



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Debra McCauley,
Camden County, Department of
Corrections

Reconsideration

CSC Docket No. 2019-1536

ISSUED: JANUARY 18, 2019 (BW)

Debra McCauley, a County Correction Officer with the Camden County Department of Corrections (County), represented by Micolle C. Sparacio, Esq., petitions the Civil Service Commission (Commission) for reconsideration of the attached final administrative decision, rendered on November 14, 2018, in which the Director of the Division of Appeals and Regulatory Affairs denied her request for a hearing with respect to her six working day suspension.

By way of background, in a September 26, 2018 Final Notice of Disciplinary Action (FNDA), the petitioner was suspended for six working days, on charges of chronic or excessive absenteeism or lateness, conduct unbecoming a public employee, neglect of duty and other sufficient cause. Specifically, the appointing authority asserted that on May 11, 2018, the petitioner failed to call out sick one hour prior to the beginning of her scheduled tour of duty.

The record indicates that the petitioner's FNDA was personally served on September 27, 2018. Her letter of appeal of that FNDA was postmarked October 24, 2018. Since the appeal was not perfected within 20 days of receipt of the FNDA, the request for a hearing was denied.

In her petition for reconsideration, the petitioner's counsel claims that they did not receive a copy of the FNDA until October 4, 2018, when the petitioner provided them with a copy. Counsel also requests that their client not be punished because the County failed to serve the FNDA on counsel of record.

The appointing authority, represented by Antonieta Paiva Rinaldi, Assistant County Counsel, argues that the petitioner was personally served the FNDA on September 27, 2018. The County also points out that the FNDA states in part: "Any appeal postmarked after the 20 days statutory time limit will be denied."

CONCLUSION

N.J.A.C. 4A:2-1.6(b) sets forth the standards by which a prior decision may be reconsidered. This rule provides that a party must show that a clear material error has occurred, or present new evidence or additional information not presented at the original proceeding, which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding. A review of the record in the instant matter reveals that reconsideration is not justified.

N.J.S.A. 11A:2-15 provides that appeals from major disciplinary matters be made in writing to the Commission no later than 20 days from receipt of the final written determination of the appointing authority. This 20-day time limitation is jurisdictional and cannot be relaxed or waived. *See Borough of Park Ridge v. Salimone*, 21 N.J. 28, 46 (1956); *See also, Mesghali v. Bayside State Prison*, 334 N.J. Super. 617 (App. Div. 2000), *cert. denied*, 167 N.J. 630 (2001); *Murphy v. Department of Civil Service*, 155 N.J. Super. 491, 493 (App. Div. 1978). Further, *N.J.A.C.* 4A:2-2.8(a) states that "An appeal from a Final Notice of Disciplinary Action must be filed within 20 days of receipt of the Notice by the employee. Receipt of the Notice on a different date by the employee's attorney or union representative shall not affect this appeal period."

In the instant matter, the FNDA was personally served to petitioner on September 27, 2018. Under these circumstances, the petitioner did not meet the 20 day filing requirement, and she has not presented a basis to grant a hearing. Accordingly, the petitioner has not met the standard for reconsideration.

ORDER

Therefore, it is ordered that this petition 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 16TH DAY OF JANUARY, 2019



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Written Record Appeals Unit
Civil Service Commission
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

- c. Debra McCauley
Micole C. Sparacio, Esq.
Antonieta Paiva Rinaldi, Assistant County Counsel
Records Center



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION

In the Matter of Debra McCauley :
Camden County Correctional Facility :

CSC DKT. NO. 2019-1176 :

Hearing Denied

ISSUED:

NOV 14 2018

BW

The Civil Service Commission considered the request for a hearing concerning Debra McCauley, from her appeal of six working day suspension from the position of County Correction Officer, Camden County Correctional Facility and made the following findings of fact:

1. The appeal rights letter was personally served on September 27, 2018.
2. The letter of appeal was postmarked October 24, 2018.

Since the appeal in this matter was not perfected within 20 days of receipt of the appeal rights letter, the request for a hearing was denied.

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

DECISION RENDERED BY THE
DIRECTOR, DIVISION OF APPEALS
AND REGULATORY AFFAIRS

ON 11/14/18

CHRISTOPHER S. MYERS
DIRECTOR

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