STATE OF NEW JERSEY

In the Matter of Naima Mayers,
Middlesex County Board of Social Services

CSC Docket No. 2013-2278
OAL Docket No. CSV 3497-13

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

ISSUED: SEP 18 2014 (EG)

The appeal of Naima Mayers, a Human Services Specialist 1 with the Middlesex County Board of Social Services, of her 30 working day suspension, on charges, was heard by Administrative Law Judge Susan M. Scarola, (ALJ), who rendered her initial decision on July 22, 2014. Exceptions were filed by the appointing authority.

Having considered the record and the attached ALJ's initial decision, and having made an independent evaluation of the record, the Civil Service Commission (Commission), at its meeting on September 3, 2014, did not adopt the ALJ's recommendation to modify the 30 working day suspension to a three working day suspension. Rather, the Commission imposed a 10 working day suspension.

DISCUSSION

The appellant was charged with conduct unbecoming a public employee, neglect of duty and other sufficient cause. Specifically, the appointing authority asserted that the appellant conducted a personal business call for approximately one hour and twenty eight minutes without requesting the use of benefit time prior to or after completing the call. Upon the appellant's appeal, the matter was transmitted to the Office of Administrative Law (OAL) for a hearing as a contested case.

The ALJ set forth in her initial decision that the appellant had been employed by the appointing authority since 2010. In 2012, the appellant was

disciplined for failing to appear for work after her request for leave time was rejected. The appellant appealed her discipline to the Commission and ultimately received a six-month suspension. During her suspension the appellant applied and was approved for unemployment benefits. The appointing authority appealed the granting of unemployment benefits to the Department of Labor and Workforce Development. The appellant returned to work on January 7, 2013. Thereafter, the appellant and the appointing authority were notified that a telephone hearing concerning the unemployment benefits was scheduled for January 31, 2013. The appellant notified her union representative about the hearing and was told it was a work-related matter. The appellant did not inform her supervisor about this hearing nor did she request leave time to enable her to participate in the hearing. During the telephone hearing, the appointing authority representatives realized the appellant was at work when she placed them on hold and the hold message playing was its message. Accordingly, the appointing authority alleged that the appellant used its time to conduct personal business at work. The appellant claimed that this was a miscommunication as both she and her union representative thought the telephone hearing was a work-related matter. Additionally, the appellant did not feel the need to advise her supervisor of the hearing as the appointing authority had initiated the appeal. Further, the appellant offered to use her personal leave time for the hearing when she was advised by the appointing authority that the hearing was a personal matter. Her offer was rejected.

The ALJ found that the appellant neglected her duty to make a reasonable inquiry of her supervisor and management as to the appropriate course of action to take regarding the telephone hearing. Had the appellant done so, she may have found out that she was required to use personal leave time or her supervisor may have obtained clarification from the appointing authority regarding whether it considered the hearing work-related. Instead, the appellant assumed that she could participate in the telephone hearing without even the courtesy of letting her supervisor know. In addition, the ALJ found that the appellant did not engage in conduct unbecoming a public employee and did not engage in other sufficient cause by committing a theft of time. In determining the penalty, the ALJ found certain mitigating factors. These factors included no direction in the Employee Manual on how to handle such a telephone hearing, a reasonable belief by the appellant and her union representative that the matter was work-related, and the appellant's offer to use personal time after she was informed that the appointing authority considered the telephone hearing a personal matter. The ALJ also found that the appellant's six-month suspension was an aggravating factor. Based on the foregoing, the ALJ concluded that a three working day suspension was appropriate.

In its exceptions, the appointing authority argues that the ALJ erred in accepting the appellant's statement that the union representative told her that the hearing was work-related. It contends that such a statement was hearsay and should not have been admitted. Additionally, it claims that the ALJ used this

hearsay statement to not uphold the conduct unbecoming charge. Further, it argues that the ALJ inappropriately found that the telephone hearing was work-related and used this finding to not uphold the conduct unbecoming charge. Further, the appointing authority contends that while the Employee Manual does not expressly deal with such a telephone hearing, it does indicate that full time employees are expected to be available for work during seven hours of each business day except when using authorized leave time. Finally, the appointing authority argues that the penalty should not have been reduced. It asserts that the appellant's actions were severe, she was not a long term employee and that she had a six-month suspension in her disciplinary history.

