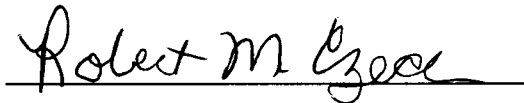


Re: Joseph Fedo

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
NOVEMBER 10, 2016

A handwritten signature in black ink, reading "Robert M. Czech", is written over a horizontal line.

Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Assistant Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Unit H
P. O. Box 312
Trenton, New Jersey 08625-0312

Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSV 19860-15

AGENCY DKT. NO. 14-021

2016-1-130

**IN THE MATTER OF JOSEPH FEDO, PARSIPPANY-
TROY HILLS DEPARTMENT OF PUBLIC WORKS.**

Thomas A. McKinney, Esq., for appellant, Joseph Fedo (Castronovo & McKinney,
attorneys)

Stephen E. Trimboli, Esq., for respondent Parsippanty Troy Hills Department of
Public Works (Trimboli & Prusinwski, attorney)

Record Closed: August 29, 2016

Decided: September 19, 2016

BEFORE **KIMBERLY A. MOSS, ALJ**:

STATEMENT OF THE CASE

Joseph Fedo (Fedo or appellant), appeals from a removal by Parsippanty-Troy Hills Department of Public Works (PTHDPW or respondent) on charges of violating the Civil Service Rules, conduct unbecoming an employee, misuse of public property, violation of township policies for disciplinary actions, theft and conflict of interest, and other sufficient cause. Allegedly, appellant stole tires from PTHDPW. At issue is whether Fedo engaged in the alleged conduct, and, if so, whether it constitutes conduct

unbecoming an employee, misuse of public property, violation of township policy for disciplinary actions, theft and conflict of interest, and other sufficient cause.

PROCEDURAL HISTORY

On or about February 7, 2014, and October 10, 2014, respondent served Fedo with a Preliminary Notice of Disciplinary Action (PNDA). Following a hearing respondent served Fedo with a Final Notice of Disciplinary Action (FNDA) dated November 5, 2015, sustaining charges of conduct unbecoming an employee, misuse of public property, violation of township policies for disciplinary actions, theft and conflict of interest, and other sufficient cause. Respondent took the disciplinary action of a removal.

Following Fedo's November 11, 2015, appeal to the Civil Service Commission, it transmitted the matter to the Office of Administrative Law (OAL) pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13, where it was filed on December 3, 2015, for determination as a contested case. A pre-hearing conference was held on January 6, 2016. The hearings were held on May 11 and June 23, 2016. Closing submissions received on August 29, 2016, at which time I closed the record.

TESTIMONY

Anthony Morelli

Anthony Morelli (Morelli) is a detective with the Parsippany-Troy Hills Police Department. In January 2014, he was assigned to investigate theft of four large truck tires with aluminum rims from PTHDPW that occurred on December 28, 2013. He spoke to Greg Schneider (Schneider) who runs PTHDPW and requested the video of the location. There were extensive cameras on the PTHDPW grounds and the surrounding area. He reviewed 158 video clips. The cameras had a motion detector. Morelli requested the video clips from the rest of the weekend, which he received.

The tires were present on the site prior to December 28, 2013. Morelli does not know when the tires arrived on the site. It was discovered that the tires were missing on December 30, 2013, prior to that the tires were located in the mechanic's bay at the facility. Morelli did a site inspection and saw a few dozen tires. Morelli spoke to PTHDPW employees Elminio Vega (Vega) and Joseph Williamson (Williamson) individually. Both stated that they saw truck tires in Fedo's Mountaineer vehicle on December 28, 2013. Vega stated that he believed that the tires he saw in Fedo's vehicle were the stolen tires and Williamson saw stickers on the tires in the Fedo vehicle. On December 28, 2013, both Vega and Williamson provided a written statement. Vega did not change his account of what he saw to Morelli. He then contacted Detective Sasha Gould in the Morris County Prosecutor's Office. Morelli checked the wash bay area, where Fedo was on December 28, 2013.

There is a door between the wash bay and the mechanic's bay, which is in the same building. It was locked. However, the pins in the door nearest the wash bay were unseated and standing up. The door between the bays was steel but did not weigh one hundred pounds. To gain access to this area a person could remove the pins in the hinges, which would move the door, then replace the pins. The mechanic's bay is open when the site is open for business. Employees use the wash bay during business hours. Exhibit R-21 is an area photo of the PTHDPW facilities. The door that is listed in R-21 as door five had a faulty lock where a person could enter. The tires were located in the area behind doors one through four. To enter doors one through four you need a key. Morelli does not know if Fedo had a key to doors one through four. Fedo entered the wash bay through the side door where the door had raised pins between the bay and the mechanics bay. None of the mechanics noticed the raised door hinges. Morelli did not see any cameras inside the wash bay or the mechanic's bay.

