STATE OF NEW JERSEY

CIVIL SERVICE COMMISSION

In the Matter of Melvin Jones,
Atlantic City

CSC Docket Nos. 2012-3095 and
2014-1706
OAL Docket No. CSV 5770-12 and
CSV 0778-14
(Consolidated)

ISSUED: SEP 03 2014 (SLD)

The appeals of Melvin Jones, a Supervisor, Sanitation with Atlantic City, of his 180 day suspension and demotion to Laborer 1, effective August 6, 2012, and removal effective November 22, 2013, on charges, were before Administrative Law Judge Damon G. Tyner (ALJ), who rendered his initial decision on June 30, 2014. Exceptions were filed on behalf of the appellant and 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 August 13, 2014 ordered that this matter be remanded to the Office of Administrative Law (OAL).

DISCUSSION

The appointing authority presented the appellant with a Final Notice of Disciplinary Action (FNDA), dated March 28, 2012 which charged him with incompetency, inefficiency or failure to perform his duties; neglect of duty; conduct unbecoming a public employee; and misuse of public property, and suspended him for 180 days and demoted him to the title of Laborer. Specifically, the appointing authority asserted that on January 27, 28, 30 and 31, 2012 and February 1, 2, and 3, 2012, the appellant was absent from his assigned duties, with his City issued vehicle, for significant periods of time without authorization. The appointing authority presented the appellant with a second FNDA, dated November 22, 2013 which charged him with inability to perform duties, chronic or excessive absenteeism and/or lateness, and other sufficient cause and removed him, effective

November 22, 2013. Specifically, the appointing authority asserted that on October 1, 2012, the appellant submitted a doctor note, stating that his employment as a Laborer was severely restricted and that he could only return to work as an Equipment Operator. The appellant later indicated that he would not resign nor would he take a disability retirement, and that he had exhausted his accumulated time. Upon the appellant's appeals, the matters were transmitted to the OAL for a hearing as contested cases. The matters were subsequently consolidated.

In his initial decision, the ALJ noted that the appellant supervised a street crew, which consisted of five to seven laborers. The witnesses all indicated that trash removal was the highest priority, and as such, the supervisor of the trash removal crew was permitted to take manpower from other areas to complete his crew. Therefore, during the winter months, the appellant's entire crew was frequently assigned to trash removal. The appellant conceded that during those times he would be at a friend's house in the City with a radio on "stand by." The ALJ found the appellant's testimony that he was given permission to "stand by on the radio" at his friend's house by his then supervisor Leonard Curtis, credible. The ALJ did not find the testimony of the appointing authority's witnesses that there was no such policy credible. Although the ALJ found the foregoing, he noted that it was unreasonable that the appellant could believe that he could actually go to a friend's house for five hours of an eight hour shift, and not be accountable to the taxpayers. Based on the foregoing, the ALJ concluded that although the appellant's conduct was serious, the penalty of a 180 day suspension and a two-step demotion to Laborer was excessive. Accordingly, he recommended that the suspension be modified to a 30 working day suspension, and the appellant be demoted to the title of Equipment Operator. However, since the appellant did not possess the required Commercial Driver's license (CDL), the appellant was ordered to apply for a CDL within 10 days of his reinstatement.

In their exceptions, both the appellant and the appointing authority request that the matter be remanded to allow for further testimony. In this regard, both indicate that the appellant and another witness, Brian Williams, a supervisor, were to testify on June 24, 2014, as well as allowing the parties to introduce any rebuttal testimony. However, Williams was unavailable on that date, and the parties asked the ALJ for an additional day to allow Williams to testify, and for the appointing authority to submit its rebuttal testimony. During a meeting in chambers, the ALJ stated that he hoped to be appointed to the Superior Court,[1] and therefore had to finalize his OAL cases. He further stated that he had already reached a decision on the matter, which was a 177 day suspension based upon the dismissal of a charge that was equal to a three day suspension and a one-step demotion to Equipment Operator. Based upon the ALJ's representation, the appointing authority states that since neither Williams nor its rebuttal testimony concerned the demotion, it agreed to: minimize its cross examination of the appellant; not call Williams or any

[1] The ALJ was subsequently appointed.