Upon its *de novo* review of the record, the Commission agrees with the ALJ's determination regarding the charges. However, the Commission does not agree with the ALJ's recommendation to modify the 30 working day suspension to a three working day suspension. Rather, the Commission imposes a 10 working day suspension. In its exceptions, the appointing authority contends that the ALJ inappropriately allowed and relied upon the appellant's hearsay testimony that a union representative told her that the telephone hearing was work related to dismiss the conduct unbecoming a public employee charge. Hearsay evidence is admissible before the OAL as long as some legally competent evidence exists to support each ultimate finding of fact to an extent sufficient to provide assurances of reliability and to avoid the fact or appearance of arbitrariness. *See N.J.A.C.* 1:1-15.5(b) (Also know as the Residuum Rule). *See also, e.g., Matter of Tenure Hearing of Cowan,* 224 *N.J. Super* 737 (App. Div. 1988). In the instant matter, the Commission does not find inclusion of the union representative's statement to be a determining factor. Rather, it was the reasonable belief *of the appellant* that the telephone hearing was work-related that was critical. Therefore, whether the statement was admitted or not is irrelevant to the Commission's ultimate determination. Further, the ALJ does not specifically indicate that the conduct unbecoming charge was not upheld due to the union representative's statement.

In determining the proper penalty, the Commission's review is *de novo,* and the Commission, in addition to its consideration of the seriousness of the underlying incident, utilizes, when appropriate, the concept of progressive discipline. *West New York v. Bock*, 38 *N.J.* 500 (1962). Further, it is well established that where the underlying conduct is of an egregious nature, the imposition of a penalty up to and including removal is appropriate, regardless of an individual's disciplinary history. *See Henry v. Rahway State Prison*, 81 *N.J.* 571 (1980). It is settled that the principle of progressive discipline is not a "fixed and immutable rule to be followed without question." Rather, it is recognized that some disciplinary infractions are so serious that removal is appropriate notwithstanding a largely unblemished prior record. *See Carter v. Bordentown,* 191 *N.J.* 474 (2007). The official record reveals that the appellant had been employed since December 2010 and had served a six-month suspension. Further, while the appellant may have mistakenly believed that

the telephone hearing was a work related matter, she still had a duty to inform her supervisor that she would be away from her duties while on the telephone. The Commission finds her transgression in failing to inform her supervisor to be a serious matter. The appellant is counted upon to perform her duties while at work and any action that prevents her from performing her work as expected must be reported to her supervisor to ensure proper coverage of her duties. Accordingly, given the circumstances presented, the Commission finds that a 10 working day suspension is the appropriate penalty in this matter.

Since the 30 working day suspension was reduced to a 10 working day suspension, the appellant is entitled to 20 days of back pay, benefits, and seniority pursuant to *N.J.A.C.* 4A:2-2.10.

ORDER

The Civil Service Commission finds that the appointing authority's action in imposing a 30 working day suspension was not justified. Therefore, the Commission modifies the 30 working day suspension to a 10 working day suspension. The Commission further orders that the appellant be granted 20 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 3RD DAY OF SEPTEMBER, 2014

Robert M. Czech
Chairperson
Civil Service Commission

Inquiries and Correspondence

Henry Maurer
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 3497-13
AGENCY DKT. NO. N/A
2013-2278

IN THE MATTER OF NAIMA MAYERS, MIDDLESEX COUNTY BOARD OF SOCIAL SERVICES.

