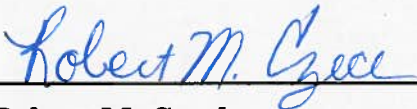


Re: Jaime Dela Cruz

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
APRIL 1, 2015**



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
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 17658-13

AGENCY DKT. NO. 2014-1512

**IN THE MATTER OF JAIME DELA CRUZ,
RAMAPO COLLEGE OF NEW JERSEY.**

Joseph S. DiMaria, Esq., for appellant (DiMaria & DiMaria, attorneys)

Lauren A. Jensen, Deputy Attorney General, appearing for respondent
Ramapo College of New Jersey (John J. Hoffman, Acting Attorney
General of New Jersey, attorney)

Record Closed: December 31, 2014

Decided: February 20, 2015

BEFORE JOAN BEDRIN MURRAY, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Ramapo College of New Jersey ("Ramapo" or "Respondent") removed Mechanical Equipment Specialist Jaime Dela Cruz ("Dela Cruz" or "Appellant") effective November 27, 2013, for incompetency, inefficiency, or failure to perform duties, for conduct unbecoming a public employee, and for discrimination that affects equal employment opportunity including sexual harassment, by using his work time to pursue social interaction with a female employee, M.S. As Dela Cruz's actions are largely

undisputed by him, as more fully set forth below, at issue is whether they constitute the above charges in violation of N.J.A.C. 4A:2-2.3(a) (1), (6) and (9) so as to warrant removal by the College pursuant to N.J.A.C. 4A:2-2.2(a)1.

On November 6, 2013, the College prepared a Preliminary Notice of Disciplinary Action (PNDA) against appellant, seeking his removal. After a departmental hearing on November 26, 2013, the College prepared a Final Notice of Disciplinary Action (FNDA) on November 27, 2013, removing Dela Cruz effective that same date. After Dela Cruz requested a hearing on December 2, 2013, the Civil Service Commission transmitted the contested case, pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 TO -13, to the Office of Administrative Law (OAL), where it was filed on December 10, 2013. The matter was heard over the course of two days, October 27, 2014, and November 17, 2014, by the undersigned. The record closed on December 31, 2014, after the receipt of post-hearing submissions and the expiration of time for filing reply briefs.

TESTIMONY

Dela Cruz, age fifty-four, is a native of the Philippines who came to the United States in 1989. His profession was that of Program Analyst. While in the Philippines, he earned a Bachelor of Science Degree in Aeronautical Engineering. After arriving in the United States, he received training in heating, ventilation, and air conditioning (HVAC) at the Bergen County Technical School in the Adult Education Division. He then began working at Ramapo on January 16, 2006, as a Mechanical Equipment Specialist in the Department of Facilities (Facilities). Specifically, his position was as an HVAC technician. His job duties were to repair and maintain the heating and air conditioning on campus pursuant to work orders that were assigned to him. Michael Cunningham, Associate Director of Facilities at the College for approximately eleven years, testified that any member of the college community can request a work order. The work orders are submitted to the service desk, even in the case of an emergent situation. Facilities employees cannot perform work without first getting a work order. Further, under the College's Work Order Policy & Procedure statement (Work Order Policy), last amended on May 8, 2012, all work in occupied residential apartments must be done between the hours of 9:00 A.M. and 8:00 P.M., in the absence of an

emergency. (R-1 at RC0044). According to Cunningham, the Work Order Policy specifically prohibits facilities workers from making repairs later than 8:00 P.M. in response to complaints that workers were showing up at residential quarters at late hours. Regarding emergency situations where no work order has been submitted, a supervisor makes the determination as to whether an emergency exists, and if so, whether the emergency is such that a work order is unnecessary. Also, the supervisor determines if the emergency work is of a nature that requires it to be performed after 8:00 P.M. Further, in the event of a true emergency, a facilities employee may respond if he is asked to do so. Cunningham called Dela Cruz a good worker and "a smart guy", and stated that "technically, he was a good employee."

M.S., age twenty-four, is a May 2012 graduate of Ramapo. She currently is a Master's Degree candidate at Columbia University. She testified that she was a Resident Advisor (RA) at Ramapo beginning in January 2010, which was the Spring Semester of her sophomore year, and continuing through her senior year. Her job duties included overseeing her dormitory floor, holding events for the students in her charge, submitting work orders for her floor, and keeping office hours that were assigned to her. Occasionally, she would be assigned to "overnight duty" that required her to work from 7:00 P.M. until Midnight, at which time she monitored the public safety radio. She underwent one week of training when she was hired as an RA, then received training prior to the start of every Spring Semester until she graduated. Her training included learning proper work order procedures. In sum, she would submit a work order for repairs, which would then be sent to Facilities. Only after the work order was completed was M.S. notified that the repair had been done. The notification came via email. She never accompanied a worker to a dormitory room to observe the work, nor did the workers stop at her office when she was on duty to let her know the work was about to be done, or that it was completed. The workers would come to the residence hall unannounced, do the work, and leave the premises.

Just prior to M.S.'s graduation, sometime in April 2012, she was working the overnight duty shift with another female student. They were the only personnel in the office at the time. At approximately 8:30 P.M., Dela Cruz came into the office to advise them that he had completed a few work orders. M.S. had not met him prior to this

occasion. She logged the information into the computer. She testified that at the time, she was conversing with her co-worker about having food delivered, as they were not permitted to leave the office during the overnight shift. M.S. stated that Dela Cruz sat down at an unoccupied desk, and began talking to the two of them. He asked them about their ethnicity, and asked their names. He asked them if they had ever tried Filipino food, and they replied, "No." He asked them if they would like to go with him to try Filipino food. M.S. told him no, that they were on duty. She then testified that Dela Cruz said, "Let me know when you're free to come; let me get your phone numbers so I can call you." She stated that she and her friend exchanged looks, and her friend whispered to her: "Just give him a wrong number." M.S. then took a post-it note, wrote a false phone number on it, "just to get rid of him." After talking for a few minutes, he left the office. M.S. said that his demeanor at the outset was friendly, but that she and her friend were annoyed that he interrupted their conversation and asked for their phone numbers.

