him based on new charges.

the Commission adopted the Administrative Law Judge's recommendation to modify the removal to a six-month suspension. Therefore, the appellant was entitled to receive base pay, which was not subject to mitigation, from October 15, 2020, until his reinstatement. Any other back pay due to the appellant that was not covered during the base pay period would be subject to mitigation. The appellant's request for counsel fees was denied.

In his request, the appellant asserts that the appointing authority failed to comply with the Commission's February 25, 2026 decision. Specifically, he states that he has not been reinstated to his position, and he has not received back pay, benefits or seniority. The appellant also requests counsel fees and costs as a sanction for the appointing authority's alleged failure to comply with the Commission's decision.

In response, the appointing authority, represented by Christopher Chiacchio, DAG, states that it restored the appellant's pay pursuant to the Commission's April 28, 2021 decision. It presents that as a result of that decision, the appellant was returned to pay status and it was determined that he was owed $45,233.60 in back pay from October 18, 2020, until his reinstatement to pay status. It asserts that this total was mitigated by $21,012 in unemployment compensation, leaving a gross sum owed in the amount of $24,221.60. Further, the appointing authority indicates that after standard deductions in the amount of $11,748.86, the appellant was owed net back pay in the amount of $12,472.47, which it paid by a July 14, 2021, dated check. Therefore, the appointing authority asserts that it has already paid all owed back pay.

Concerning reinstatement, the appointing authority states that on April 2, 2026, the appellant reported to the Custody Recruitment Unit (CRU) to begin the reinstatement process. However, it presents that he arrived without the required paperwork that he was advised that he needed to begin the reinstatement process. Thereafter, the appointing authority claims that when it provided the appellant with the required application and a Notary was made available to him, his demeanor became aggressive, and he was unable to answer several questions related to his criminal history. Therefore, it indicates that the appellant was advised to report to the Newark Police Headquarters and the Essex County Superior Court to obtain the information to complete his application. Further, he was given until April 8, 2026 to return to the CRU with the necessary information. Therefore, pursuant to the appellant's request for additional time, he was then given until April 10, 2026 to return with the information.

The appointing authority presents that when the appellant returned to the CRU on April 10, 2026, he was disruptive, aggressive, and argumentative toward staff, which included clipping his fingernails while in a classroom. It states that the appellant was advised that his actions were disruptive and distracting to other candidates and to use the restroom if he was going to clip his fingernails. The appointing authority asserts that the appellant's disruptive and aggressive behavior continued throughout that day. It also attaches Custody Reports outlining his behavior from April 2, 2026 to April 10, 2026.

Consequently, the appointing authority indicates that a Preliminary Notice of Disciplinary Action (PNDA) was issued to the appellant on April 16, 2026, seeking his removal for his actions related to his behavior from April 2, 2026 and April 10, 2026. Additionally, after an April 24, 2026, Loudermill hearing was conducted, it immediately suspended him without pay pending a disciplinary hearing. Therefore, the appointing authority argues that it has complied with the Commission's orders and made a good faith attempt to reinstate the appellant but was unable to do so because of his actions. It states that no further action should be taken by the Commission at this time as the discipline will be adjudicated in due course.

In reply, the appellant presents that after the Commission's February 25, 2026, decision was issued on March 17, 2026, he made several attempts to reach out to the appointing authority regarding his reinstatement plans. However, his counsel's calls and emails were not returned by the appointing authority. Thereafter, on March 26, 2026, the appellant states that his counsel sent a letter to this agency indicating that the appointing authority failed to comply with the Commission's decision. Subsequently, on April 2, 2026, the appellant states that he was advised to report to the CRU at the New Lisbon Developmental Center which is where new recruits are designated to report. The appellant indicates that while at the CRU, he was told to complete the initial paperwork for new recruits even though he already completed this information in 2001 when he was hired. The appellant believes that the appointing authority's purpose in having him report to the CRU was to fabricate a basis to discipline him and thwart compliance with the Commission's orders. The appellant claims that the basis for the PNDA issued against him is not accurate and the camera footage will demonstrate this.