Morelli ran Fedo's name through the Division of Motor Vehicles which revealed that Fedo owned a 2004 or 2005 White Mercury Mountaineer SUV. Fedo admitted to Morelli that this was his vehicle. He interviewed Fedo, which was recorded. Morelli measured truck tires sizes online and determined that four large truck tires cannot fit into a vehicle.

There are two instances on December 28, 2013, that Fedo's vehicle goes by the bays for non-work purposes. On or about 6:30 a.m., one and a half hours before his shift begins, Fedo backs up his vehicle to the bay. He leaves nine minutes later. At approximately 12:00 p.m. Fedo leaves the recycle yard and drives to the bays and backs up to the bay. He next parks in front of the main building to check out. Two tires were taken in the morning and two were taken in the afternoon on December 28, 2013.

A recording shows Fedo entering the lot on December 28, 2013. He enters the yard and stops at the salt shed. He then backs his car to the bay door. He goes to the door that is loose. The camera shows him walking to the door. When he enters the garage door opens. Nine minutes later he exits. This is before his shift begins.

Fedo tells one of the workers toward the end of his shift to watch the gate as he goes to the bathroom. He drives to the wash bay, bypassing the main office that has a bathroom. He backs up to the wash bay and is there several minutes. He next goes to the area where the timeclock is located. While Fedo is in the main building Williamson and Vega who are in the area look into Fedo's vehicle and speak to each other. They stated that they saw tires in Fedo's truck and its "shady." Williamson did not state if the windows were open or closed. Fedo's vehicle has a light tint on the windows. Most tinted windows are easy to see through especially in the daytime. Morelli prepared a power point presentation (R-21) using slides from the video taken by the camera. This includes pictures of Fedo driving toward the salt shed. Slide five of R-21 shows Fedo's vehicle passing a sensor. The white door is the wash bay. Slide six shows Fedo stopping near the loader. A loader is a large earth-moving vehicle. The loader was past the wash bay. Slide nine shows Fedo backing up to the door of the wash bay at 6:32 a.m. Slide ten is the side door which is shaking from moving the door. Slide eleven shows the door to the wash bay opening after Fedo entered. There is a motion sensor. Rolling tires would not set off a motion sensor. The camera does not show inside of the bay. Slide thirteen shows the Fedo vehicle exiting the pump area. Slide fifteen is the entrance of the main building. Slide sixteen shows Fedo exiting the main building. He punched in at 7:57 a.m. Slide eighteen shows Fedo entering the grounds from the Pump House Road. Pump House Road is to the left of the recycling area. Slide twenty shows Fedo again backing up to the wash bay doors. Slide twenty one,

which was taken at 11:44 a.m., shows the side door shaking. The Fedo vehicle left the open bay at 11:52 a.m. It appears that the windows on the Fedo vehicle are closed. Slide twenty-five shows Fedo parking in front of the main building. At 11:54 a.m. Williamson is seen behind the Fedo vehicle, as is Vega. Williamson and Vega look into the Fedo vehicle. There is another person seen on slide twenty-five who was not interviewed by Morelli.

Slide twenty-eight shows the partition between the wash bay and the mechanics bay. There are two doors. Slide thirty and thirty-one show the hinges on the door leading to the mechanics bay. The power point presentation does not show Fedo handling the tires.

Fedo stated when he was questioned that, on the morning of December 28, 2013, he was running errands and wanted to wash his vehicle. He pulled the vehicle into the wash bay to wash his car. He said that he washed the vehicle with steam, when he was told that there was no steam, he stated that he used water to wash the rear window. Morelli concluded that there was sufficient evidence to bring charges against Fedo. He did not search Fedo's home; however, Morelli went to the home of Fedo's brother and the tires were not there. Criminal charges were brought against Fedo but he was not indicted and the criminal charges were dropped.