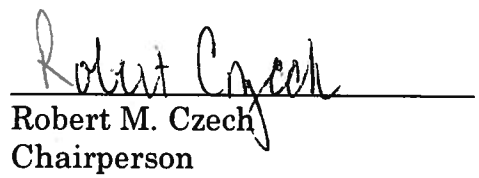
rebuttal witnesses; and submit a brief oral summation instead of a written brief. The appellant asserts that he agreed not to call any additional witnesses and to provide an oral summation. Both the appellant and the appointing authority assert that they were prejudiced by the ALJ's representations about his decision, which were not accurate, and therefore, both request that the matter be remanded to allow for additional testimony.

Upon its *de novo* review of the record, the Commission agrees with the exceptions that this matter should be remanded to allow the parties to continue the hearing. In this regard, both parties argue that they based their decision not to call their remaining witnesses on the ALJ's representation that he had already made his decision. Therefore, the Commission remands the matter to the OAL so that the hearing may be continued. In this regard, this matter should be assigned to a new ALJ who should reopen the matter to permit the parties to present further witness testimony and/or documentation and, in conjunction with a review of the already existing hearing record, issue a new initial decision.

ORDER

The Commission orders that this matter be remanded to the Office of Administrative Law for further proceedings as set forth above.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 13TH DAY OF AUGUST, 2014



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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION
OAL DKT. NOS. CSV 5770-12 and
CSV 0778-14
AGENCY DKT. NOS. 2012-3095 and
2014-1706
CONSOLIDATED

**IN THE MATTER OF MELVIN JONES,
CITY OF ATLANTIC CITY PUBLIC
WORKS DEPARTMENT.**

Richard L. Press, Esq., for appellant Melvin Jones, (Press & Associates, attorneys)

Steven S. Glickman, Esq., for respondent City of Atlantic City, (Ruderman & Glickman, attorneys)

Record Closed: June 24, 2014 Decided: June 30, 2014

BEFORE **DAMON G. TYNER**, ALJ:

STATEMENT OF THE CASE

The City of Atlantic City (respondent) suspended appellant for a period of 180 days and demoted him two steps, from Supervisor to Laborer, for Conduct Unbecoming a Public Employee, N.J.A.C. 4A:2-2.3(a)(6) and Misuse of Public Property. While the

matter was proceeding, the respondent filed additional charges seeking to remove appellant from his employ due to the physical incapacity to perform his duties as a laborer. For the reasons discussed below, the decision of the respondent must be **MODIFIED**.

PROCEDURAL HISTORY

The appellant requested a hearing and the matter was filed at the Office of Administrative Law on November 26, 2013, to be heard as a contested case pursuant to N.J.S.A. 52:14B-1 to 15 and 14F-1 to 13. On January 17, 2014, the removal portion of the case was transmitted to the Office of Administrative Law and consolidated for consideration. The matters were heard over the course of four hearing dates on February 25, 2014, March 31, 2014, June 12, 2014, and June 24, 2014, and the record closed.

FACTUAL DISCUSSION

Appellant was initially employed by the respondent on June 22, 1987, as a mechanic. He became a permanent employee on September 8, 1987. One June 13, 1988, at his request, appellant was demoted to the position of laborer. Appellant testified that he suffers from dyslexia and that he had difficulty with the written reporting demands required by the mechanic position. Thereafter, appellant worked his way up to the position of equipment operator and was certified in that position in September 1989. (R-10). Appellant worked as an equipment operator for nearly twelve years.

On August 13, 2001, appellant was promoted to the position of Sanitation Supervisor. He would continue to climb the ranks, when he was promoted to General Supervisor of Sanitation in September 2006. In May 2008, the respondent's administration changed and appellant was demoted back to Sanitation Supervisor, where he would remain employed until the underlying disciplinary action was taken against him.

It is apparent that, prior to the allegations that gave rise to this petition and other than the demotion in 2008, the appellant's disciplinary record is unremarkable for any adverse action against him.