The appellant asserts that he was not given a full accounting of his back pay, benefits or seniority. He states that rather than the appointing authority continuing to pay his base pay, he is not in pay status at this time. The appellant argues that the appointing authority should be sanctioned for alleged violations of the Commission's orders. Therefore, the appellant requests counsel fees for the entire period of his attorney's representation from his initial suspension to the present as a sanction.

Referring to back pay, the appellant acknowledges that he received his base pay from 2021 until he was taken off the payroll on April 24, 2026. Therefore, he argues that he is owed base pay from April 24, 2026, to reinstatement. Regarding vacation pay, the appellant indicates that from 2020 to 2025, he earned five weeks of vacation per year, which is 30 weeks, and which has a monetary value of $55,411.08.

Referring to sick pay, he notes that he earned 15 sick days per year, which is 90 days over a six-year period. Therefore, the appellant claims that he is owed $33,199.43 for his sick days. Additionally, the appellant indicates that he earned three administrative leave per year, which is 18 days over a six-year period. Therefore, the appellant believes that he is owed an additional $6,590.88 for administrative leave days. Finally, the appellant contends that he is owed $6,600 for uniform allowances for 2020 through 2025. Therefore, the appellant is requesting $101,801.39 in total.

Concerning mitigation, the appellant states that he was placed on pay status in the period after the Commission entered its May 3, 2021, decision regarding his request for interim relief. He states that he held a job briefly during the period when he was removed from employment. The appellant presents that he applied for work at Staffing Alternatives, a temporary work agency, which led to a warehouse job with Alan Ritchey from May 23, 2023 through March 2024. He notes that this warehouse job was initially full-time. However, the appellant states that his hours were reduced to two hours per day.

CONCLUSION

Reinstatement and Current Base Pay

N.J.A.C. 4A:2-2.5(a) provides that an employee must be served with a PNDA setting forth the charges and statement of facts supporting the charges (specifications), and afforded the opportunity for a hearing prior to imposition of major discipline, except:

> (1) An employee may be suspended immediately and prior to a hearing where it is determined that the employee is unfit for duty or is a hazard to any person if permitted to remain on the job, or that an immediate suspension is necessary to maintain safety, health, order or effective direction of public services…However, a PNDA with opportunity for a hearing must be served in person or by certified mail within five days following the immediate suspension.

N.J.A.C. 4A:2-2.5(b) provides that where suspension is immediate under (a)1, and is without pay, the employee must first be apprised either orally or in writing, of why an immediate suspension is sought, the charges and general evidence in support of the charges and provided with sufficient opportunity to review the charges and the evidence in order to respond to the charges before a representative of the appointing authority. The response may be oral or in writing, at the discretion of the appointing authority.

N.J.A.C. 4A:2-2.5(e) provides that appeals concerning violations of this section may be presented to the Commission through a petition for interim relief. *See N.J.A.C.* 4A:2-1.2.

Pursuant to *N.J.A.C.* 4A:2-1.2(c), the standards to be considered regarding a petition for interim relief are:

1. Clear likelihood of success on the merits by the petitioner;
2. Danger of immediate or irreparable harm if the request is not granted;
3. Absence of substantial injury to other parties if the request is granted; and
4. The public interest.

Regarding the appellant's reinstatement and base pay, although he requests enforcement, as the appointing authority issued a new PNDA immediately suspending the appellant for alleged new behavior during the reinstatement process, this is in essence a request for interim relief. *See N.J.A.C.* 4A:2-2.5(e). Specifically, the information provided in support of the instant petition does not demonstrate a clear likelihood of success on the merits. A critical issue in any disciplinary appeal is whether or not the petitioner's actions constituted wrongful conduct warranting discipline. The Commission will not attempt to determine such a disciplinary appeal on the written record without a full plenary hearing before an Administrative Law Judge who will hear live testimony, assess the credibility of witnesses, and weigh all the evidence in the record before making an initial decision. Specifically, while the appellant contends that the reinstatement process was designed to fabricate new charges against him and the video camera footage will demonstrate that the basis for the PNDA is erroneous, the appellant's alleged disruptive and aggressive behavior warrants his immediate suspension as Correctional Police Officers are law enforcement officers who are held to a higher standard. *See Moorestown v. Armstrong*, 89 *N.J. Super.* 560 (App. Div. 1965), *cert. denied*, 47 *N.J.* 80 (1966). *See also In re Phillips*, 117 *N.J.* 567 (1990). Further, the record indicates that the appointing authority has complied with *N.J.A.C.* 4A:2-2.5(a) and *N.J.A.C.* 4A:2-2.5(b). Moreover, the record indicates that the appellant was in pay status until April 24, 2026, his current immediate suspension. As such, there is no basis to issue interim relief and/or enforcement concerning his base pay or reinstatement. *See N.J.A.C.* 4A:2-1.2(c).