Gary Rauco

Gary Rauco (Rauco) is employed by PTHDPW. He was a senior mechanic for nine years. He became a supervisor mechanic in 2016. An order for a new sanitation truck was placed in 2013. The truck was to include spare tires. The spare tires were part of the purchase order. He came back from vacation on December 20, 2013, and saw the tires on that day. They were on the ground in the mechanics bay when he saw them. The tire area is shown on R-21 behind doors one to four in the main shop. Rauco did not work on December 28, 2013. On December 30, 2013, he realized that the tires were missing because he needed to install the tires on a truck. He asked the mechanics present if they had the tires and they all told him no. Rauco reported to Schneider that the tires were missing.

A C-box is a shipping container that would go on the back of a tractor trailer. C-boxes are sometimes used for storage. Missing tires have showed up in C-boxes. During the work day the mechanics are supposed to be the only one in the main shop, but people in the road department have access to the building and the tires. Any person could have taken the tires from December 20, 2013, to December 30, 2013. There is no camera in the area of the building where the tires are located. Rauco does not know if Fedo took the tires. Since December 2013, no tires have gone missing.

The public can access the mechanics bay during the day, if they come in through the office. The doors of the shop are open when bringing vehicles in and out. He does not often see members of the public in the mechanics bay. When the bay doors are open there is someone present in the bay.

Rauco never tried to lift one of the tires. He would roll them. If he had to lift a tire, he would ask for assistance.

Gary Schneider

Gary Schneider (Schneider) works for respondent as the Director of Public Works. He has held this position for the past ten years. He directs roads, sanitation, maintenance, and engineering. He supervises laborers, senior repair people, supervisors, and engineers.

Fedo was a laborer in the road division. He is familiar with the area depicted in R-21, the department of public works yard. He is familiar with the wash bay and the mechanic's bay. The area on the top of R-21 marked side door has a push bar on the inside of the door. That door should be locked. A key is needed to enter through that door. There is surveillance on the grounds. The main camera system goes to his office. There are now sixteen surveillance cameras. In December 2013 there were ten surveillance cameras. The cameras were not hidden and the employees knew where they were.

The Saturday work hours were 8:00 a.m. to 11:45 a.m. It was rare for people to come to work, leave, and come back. There was an unwritten rule that the employees could not wash their personal cars on the premises. That later changed to personal cars could be washed if a supervisor or Schneider was present. He is not aware of any employee washing their car on the premises when a supervisor was not present. There was no supervisor on the premises on December 28, 2013, at 6:00 a.m. In the winter the wash bay is filled with equipment. Washing is done outside the pathway to the doors in the winter.

On December 28, 2013, Fedo was working on a recycle assignment. It was not his regular assignment. It was an overtime assignment. Exhibit R-6 is a time card report from December 23, 2013 to December 29, 2013. On December 28, 2013, Fedo punched in at 7:54 a.m. and did not punch out.

Prior to December 2013, respondent ordered five trucks. The order for the trucks included spare tires. After December 28, 2013, Schneider was told by Rauco that four tires were missing. The tires arrived after the trucks were delivered. On the bid specifications the front spare tire cost \$1036, the rear spare tire cost \$662, the inset aluminum disc spare wheel costs \$402 and the aluminum disc additional spare wheel cost \$320. Schneider was later told that someone saw the tires in the back of an employee's vehicle. Williamson and Vega are the individuals who saw the tires in the back of an employee's vehicle. He asked Williamson and Vega to write a statement about the incident. In December 2013, Williamson and Vega worked in the sanitation department. He does not believe that Williamson was involved in taking the tires. Vega later told Schneider that he did not see any tires. Vega was resentful because he had to come into the office. Vega changed his story after Williamson left the PTHDPW.

Schneider reviewed the video tapes of December 28, 2013, originally from 8:00 a.m. to 11:45 a.m. He then viewed the tapes from December 27, 2013, at night to December 29, 2013. He provided the tapes of December 28, 2013 and December 29, 2013 to the Detective Bureau of the Police Department. He spoke to Morelli. On the tapes he recognized Fedo's car. He knew Fedo. He knew that the criminal charges against Fedo were dropped. Fedo was a long time employee of PTHDPW. Schneider

thinks that there is a fifty percent chance that Fedo stole the tires. He later testified that he feels that Fedo is guilty and it is clear to him that Fedo is guilty.

Joseph Williamson

Williamson currently has worked for Pequannock Township for the past two and one-half years, prior to that he was employed by PTHDPW. Williamson was employed by respondent and worked in the sanitation department. He knew Fedo, although they did not work together.