In this matter, the City presented three witnesses, Monica Brock, Paul Jerkins (Director of Public Works), and Benay George. Appellant testified on his behalf and both parties called Edward Frederick, Maurice Gallagher, and Leonard Curtis.

The essence of the allegations are that appellant failed to supervise his crew of laborers and otherwise neglected his duties, when he reported for work and then went to a friend's house for extended periods of time during his shift.

The uncontested facts are as follows: appellant supervised the street crew, which consisted of five to seven laborers. In the summer, this crew would be a part of the grass cutting crew. In the winter, they were assigned to clean the streets with brooms and do anything else assigned. It was undisputed by all witnesses with knowledge, that trash removal was the highest priority in the Department of Public Works. As a result, the supervisor of the trash removal crew was permitted to take any manpower necessary from other divisions, such as drainage, to complete his crew. Everyone agreed that during the winter months, the supervisor of trash removal or the General Supervisor of Sanitation would frequently reassign appellant's entire crew to trash removal, leaving appellant without any laborers to perform the various tasks. Appellant concedes that he was at his friend's home for long periods of time during his normal work shift.

In this matter, the dispute arises about what appellant was authorized or required to do after his crew was reassigned. It should be noted from the outset that there exists no written policy which outlined the duties of a supervisor when such an instance occurred. Appellant testified that there exists an unwritten policy or a policy of past practice developed over many years that allowed him to "stand by on the radio." He testified that as long as he was accessible by his radio that he could be anywhere in the City, provided he responded to a call in the appropriate time. On the days cited in the charges, appellant reported for work at 5:30 a.m. and then went to the private residence

of a friend of his, located between McKinley and Marmora Avenues, where he would spend the majority of the shift on "stand by." Director Jerkins and others testified that no such "stand by" policy existed and that appellant would have been required to complete other tasks at the City Yard or City Hall, or assist other supervisors as needed.

Monica Brock

Ms. Brock has worked for the respondent for sixteen years. She is currently an Administrative Assistant in the Communications Division. On January 31, 2012, Director Jerkins asked Brock to take him to McKinley Avenue because he had received reports that a public works vehicle had been parked in the same location for over three hours.

Brock testified that she took Director Jerkins to the location, but Jerkins could not locate the driver. Brock further testified that she took a picture of the vehicle on January 31, 2012, and observed it on February 3, 2012. (R-4). Brock testified that she routinely passed the area on her way to work every day and that she saw the same vehicle parked in the general location on most work days, Monday through Friday.

Brock testified that she never saw appellant enter or exit the vehicle, nor did she know who was assigned to the vehicle. Notably, Brock was not assigned to the Department of Public Works, nor was it within her job responsibility to investigate other employees. She further testified that she believed a City employee lived at one of the residences and was permitted to take their vehicle home.

Brock testified that she saw the vehicle in the location only three or four more times after taking pictures on February 3, 2012, and informed Director Jerkins. She indicated that Director Jerkins said that the employee had been disciplined.

I **FIND** that Ms. Brock was a credible fact witness. She witnessed the vehicle in a general location, took pictures, and observed it thereafter. Ms. Brock did not attempt to embellish or color her testimony. I **FIND** that she was very forthright when she

testified that she did not know who was assigned to the vehicle, and even offered that she believed the employee was permitted to take the vehicle home when off duty.

Paul Jerkins

Paul Jerkins is the Director of Public Works and has served in that capacity for five years. He has worked for the respondent for a total of nineteen years, having served in the Electrical Bureau, and also as the Superintendent of the Electrical Bureau.

Director Jerkins testified that the Department of Public Works has 246 employees. In 2012, he testified that the respondent started implanting GPS devices within the public works vehicles to monitor employees and manage efficiency. As a result of a random stop report (P-6) for the period of January 27 through January 31, 2012, Jerkins learned that a vehicle assigned to appellant (P-5) had been consistently stopped in the 1400 block of McKinley and Marmora Avenues for as long as five hours. Jerkins testified that on January 30, 2012, the vehicle assigned to appellant was stopped at the location for five-and-one-half hours; February 1, 2012, for four hours and twenty minutes; February 2, 2012, for five hours eight minutes; and February 3, 2012, for two hours fifty-eight minutes.