Alberto Hernandez, CWA Union Representative, appearing pursuant to N.J.A.C. 1:1-5.4(b)(6) for appellant Naima Mayers

Robin McMahon, Esq., for respondent Middlesex County Board of Social Services (Cleary, Gioccobe, Alfieri and Jacobs, attorneys)

Record Closed: June 18, 2014 Decided: July 22, 2014

BEFORE **SUSAN M. SCAROLA**, ALJ:

STATEMENT OF THE CASE

Appellant Naima Mayers, a human services specialist 2 (HSS2), appeals from disciplinary action sought to be imposed on her by respondent Middlesex County Board of Social Services (Board), namely, a thirty-day suspension, for conduct unbecoming a public employee, neglect of duty, and other sufficient cause (theft of time) by appearing during work hours for a Department of Labor and Workforce Development Appeal

Tribunal telephone hearing, caused by the respondent's appeal of the appellant's receipt of unemployment insurance benefits.

The appellant contends that this is an issue of miscommunication: that she and her union both believed that because the Board had initiated the appeal relating to the appellant's unemployment benefits, the telephone call was work-related and she did not need to use benefit time.

PROCEDURAL HISTORY

On February 22, 2013, the Department issued a Preliminary Notice of Disciplinary Action (PNDA) seeking appellant's removal. On March 4, 2013, a Final Notice of Disciplinary Action was issued sustaining the charges and suspending appellant from her position for thirty days, effective March 5, 2013. The appellant filed a timely notice of appeal. The Civil Service Commission, Division of Appeals and Regulatory Affairs, transmitted the contested case to the Office of Administrative Law (OAL), where it was filed on March 12, 2013. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13.

The hearing was conducted on June 18, 2014, at which time the record closed.

FACTUAL DISCUSSION

Joseph A. Jennings and Patricia Byrd testified on behalf of the Board, and Naima Mayers testified on her own behalf. Their testimony was credible and the essential facts are not in dispute. Accordingly, I **FIND** the following as **FACT**:

1. The appellant has been employed by the respondent Board as a human services specialist since 2010. She is now an HSS2.

2. In 2012 the appellant was the subject of disciplinary proceedings in which the Board alleged that the appellant failed to appear for work after her request for benefit leave had been rejected due to staffing needs. The Board sought the

appellant's removal, or the imposition of a six-month suspension. The Hon. Joseph Lavery, ALJ, rendered an initial decision on November 13, 2012, finding that the appellant was insubordinate by refusing to come to work as directed, and imposing a six-month suspension as required by the concept of progressive discipline. The appellant had not been the subject of any prior disciplinary proceedings, and some mitigating evidence had been presented.

3. Judge Lavery's decision was accepted and adopted by the Civil Service Commission on December 19, 2012. The appellant was reinstated on December 20, 2012, and returned to work as directed on January 7, 2013.

4. During her suspension, the appellant had applied for unemployment benefits and received a decision that she was approved. The Board disagreed with the determination that the appellant should be eligible for benefits during her suspension, and filed a notice of appeal with the Department of Labor and Workforce Development, Division of Unemployment Insurance.

5. On January 17, 2013, the appellant and the Board received a Notice of Telephone Hearing from the Appeal Tribunal which indicated that the Board's appeal was scheduled to be heard by telephone on January 31, 2013, at 10:15 a.m. Directions were provided to each party as to how to call in on that morning to be heard at the scheduled time.

6. When the appellant received the notice for the hearing, she notified her union representative about the matter. She was told that it was a work-related proceeding because it dealt with unemployment benefits she had received as an employee and because the Board was the party that had requested the appeal. She made no further inquiry to anyone about the scheduled hearing.

7. The appellant did not advise her supervisor of the telephone hearing (which would require her to spend time away from her usual duties), nor did the appellant request any personal leave time to enable her to participate in the Appeal

Tribunal hearing. The appellant knew the procedure to follow when requesting benefit leave, and in fact had personal and vacation leave available to her.

8. On January 31, 2013, the appellant called in to the Appeal Tribunal as directed. When she realized that the other people on the line were all Board management (Board counsel, the chief of personnel and labor relations, the director and the personnel officer), she asked if she could contact her union representative so that he could participate. She placed the call on hold while she located him and he was able to join the call.

9. The Board representatives were participating in the Appeal Tribunal from the Board meeting room. When they recognized the "hold" message playing on the phone line as the Board's own, they realized that the appellant was at work, and was participating in the Appeal Tribunal hearing from her office cubicle.