On December 28, 2013, Williamson worked at the recycling yard for PTHDPW from 8:00 a.m. to 12:00 p.m. Vega, Fedo, and others were also working at that time. Fedo left half way through the shift to use the bathroom. Fedo did not return. Williamson left the area at approximately 11:54 a.m. to punch out. He drove to the area where the time clock was located as did Vega. As he was going to the building with the time clock he saw tires through the back passenger side window of Fedo's vehicle. He knew that the vehicle was Fedo's because he saw Fedo driving it around the shop. Williamson could see the rims and stickers on the tread of the tires. He saw two tires in Fedo's vehicle. He knows that the tires were from sanitation trucks because of the size and the rims. He spoke to Vega about the tires. Williamson looked in the passenger side of Fedo's vehicle and saw the garbage truck tires. He does not know the brand of the tires.

Williamson has never washed his car in the wash bay or used the bathroom in the wash bay. There is a bathroom in the break area near where the time clock is located.

He spoke to Schneider and told him that on December 28, 2013, he saw tires in Fedo's vehicle. He gave a statement to Schneider and Morelli. He met with the prosecutor's office. He does not recall stating 100 percent that he saw four tires in Fedo's vehicle. (D-1.) The report of Detective Gould is inaccurate.

Henry Sunyak

Henry Sunyak (Sunyak) is the personnel director for Parsippany. As part of his job he does work place investigations. While investigating Fedo, he met with Williamson and Vega. The statement given by Vega was signed by Vega in Sunyak's office and notarized. Vega's statements at the departmental hearing contradicted his written statement.

FACTUAL DISCUSSION

The general course of events in this matter are undisputed and I **FIND** the following as **FACTS**:

At the PTHDPW facility, the mechanic's bay and the wash bay are located in the same building. Doors separate the mechanics bay from the wash bay. The doors are supposed to lock when closed from the mechanics bay. There is a door between the wash bay and the mechanic's bay. The pins in the door nearest the wash bay were unseated and standing up. The door between the bays was steel. To gain access to this area a person could remove the pins in the hinges, which would move the door. Then replace the pins. The door from the wash bay to the mechanic's bay does not lock reliably.

The doors in the front of the building do not always close. R-14 shows the front wash bay door that does not always lock reliably. There is a key to the side door of the wash bay R-12. That door has a lock which the supervisor and Schneider have keys to. Fedo was not authorized to have a key. PTHDPW purchased a new garbage truck in 2013. Four tires for the truck were delivered on December 18, 2013, or December 19, 2013. Rauco was not present for the delivery. He saw the tires in the mechanic's bay prior to December 28, 2013. The tire area is behind doors one through four of the main shop where the mechanic's bay and the wash bay are located. The public can access the mechanic's bay when the doors of the shop are open. However, it is not often that members of the public are in the mechanic's bay.

The wash bay has a power washer that can produce 25,000 pounds per square inch. It is used to clean the trucks. If the power washer is used on a private vehicle it creates a mist in the air. Employees need permission and a supervisor to be present to wash their cars in the wash bay. There was no supervisor on the premises on December 28, 2013. The bathroom in the wash bay is for employees that work in that area. Employees do not go to the wash bay exclusively to use the bathroom. The facility has cameras and motion sensors. PTHDPW issued a memo prior to December 2013 to its employees mandating that employees do not arrive for work more than a half-hour before starting time.

Respondent's Saturday hours were 8:00 a.m.-11:45 a.m. On Saturday, December 28, 2013, Fedo, Vega, and Williamson were working in the recycle area of the PTHDPW facility. Fedo owned a White Mercury Mountaineer SUV with tinted windows at that time. There are two instances on December 28, 2013, that Fedo's vehicle goes past the bays that are not work related. Prior to 6:32 a.m. Fedo drives toward the salt shed at the facility. His vehicle passes a sensor. Fedo stops near the loader. The loader was past the wash bay. Fedo then backed up to the door of the wash bay at 6:32 a.m. The side door of the bays was shaking from moving the door. The door to the wash bay opens after Fedo enters the bays. Rolling tires would not set off a motion sensor. The camera does not show inside of the bay. Fedo then exits the pump area. He punched in at to work at 7:57 a.m. The video does not show a mist in the area where Fedo's car would have been parked if it was being washed.