Jerkins testified that there was no reason any vehicle within his supervision should have been at the location for such an inordinate amount of time. Jerkins testified that he prepared the charges and served the Preliminary Notice of Disciplinary Action, Form 31-A (R-1) on February 3, 2012. He stated that at the time he served the 31-A, he had not personally spoken to appellant about the incidents. He further testified that he suspended him 180 days and gave him a two-step demotion to Laborer, instead of a one-step demotion to Equipment Operator, because he was aware that appellant did not possess a Commercial Drivers' License (CDL), which was a prerequisite for that position. Jerkins testified that he was aware that appellant served in the Equipment Operator title for twelve years.

On cross-examination, Jerkins confirmed that he did not speak with appellant about the incident. He testified that he spoke with Leonard Curtis, the General

Supervisor of Sanitation, about the incidents and asked that the conduct stop. Jerkins acknowledged that no other effort was made to stop the conduct, nor did he follow up with Leonard Curtis to ensure that his directives were carried out. Jerkins further testified that Jones was never given a verbal warning, a written warning, minor discipline, or any other discipline. Jerkins testified that the decision to enact major discipline was made by the Human Resources Department.

Jerkins further acknowledged the procedure which would strip appellant of his workers, but he was adamant that he was unaware of any "stand by" policy. Jerkins testified that he believed that in such instances where a supervisor was stripped of his crew, the supervisor should report to the base of operations and assist other supervisors with work.

On re-direct examination and re-cross examination, there was testimony about other employees who were disciplined for misuse of vehicles or were found sleeping in vehicles and were given 180-day suspensions, which were later reduced to as little as ten days. Also, the respondent acknowledged that the incidents that involved the vehicle traveling to nearby Ventnor, New Jersey to go to a convenience store prior to the start of appellant's shift, could not be proven.

When confronted with a purported memo from Leonard Curtis (P-1), which authorized appellant to "stand by," and if he is needed Curtis would contact him on the radio, Director Jerkins testified that he had never seen it before. Interestingly, Leonard Curtis was replaced as the General Sanitation Supervisor with Edward Fredericks, after appellant was initially suspended.

Additionally, on cross-examination, Jerkins acknowledged that the respondent's policy on discipline should be to correct the conduct, rather than punish. (R-26, pg. 17). Jerkins further acknowledged that appellant never refused to perform duties, or otherwise do his job. Interestingly, Jerkins testified that all of appellant's work had been completed.

I **FIND** that Director Jerkins was a credible witness, for the most part. The respondent implemented GPS devices on its vehicles and, as a result, appellant's vehicle was cited by Jerkins for being stopped for an inordinate period of time.

I **FIND** that Director Jerkins conducted an investigation and determined that the vehicle assigned to appellant was parked in a residential setting, which led Jerkins to determine that appellant was not in a work setting during his normal shift.

I **FIND** that although Director Jerkins instructed a subordinate to tell appellant to cease the conduct, the subordinate, Leonard Curtis, failed to correct the action.

I **FIND** that Director Jerkins' testimony that he was unaware about the long time existence of the "stand by" policy was **NOT CREDIBLE**. As a nineteen-year employee of the City of Atlantic City, it is clear that others within his employ knew about it, and utilized it. I **FIND** that he tried to eliminate the practice through his discipline of appellantappellant, but his testimony that he didn't know it existed strained his credibility in this area.

I **FIND** that Director Jerkins failed to follow the steps of progressive discipline and never issued any oral warning, written warning, or lesser degree of discipline, prior to issuing a 180-day suspension and two-step-demotion.

Leonard Curtis

Curtis is a Sanitation Supervisor. He has been employed by the respondent for thirty-seven years. At the time of these charges, Curtis was the General Supervisor of Sanitation, one step below the Director of Public Works. At this time, he oversees the trash truck drivers and laborers. His testimony was inconsistent with that of Edward Fredericks and Maurice Gallagher, both of whom provided testimony on the operation of the department.