10. The Appeal Tribunal hearing re-commenced at 10:18 a.m. after everyone was on the telephone line, and continued for an hour and twenty-eight minutes until it was concluded.

11. The witnesses for the Board (Joseph Jennings and Patricia Byrd) acknowledged that this was the first time that this circumstance had arisen, where the Board had appealed a decision by the Division of Unemployment Insurance granting benefits to a worker on suspension, and where an Appeal Tribunal telephone hearing was scheduled to be heard during work hours after the employee had been restored to her position. The witnesses also acknowledged that the Employee Manual did not cover benefit-time usage in this particular situation.

12. The Board alleges that the appellant used agency time to conduct personal business, namely, by participating in the Appeal Tribunal telephone hearing while at work, which it considered to be conduct unbecoming a public employee, neglect of duty and theft of time. The PNDA sought removal, but the FNDA imposed a thirty-day suspension, which the appellant has served.

13. The Board did not have a written schedule for discipline for this offense in the Employee Manual, but noted that progressive discipline depended on the severity of the offense as well as prior discipline, and that a thirty-day suspension would be a penalty that was sufficiently severe to deter the appellant from such conduct.

14. The appellant contends that this was essentially a miscommunication between the Board, the union and her. Because both she and the union thought the Appeal Tribunal hearing was work-related, especially since the Board was the party that had initiated the appeal, she did not feel the need to advise her supervisor. Neither anyone from the Board nor her supervisor advised the appellant to take personal leave in order to participate in the telephone call. When the appellant was advised that the Board considered the Appeal Tribunal hearing to be a personal matter, she offered to use her personal leave time to cover the hour and a half of the Appeal Tribunal telephone hearing. This offer was rejected by the Board.

LEGAL ANALYSIS AND CONCLUSION

The Civil Service Act, N.J.S.A. 11A:1-1 et seq., governs a public employee's rights and duties. The Act is an important inducement to attract qualified personnel to public service and is liberally construed toward attainment of merit appointments and broad tenure protection. Essex Council No. 1, N.J. Civil Serv. Ass'n v. Gibson, 114 N.J. Super. 576, 581 (Law Div. 1971), rev'd on other grounds, 118 N.J. Super. 583 (App. Div. 1972); Mastrobattista v. Essex County Park Comm'n, 46 N.J. 138, 147 (1965). The Act sets forth that State policy is to provide appropriate appointment, supervisory and other personnel authority to public officials so they may execute properly their constitutional and statutory responsibilities. N.J.S.A. 11A:1-2(b). To carry out this policy, the Act authorizes the discipline (and termination) of public employees. N.J.S.A. 11A:2-6.

A civil service employee who commits a wrongful act related to his or her duties, or gives other just cause, may be subject to major discipline. N.J.S.A. 11A:2-6; N.J.S.A. 11A:2-20; N.J.A.C. 4A:2-2.2. The general causes for such discipline are set forth in N.J.A.C. 4A:2-2.3(a). In an appeal from such discipline, the appointing authority bears

the burden of proving the charges upon which it relied by a preponderance of the competent, relevant and credible evidence. N.J.S.A. 11A:2-21; N.J.A.C. 4A:2-1.4(a); Atkinson v. Parsekian, 37 N.J. 143, 149 (1962); In re Polk, 90 N.J. 550, 561 (1982).

The evidence must be such as to lead a reasonably cautious mind to the given conclusion. Bornstein v. Metro. Bottling Co., 26 N.J. 263, 275 (1958). Therefore, the judge must "decide in favor of the party on whose side the weight of the evidence preponderates, and according to the reasonable probability of truth." Jackson v. Delaware, Lackawanna and W. R.R., 111 N.J.L. 487, 490 (E. & A. 1933).

The appellant herein is charged with violations of N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee; N.J.A.C. 4A:2-2.3(a)(7), neglect of duty; and N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause (for theft of time).

"Conduct unbecoming a public employee" has been interpreted broadly as conduct that adversely affects the morale or efficiency of a governmental unit or that has a tendency 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); 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 "'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.'" 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)).