Fedo told Williamson that he had to use the restroom and did not return. Fedo after leaving Williamson enters his vehicle and backs it up to the wash bay doors at 11:44 a.m., the side door to the bays shakes. Fedo's vehicle leaves the open bay at 11:52 a.m. Fedo then parks in front of the main building. At 11:54 a.m. Williamson is near the main building as is Vega. They look in Fedo's car and see tires. They can see through the tint. Williamson looked through the passenger side window. Williamson saw two tires in Fedo's car. He identified them as sanitation truck tires. Williamson sees sanitation truck tires every day during his pre-trip inspections. His job with PTHDPW was to pick up garbage with a garbage truck. Prior to beginning his shift, he would look

at the tires to ensure that there were no flat tires. The garbage truck tires can be lifted into a SUV. Fedo did not punch out from work on December 28, 2013.

On December 30, 2013, respondent discovered that four garbage truck wheels were missing. On that day Williamson discovered the garbage truck that he used had a flat tire. He brought the truck to the shop for the tire to be changed by the mechanic and that is when they realized that tires were missing.

Morelli conducted an investigation. Prior to the investigation Sunyak, the personnel director for Parsippany-Troy Hills met with Williamson and Vega. Vega gave a statement, which he signed in Sunyak's presence. Vega may have given contradictory testimony at the departmental hearing, however, he did not testify at this hearing. Morelli conducted an investigation which included interviewing Williamson and Vega, verifying Fedo's vehicle, checking the area where the tires had previously been located and reviewing the videotapes of the premises from December 28, 2013, and December 29, 2013. Williamson was interviewed by Detective Gould of the prosecutor's office. He did not provide Gould with a written statement or review her report for accuracy. Criminal charges were brought against Fedo regarding the theft of the tires but he was not indicted on the charges.

There was no evidence submitted regarding respondent's policy against theft and policy against conflict of interest.

LEGAL ANALYSIS AND CONCLUSIONS

Based on the foregoing facts and the applicable law, I **CONCLUDE** that the charges of conduct unbecoming an employee, misuse of public property, and other sufficient cause are sustained. I further **CONCLUDE** that the charges of violation of township policy disciplinary actions, theft and conflict of interest are reversed.

The purpose of the Civil Service Act is to remove public employment from political control, partisanship, and personal favoritism, as well as to maintain stability and continuity. Connors v. Bayonne, 36 N.J. Super. 390 (App. Div.), certif. denied, 19

N.J. 362 (1955). The appointing authority has the burden of proof in major disciplinary actions. N.J.A.C. 4A:2-1.4. The standard is by a preponderance of the credible evidence. Atkinson v. Parsekian, 37 N.J. 143 (1962). Major discipline includes removal or fine or suspension for more than five working days. N.J.A.C. 4A:2-2.2. Employees may be disciplined for insubordination, neglect of duty, conduct unbecoming a public employee, and other sufficient cause, among other things. N.J.A.C. 4A:2-2.3. An employee may be removed for egregious conduct without regard to progressive discipline. In re Carter, 191 N.J. 474 (2007). Otherwise, progressive discipline would apply. W. New York v. Bock, 38 N.J. 500 (1962).

Hearings at the OAL are de novo. Ensslin v. Twp. of N. Bergen, 275 N.J. Super. 352 (App. Div. 1994), certif. denied, 142 N.J. 446 (1995).

“Conduct unbecoming a public employee” is an elastic phrase, which encompasses conduct that adversely affects the morale or efficiency of a governmental unit or that has a tendency to destroy public respect in the delivery of governmental services. Karins v. City of Atl. City, 152 N.J. 532, 554 (1998); see also In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). It is sufficient that the complained-of conduct and its attending circumstances “be such as to offend publicly accepted standards of decency.” Karins, supra, 152 N.J. at 555 (quoting In re Zeber, 156 A.2d 821, 825 (1959)). Such misconduct need not necessarily “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.” Hartmann v. Police Dep’t of Ridgewood, 258 N.J. Super. 32, 40 (App. Div. 1992) (quoting Asbury Park v. Dep’t of Civil Serv., 17 N.J. 419, 429 (1955)). Suspension or removal may be justified where the misconduct occurred while the employee was off duty. Emmons, supra, 63 N.J. Super. at 140.

In this matter the charges of conduct unbecoming an employee, misuse of public property, and other sufficient cause can be combined. Fedo came to work one-and-a-half hours early when there was a memo that employees could not come to work more than thirty minutes early. On December 28, 2013, he arrived at the facility early and

stole sanitation truck tires from PTHDPW. He was not at the mechanic's bay to wash his vehicle. Theft is clearly conduct unbecoming an employee.