Curtis' testimony attempted to paint appellant as pushing his men off onto Curtis, and then disappearing. However, every other witness testified that trash

pick-up was the highest priority and that the practice was to take the laborers away from appellant's crew first.

Curtis' inconsistent testimony suggested that he had some other motivation for testifying in that manner. It is noted that Curtis had once served as the General Sanitation Supervisor, but was demoted after this incident with appellant occurred. Curtis denied any knowledge about the "stand by" policy. I considered his testimony but did not believe it was consistent with the other witnesses.

Also, I weighed Curtis' testimony against his actions. Director Jerkins testified that he gave Curtis a directive to prepare a memo to appellant advising him about his conduct and telling him to immediately cease. Although Curtis prepared the memo, he never spoke with the appellant or otherwise reprimanded him. He testified that "it slipped his mind." For something as important as an employee working from the radio, this testimony did not ring true. His testimony suggests to this tribunal that Curtis did not believe the conduct was so egregious, therefore he never mentioned anything to appellant, because he did not believe he was doing anything improper.

For the foregoing reasons, I **FIND** that Leonard Curtis' testimony was **NOT CREDIBLE**.

Edward Fredericks and Maurice Gallagher

Both of these gentlemen are long-time employees of the public works department. They offered testimony on the operation of the department and for the most part, their testimony was consistent. Both agreed that when the need arose for men to be taken from appellant, that appellant still had an obligation to seek work from other supervisors. In fact, Gallagher testified that Jones would sometimes operate the motor broom for him.

Their testimony differed in that Fredericks claims he never heard of the term "stand by," whereas, Gallagher acknowledged that he heard of the term, but did not

practice it. He stated, "they all live by the radio, waiting to hear the call sign." Instead of going to a private residence, Gallagher would remain in the streets looking for work or "doing something." He testified that "everyone has a different work ethic," and I agree. Even more interesting, Gallagher testified that the rules became more stringent in 2012, which suggests to this tribunal that there were another set of unwritten rules that were being phased out.

I **FIND** that both gentlemen were forthright and **CREDIBLE** to the best of their knowledge.

Melvin Jones

Appellant testified that his last position prior to becoming a supervisor was as an Equipment Operator. He acknowledged that from 1992 until his promotion in 2001, equipment operators needed a Commercial Driver's License (CDL). He testified that he never obtained a CDL because he never wanted to be a truck driver. Further, he testified that the position enabled him to operate vehicles under a certain wait, so he could still perform his job. It is notable that, now, both supervisors and equipment operators are required to possess a CDL.

Appellant testified that due to his dyslexia, he was embarrassed to ask for assistance with taking the written test for a CDL. As a result, he delayed obtaining it for as long as he could.

Appellant concedes that he is unable to physically perform the work of a laborer.

Appellant also provided testimony about the nature of the "stand by" policy. He indicated that it was in existence long before he became a supervisor. Appellant readily conceded that in the winter months, he would report to work, swipe his identification into the time clock and wait to see what his crew would be assigned to complete.

Appellant testified that on the days when his entire crew was reassigned that he would drive around the city and evaluate the drains. Sometimes he would go to other supervisors and ask them if they needed any assistance. Other times, appellant readily conceded that he would "stand by in the streets." By his testimony, appellant would go to a private residence and keep his radio on. If any employee or supervisor needed him, they would call him on his radio and he would respond. By all accounts, appellant always responded to his radio and everyone knew how to contact him.

Appellant also testified that he continued this practice with the permission of his supervisor, Leonard Curtis. When other supervisors would request his men join their crew, he testified that it was done only with the permission of Curtis.

Appellant further testified that he never missed any assignments and that if he would have been told that the "stand by" practice was not permitted, he would have done anything they told him to do.

I **FIND** that appellant's testimony was candid, forthright and **CREDIBLE**. He did not deny that he remained at a private residence during work hours. His defense was that he was given permission to "stand by on the radio" by Leonard Curtis, anywhere within the boundaries of the City of Atlantic City.