"Neglect of duty" has been interpreted to mean that "an employee . . . neglected to perform an act required by his or her job title or was negligent in its discharge." In re Glenn, CSV 5072-07, Initial Decision (February 5, 2009) (citation omitted), adopted, Civil Service Commission (March 27, 2009), <http://njlaw.rutgers.edu/collections/oal/>. The term "neglect" means a deviation from the normal standards of conduct. In re Kerlin, 151 N.J. Super. 179, 186 (App. Div. 1977). "Duty" means conformance to "'the

legal standard of reasonable conduct in the light of the apparent risk.'" Wytupeck v. Camden, 25 N.J. 450, 461 (1957) (citation omitted). Neglect of duty can arise from omitting to perform a required duty as well as from misconduct or misdoing. Cf. State v. Dunphy, 19 N.J. 531, 534 (1955). Neglect of duty does not require an intentional or willful act; however, there must be some evidence that the employee somehow breached a duty owed to the performance of the job.

The appellant has also been charged with "other sufficient cause," in this case theft of time, by being on the telephone for an hour and a half while appearing at the Appeal Tribunal hearing, thereby using the telephone to conduct personal business, and not official business.

The Board contends that the appellant abrogated her professional responsibility by engaging in non-work-related activities at work, which warranted a severe penalty. The appellant contends that both she and her union representative considered this Appeal Tribunal hearing work-related, in that it involved an action of the Board that required the appellant's presence.

The issue, then, is whether or to what extent the Appeal Tribunal hearing could be considered work-related. Webster's Dictionary defines work-related as "being connected with the job or work." And to a significant degree, the Appeal Tribunal hearing was related to the appellant's work: she had been suspended; she applied for and was granted unemployment benefits; the Board disagreed with that determination and appealed; and both parties—the employer and the employee—were notified to participate in an Appeal Tribunal hearing to be conducted by telephone during work hours. Under these circumstances, it was not unreasonable for the appellant and her union representative to conclude that the appeal proceedings were work-related.

However, the appellant was a participant in the hearing due to her status as an employee. In that regard, the Appeal Tribunal hearing was more closely "job-related" than "work-related," because the appeal of the receipt of unemployment benefits was more connected to the appellant's employment status than it was to her official work duties as an HSS2. And it is due to the difference between these two concepts that the

appellant now faces a thirty-day suspension. What could have been clarified by the appellant by a reasonable inquiry to her supervisor after receipt of the hearing notice on January 17, 2013, and prior to January 31, 2013, has resulted in this major disciplinary proceeding. The appellant knew she should advise her supervisor if she expected to be absent from performing her official duties. She also knew the procedure to use if she needed to request time off.

However, other factors must also be considered. The Employee Manual was silent as to the procedure to follow for an Appeal Tribunal hearing initiated by the employer, so that the appellant was without formal or written guidance as to the use of benefit time to appear at such matters. Is it appropriate or reasonable for the Board to expect an employee to use his or her personal leave time to appear at a Board-initiated appeal directly related to the job, if not to the actual work being performed? The union representative considered the situation to be work-related, but this was the first time this situation had arisen, so there was no past practice to follow.

Applying the law to the facts, I **CONCLUDE** that the appellant did not engage in conduct unbecoming a public employee. Nor did the appellant engage in other sufficient cause by committing a theft of time. I **CONCLUDE** that the appellant did neglect her duty to make reasonable inquiry of her supervisor and management as to the appropriate course of action to take on the morning of January 31, 2013, so that she could appear at the Appeal Tribunal hearing during work hours. Had she done so, she may have ascertained that she was expected to use personal leave or vacation time. Or perhaps her supervisor would have obtained clarification from the Board as to whether the appellant needed to use any personal time for a Board-initiated appeal. The union would then have had the opportunity to address any labor concerns that might have arisen from the direction provided by the Board. Instead, the appellant assumed that she could participate in the Appeal Tribunal hearing without even the courtesy of letting her supervisor know. Under these circumstances, this was a neglect of duty.