<u>Benefits</u>

N.J.A.C. 4A:2-2.10(a) provides that where a disciplinary penalty has been reversed, the Commission shall award back pay, benefits, seniority or restitution of a fine. Such items may be awarded when a disciplinary penalty is modified.

N.J.A.C. 4A:2-2.10(d) provides that back pay shall include unpaid salary, including regular wages, overlap shift time, increment and across-the-board adjustments. Benefits shall include vacation and sick leave credits and additional amounts expended by the employee to maintain his or health insurance coverage during the period of improper suspension or removal. *N.J.A.C.* 4A:2-2.10(d)1 provides that back pay shall not include items such as overtime pay, holiday premium pay and retroactive clothing, uniform or equipment allowance for periods in which the employee was not working.

N.J.A.C. 4A:6-1.2(g) provides, in pertinent part, that vacation leave not used in a calendar year because of business necessity shall be used during the next succeeding year only.

N.J.A.C. 4A:6-1.3(f) provides that unused sick leave shall accumulate from year to year without limit.

N.J.A.C. 4A:2-2.12(a) provides that the Commission shall award partial or full reasonable counsel fees incurred in proceedings before it and incurred in major disciplinary proceedings at the departmental level where an employee has prevailed on all or substantially all of the primary issues before the Commission.

Regarding the appellant's request for vacation pay, the appellant is not entitled to payment for the claimed value of the lost vacation time. Instead, if the appellant had not been immediately suspended, he would be entitled to carry over his 2025 vacation days to 2026. *See N.J.S.A.* 11A:6-2(f) and *N.J.A.C. 4A:6-1.2(g); See also, In the Matter of Donald H. Nelsen, Jr*., Docket No. A-2878-03T3 (App. Div. February 4, 2005); *In the Matter of John Raube, Senior Correction Officer, Department of Corrections*, Docket No. A-2208-02T1 (App. Div. March 30, 2004); and *In the Matter of Evan Scott* (CSC, decided September 10, 2019). However, since he was immediately suspended on April 21, 2026, he currently has no entitlement to leave time. Further, the appellant is not entitled to any payment or carryover regarding administrative leave. *See N.J.A.C.* 4A:2-2.10(d). Similarly, the appellant is not entitled to be reimbursed for any sick leave. Rather, if the appellant is reinstated after the current disciplinary proceeding, he will be entitled to the sick leave he would have earned during the relevant periods of time. *See N.J.A.C.* 4A:6-1.3(f). Moreover, the appellant is not entitled to uniform allowances as *N.J.A.C. 4A:2-2.10(d)1* states that back pay shall not include retroactive clothing, uniform, or equipment allowances for periods in which the employee was not working. The purpose of a maintenance allowance is for the maintenance of uniform components while on duty.

Referring to counsel fees, initially it is noted that while the Commission can fine an appointing authority for noncompliance among other remedies, an award of counsel fees is not one of the remedies specifically enumerated under *N.J.A.C.* 4A:10-2.1. Further, while the appellant argues that the appointing authority should be sanctioned for failing to immediately reinstatement him after the Commission's February 25, 2026, decision that was issued on March 17, 2026, the appointing authority did initiate a reinstatement process for the appellant. However, the appointing authority found that the appellant's behavior on April 2 and April 2026, regarding his reinstatement was inappropriate, which led to it issuing a PNDA on April 16, 2026, seeking his removal. Further, a Loudermill hearing was conducted on April 24, 2026, where the hearing officer determined that the appellant's immediate suspension without pay, effective that date, was warranted. As stated above, the Commission will not decide this issue without a full plenary hearing before an Administrative Law Judge. Therefore, there is no basis to find that the appointing authority has not complied with the Commission's decision.

ORDER

Therefore, it is ordered that these requests 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 12TH DAY OF AUGUST, 2026

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