I **FIND** that appellant testimony, particularly when coupled with that of Gallagher, was more **CREDIBLE** than the testimony of Leonard Curtis.

I **FIND** that appellant was responsive to his radio and completed assignments, as needed.

I **FIND** that no one, not Leonard Curtis, nor Paul Jerkins, ever informed appellant that the stand-by practice was no longer acceptable.

I **FIND** that no one ever reprimanded, or otherwise disciplined, appellantappellant for his behavior.

I **FIND** that appellant engaged in the practice of "standing by on the radio" with the implicit approval of Leonard Curtis, his supervisor.

LEGAL DISCUSSION

During the proceedings, respondent dismissed the charge of Misuse of Public Property, when it determined that it could not satisfy the necessary burden beyond a preponderance of credible evidence that the appellant had operated the vehicle outside of the city boundaries. Therefore, the remaining charges are centered solely around the issues of whether appellant failed to properly supervise his laborers and whether he neglected his prescribed duties, which make up the charge for Conduct Unbecoming a Public Employee, pursuant to N.J.A.C. 4A:2-2.3(a)(6).

In connection with the penalty for conduct unbecoming a public employee, it should be noted that the appellant has no record of previous disciplinary actions. Under the precedent established by Town of West New York v. Bock, 38 N.J. 500 (1962), courts have stated, "[a]lthough we recognize that a tribunal may not consider an employee's past record to prove a present charge, West New York v. Bock, Id. at 523, that past record may be considered when determining the appropriate penalty for the current offense." In re Phillips, 117 N.J. 567, 581 (1990). Ultimately, however, "it is the appraisal of the seriousness of the offense which lies at the heart of the matter." Bowden v. Bayside State Prison, 268 N.J. Super. 301, 305 (App. Div. 1993), certif. denied, 135 N.J. 469 (1994).

When examining the seriousness of the offense in this matter, I am persuaded by the facts that appellant did not try to conceal his activity. He parked the City vehicle in the open, kept his radio on at all times, and apparently responded to calls from his supervisors and subordinates, when necessary. He had a belief, whether reasonable or not, that he could work from a private residence in what proved to be an on-call or "stand by" capacity. I am also aware that this violation represents appellant's first disciplinary offense for this type of behavior in a career that spanned approximately twenty-three years.

On the other hand, it seems unreasonable that appellant could actually believe that he could report to work and then leave to go to a friend's house for five hours of an eight-hour shift, inclusive of lunch break, and be unaccountable to the taxpayers of the respondent. When appellant went to his friend's home, he left the Department of Public Works short-handed, although he was available to respond to a crisis as needed. Further, he deprived management of the opportunity to make the various decisions regarding coverage and whether or not the timing of the requested leave was appropriate. He was being paid full-time wages, when he only worked in a part-time capacity.

Under the principles of West New York, supra, a 180-day suspension **AND** a two-step demotion for a first disciplinary offense, with these particular facts, is extremely excessive.

As a result, I **CONCLUDE** that while the appellant's conduct was serious in nature, the penalty should be reduced from a 180-day suspension to thirty days. Additionally, I **CONCLUDE** that he should be demoted from the position of Sanitation Supervisor to Equipment Operator.

Although the appellant's length of service and physical incapacity were discussed throughout the proceeding, neither played a role in my decision to reduce the penalty. I **CONCLUDE** that the penalty was simply too excessive. Appellant was never reprimanded prior to the PNDA. He acted with the implicit knowledge of his supervisor, who when directed to reprimand appellant, never did so. As a result, I **CONCLUDE** that appellant should not bear the full responsibility of ineffective management.

ORDER

I **ORDER** that appellant shall be suspended for a period of thirty days and demoted to the position of Equipment Operator. I **FURTHER ORDER** that shall apply for a CDL within ten days of reinstatement and acquire a CDL within ninety days of reinstatement. Lastly, I **ORDER** that appellant shall be immediately reinstated back to

his last effective date of employment, and be repaid all lost wages, taking into account the thirty-day suspension, and the change in job title to Equipment Operator.