PENALTY

Once a determination is made that an employee has violated a statute, regulation or rule concerning his employment, the concept of progressive discipline must be considered. W. New York v. Bock, 38 N.J. 500 (1962). However, it is well established that where the underlying conduct is of an egregious nature, the imposition of a penalty up to and including removal is appropriate, regardless of an individual's disciplinary history. Henry v. Rahway State Prison, 81 N.J. 571 (1980). Progressive discipline is not a "fixed and immutable rule to be followed without question." Carter v. Bordentown, 191 N.J. 474, 484 (2007). Rather, it is recognized that some disciplinary infractions are so serious that removal is appropriate notwithstanding a largely unblemished record. Ibid.; see also In re Stallworth, 208 N.J. 182, 195 (2011), which noted:

> The concept of progressive discipline finds its origins in West New York v. Bock, supra, 38 N.J. at 523, 186 A.2d 97, which addressed the necessary desire to promote proportionality and uniformity in the rendering of discipline of public employees.

In this matter, there are substantial mitigating factors: the Employee Manual is silent as to what action an employee is to take when notified to appear on work time for a Board-initiated Appeal Tribunal hearing; the appellant and her union representative both reasonably believed the appeal was related to her work; and when advised that the Board had expected her to use personal time, the appellant offered to use personal leave to cover the time lost from work. Furthermore, this Appeal Tribunal hearing was scheduled just weeks after the appellant's return to work from a previous suspension, and there was no evidence that she acted intentionally to avoid her job duties. Indeed, she believed she was attending to her duties when she appeared at the Appeal Tribunal hearing which had been initiated by her employer.

The Board had no classification of penalties available for an offense such as this, noting it was the first time such a situation had occurred. In addition, a reasonable offer made by the appellant to resolve this matter by the use of her personal time was rejected by the Board.

The only aggravating factor is that this offense occurred just after the appellant's return to work after a six-month suspension. As the policy manual was silent as to the use of work time to appear at an Appeal Tribunal hearing, albeit one initiated by the employer, the appellant should have made diligent inquiry of her supervisor as to what was expected of her, but she did not.

Taking all the aggravating and mitigating factors into consideration, including the imposition of progressive discipline and the lack of communication between the parties, and the misunderstanding between the appellant and the union with the Board, this offense should result in minor discipline. Accordingly a three-day suspension shall be imposed.

ORDER

I **ORDER** that the charges of violating N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee, and N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause (theft of time), against appellant Naima Mayers, not having been proven by the respondent by a preponderance of the credible evidence, are hereby **DISMISSED**. I **ORDER** that the charge of N.J.A.C. 4A:2-2.3(a)(7), neglect of duty, has been proven by the respondent by a preponderance of the credible evidence and is **AFFIRMED**. A three-day suspension is imposed.

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.

July 22 2014
DATE

Susan Scarola
SUSAN M. SCAROLA, ALJ

Date Received at Agency: July 22, 2014

Date Mailed to Parties: July 22, 2014

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WITNESSES

For appellant:

Naima Mayers

For respondent:

Joseph A. Jennings

Patricia Byrd

EXHIBITS

For appellant:

None

For respondent:

R-1 Preliminary Notice of Disciplinary Action dated February 22, 2013

R-2 Notice of Telephone Hearing, In the Matter of Naima Mayers, received by the Board on January 17, 2013

R-3 Report created February 5, 2013, for device 3632

R-4 List of employees and their assigned phone numbers

R-5 Employee addresses and phone numbers, redacted except for Alberto Hernandez

R-6 Portions of Board's Personnel Manual concerning leave

R-7 Benefit Accruals Report for Naima Mayers

R-8 Naima Mayers requests to use benefit or compensatory time from December 2010 through February 2013

R-9 Letter to Naima Mayers from Patricia Byrd dated December 28, 2012

R-10 Initial and Final Decision, In the Matter of Naima Mayers, Middlesex County Board of Social Services, OAL Dkt. No. CSV 9090-12

R-11 Decision of the Board of Review in the Matter of Naima Mayers, docket number 398,225, mailed June 7, 2013

R-12 Decision of the Appeal Tribunal in the Matter of Naima Mayers, docket number 430,693, mailed August 6, 2013

R-13 Final Notice of Disciplinary Action dated March 4, 2013