When determining the appropriate penalty to be imposed, the appointing authority must consider an employee's past record, including reasonably recent commendations and prior disciplinary actions. Bock, supra, 38 N.J. 500. Depending on the conduct complained of and the employee's disciplinary history, major discipline may be imposed. Id. at 522–24. Major discipline may include removal, disciplinary demotion, suspension or fine no greater than six months. N.J.S.A. 11A:2-6(a); N.J.S.A. 11A:2-20; N.J.A.C. 4A:2-2.2; N.J.A.C. 4A:2-2.4. A system of progressive discipline has evolved in New Jersey to serve the goals of providing employees with job security and protecting them from arbitrary employment decisions. The concept of progressive discipline is related to an employee's past record. The use of progressive discipline benefits employees and is strongly encouraged. The core of this concept is the nature, number and proximity of prior disciplinary infractions evaluated by progressively increasing penalties. It underscores the philosophy that an appointing authority has a responsibility to encourage the development of employee potential.

Some disciplinary infractions are so serious that removal is appropriate notwithstanding a largely unblemished prior record. In re Carter, 191 N.J. 474, 484 (2007) (citing Rawlings v. Police Dep't of Jersey City, 133 N.J. 182, 197-98 (1993) (upholding dismissal of police officer who refused drug screening as "fairly proportionate" to offense)); see also In re Herrmann, 192 N.J. 19, 33 (2007) (DYFS worker who snapped lighter in front of five-year-old):

. . . judicial decisions have recognized that progressive discipline is not a necessary consideration when reviewing an agency head's choice of penalty when the misconduct is severe, when it is unbecoming to the employee's position or renders the employee unsuitable for continuation in the position, or when application of the principle would be contrary to the public interest.

Thus, progressive discipline has been bypassed when an employee engages in severe misconduct, especially when the employee's position involves public safety and the

misconduct causes risk of harm to persons or property. See, e.g., Henry v. Rahway State Prison, 81 N.J. 571, 580 (1980).

In this case, the conduct that Fedo engaged in is theft of public property. This conduct is severe. There was no testimony regarding Fedo's prior disciplinary history. The fact that he engaged in theft from his employer clearly shows that it is unsuitable for him to continue to work for PTHDPW.

Under the circumstances, major discipline is appropriate; I **CONCLUDE** that the penalty of removal is proper.

ORDER

Based on the foregoing findings of fact and applicable law, it is hereby **ORDERED** that the determination of respondent that Joseph Fedo be **REMOVED** from employment is **AFFIRMED**.

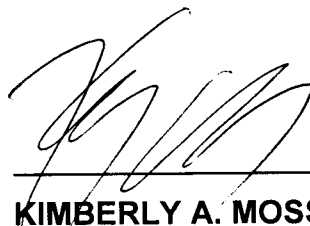
I hereby **FILE** my Initial Decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, 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, MERIT SYSTEM PRACTICES AND LABOR RELATIONS, 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.

9-19-16

DATE

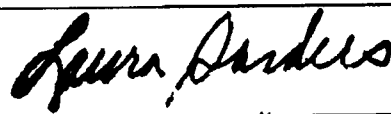

KIMBERLY A. MOSS, ALJ

Date Received at Agency:

Date Mailed to Parties:

SEP 20 2016

ljb


DIRECTOR AND
CHIEF ADMINISTRATIVE LAW JUDGE

WITNESSES

For Appellant:

None

For Respondent:

Detective Anthony Morelli

Gary Rauco

Gary Schneider

Joseph Williamson

Henry Sunyak

EXHIBITS

For Appellant:

P-1 Report of Detective Sasha Gould dated July 14, 2013

P-2 Report of Detective Sasha Gould dated July 14, 2013

For Respondent:

R-1 Preliminary Notice of Disciplinary Action dated February 7, 2014

R-2 Preliminary Notice of Disciplinary Action dated October 20, 2014

R-3 Final Notice of Disciplinary Action dated November 5, 2014

R-4 Memorandum of PTHDPW Starting Times dated January 22, 2008

R-5 Specifications for Three New 2014 Western Star 4700 Set Back Axel Garbage Trucks dated August 15, 2013

R-6 Parsippany-Troy Hills Time Card Report dated December 31, 2013

R-7 Parsippany-Troy Hills Police Department Supplemental Investigation Report dated January 2014

R-8 Statement of Joseph Williamson dated January 29, 2014

R-9 Statement of Elminio Vega dated January 29, 2014

R-10 Statement of Joseph Williamson dated November 4, 2014

R-11 Statement of Elminio Vega dated November 5, 2014