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.

June 30, 2014
DATE

DAMON G. TYNER, ALJ

Date Received at Agency: July 1, 2014

Date Mailed to Parties: July 1, 2014

/jb

WITNESSES AND DOCUMENTS IN EVIDENCE

WITNESSES

For Appellant:

Melvin Jones, appellant

For Respondent:

Monica Brock, Administrative Assistant/Communications Division
Paul Jerkins, Director of Public Works
Benay George

For Appellant and Respondent:

Edward Frederick, Sr., General Sanitation Supervisor
Maurice Gallagher, Sanitation Supervisor
Leonard Curtis, Sanitation Supervisor of Trash Trucks

EXHIBITS

For Appellant:

P-1 Memo from Leonard Curtis, dated August 8, 2012
P-2 Memo from Curtis to Jenkins, dated January 30, 2012
P-3 Return to Work Health Med, dated September 26, 2012
P-4 Return to Work Health Med with limitations, dated October 22, 2012
P-5 Return to Work Health Med with no limitations (Revised), Dated October 22, 2012
P-6 Not able to return to work Health Med, dated October 22, 2012 (same as R-32)
P-9 31B Herman Narcisso, September 10, 2009

P-10 DOP Notice confirming 20 day suspension, dated September 21, 2009
P-11 Amended 31B, reducing suspension for 10 days
P-12 DOP Notice confirming amended 10 day suspension
P-15 31A for Monica Dunn, dated November 2, 2011
P-16 Memo from Norwood to carol Muhammad, dated October 26, 2011
P-17 Memo from William Greenidge, dated October 31, 2011
P-18 31A for Monica Dunn, dated March 15, 2012
P-20 DOP Notices March 28, 2012 confirming amended 10 day suspension
P-21 31A for Gerald McNeely, dated May 8, 2013
P-22 31B for Gerald McNeely, dated June 5, 2013
P-24 31 A for Craig Newsom, dated February 16, 2012
P-25 31B for Craig Newsom, 86 days suspended, dated May 3, 2012
P-26 City of AC Personnel Policy Manual
P-27 One page Supervisor's Report, dated September 11, 2012

For Respondent:

R-1 31A PNDA
R-2 31B FNDA
R-3 Pictures of city vehicle located at 1400 McKinley taken by Monica
R-4 Pictures of city vehicle located at 1400 McKinley taken by Director Paul Jerkins
R-5 GPS Tracking List
R-6 Stop Report January 27, 2012 to January 31, 2012
R-7 Activity/Stop Report February 1, 2012 to February 3, 2012
R-8 Stop Report dated February 2, 2012 to February 3, 2012
R-9 31B, dated May 3, 2012
R-10 Employee Job History for Melvin Jones
R-11 Memo from Harvey Burns to Superintendent of Sanitation
R-12 Memo for Harvey Burns to Personnel
R-13 CDL Memo from Steelman to AFSMCE, dated August 6, 1992

R-14 Letter from Mayor Whelen to Director Steelman, dated September 30, 993
R-15 Thompson to Jones, January 3, 1995
R-16 Thompson to Jones January 20, 1995
R-17 Letter from White to Supervisors, dated August 21, 1996
R-18 Letter from Norwood to Upshaw, dated April 20, 1991
R-19 Letter from Upshaw to Norwood, dated April 20, 2001
R-20 Norwood to Jones requesting CDL within 30 days, dated July 9, 2001
R-21 Vehicle Usage Policy
R-22 Job Description for Laborer
R-23 Job Description for Equipment Operator
R-24 Job Description for Heavy Equipment Operator
R-25 Job description for Supervisor Sanitation
R-26 31A
R-27 31B
R-28 Memo from Leonard Curtis to Paul Jerkins, dated September 26, 2012
R-29 Memo from Dr. Steve Cozamanis re: restricted employment
R-30 Un-redacted memo from Dr. Steve Cozamanis, re: restricted employment
R-31 Health Med Associates- Fitness for Duty Exam
R-32 Health Med Associates-Revised Fitness for Duty Exam