Dela Cruz, on the other hand, testified that Sultana asked him if he was Eskimo; he replied that he was Filipino. M.S. told him that she was watching the Food Channel "about Filipino food." The two women said they would like to taste it, and asked where they could get it. He told them they could get it in Bergenfield and asked for their phone numbers so they could arrange to meet. He added, "It seems to me that they're interested." He stated that he was talking generally to everyone in the office, not just them, despite M.S.'s testimony that only she and her co-worker were present. He stated that he is proud of his culture and his food. He further testified that he was not asking them for a dinner-time meal, as his shift is from 2:00 P.M. to 10:30 P.M. and he would not have the time.

M.S. testified that she had never had a personal conversation with any other Facilities worker. The encounter with Dela Cruz was awkward and left her feeling uncomfortable, which is why she gave him a false phone number. However, she never thought about the incident again.

After graduation in May 2012, M.S. accepted a job as Assistant Director of the Upward Bound Program at Ramapo that began in November 2012. Upward Bound is a

college preparatory program for inner city high school students who have attained high grade point averages, and who come from low-income families. As part of the program, the students stay in the Ramapo residence hall known as Bischoff Hall (Bischoff) from June to August, for a period of six weeks. As they are minors, full-time counselors stay in Bischoff with them and closely monitor their activities. M.S. herself had been an Upward Bound student while in high school, and volunteered with the program throughout her college years at Ramapo.

M.S. moved into Bischoff at the end of June 2013 with the title of Residence Director. She oversaw fifty students and seven counselors. During the daytime when the students were in class, she handled administrative tasks. In the evening, she took charge of the nighttime activities for the students. In addition, M.S. was responsible for handling the work orders for both students and staff. It was her job to submit the work orders and coordinate repairs with Facilities.

On the evening of July 9, 2013, at approximately 7:00 P.M., one of the counselors told M.S. that he would be taking all of the students to the gym rather than leaving some in the first floor lounge. M.S. was left alone in Bischoff, and went to Room 203, her residence, to do her work. Sometime between 7:45 P.M. and 8:00 P.M., she heard the elevator ring on her floor. She was worried as she knew there was no one else on the premises. She peeked her head out of her room and saw Dela Cruz, immediately recognizing him from their prior encounter in April 2012. He also recognized her, and asked her how she was doing. She told him that she was working for the Upward Bound Program, and asked him if he was there for the work orders she recently put in for Rooms 207, 307 and 311. He said he had not received the work orders yet, but he could look at the rooms since he was already in the building. He went into Room 207, on her floor, while she remained in the hallway. She believes he did fix the air conditioning in that room. Dela Cruz then told her he would fix Rooms 306, 307 and 311 if she would accompany him to those rooms. She told him, "Sure," and waited on the second floor while he took the elevator to the first floor to get some air conditioning filters. When he returned to the second floor, she rode the elevator with him to the third floor. In the elevator, he asked her about her friend from her senior

year. He then mentioned that the phone number she gave him did not work when he tried to telephone her. She quickly replied that she had changed her phone number.

Dela Cruz and M.S. proceeded to Room 307. She propped open the door and stood in the door frame while he proceeded to remove the air conditioning filter. He showed the dirty filter to her and said it was an easy fix. He told her to feel the cool air coming out of the unit. She did, then returned to the doorway. He then took the dirty filter and tools, and they moved on to Room 311. Again, M.S. stood in the doorway while Dela Cruz removed the old filter. Again, he asked her to feel the air coming from the unit. They then got back into the elevator. M.S. got off at the second floor to go back to her room, and Dela Cruz rode down to the first floor. On the way down, Dela Cruz again asked her if she wanted to get Filipino food with him. She told him that Filipino food contains a lot of pork, and she is Muslim and does not eat pork. M.S. stated that it was awkward for her when he asked her why she had given him the wrong phone number, and she was uncomfortable with the encounter, and just wanted it to be over.

Approximately ten minutes later, sometime after 8:00 P.M., M.S. once again heard the elevator ring and knew that it had to be Dela Cruz. She heard his keys jangling and her doorknob rattle, and felt scared. She pulled open her door and found him standing there. He said that he was looking for his meter and asked if she knew where it was. M.S. told him to check the other rooms for it. Five minutes later, Dela Cruz returned to her room, this time knocking on the door. When she opened it, Dela Cruz said he wanted to tell her that he found his meter. He then left.

Dela Cruz testified that he was in Bischoff on July 9, 2013, because he was asked by the Public Safety Office to repair Room 218. He did that job, then went into the elevator around the corner and recognized M.S.'s head peeking out of her door. When she asked him if he was there to fix the air conditioning, he said that he was. Although he did not yet have the work orders that she referred to, he believes in customer service. He did ask her to accompany him so that he could show her "how it feels when it gets fixed." He stated that he is the father of two boys, and he tries to give them experiences, just as he was trying to do with M.S. He acknowledges that this

work was performed after 8:00 P.M. While on the elevator, he remembered that M.S. had given him the wrong phone number and mentioned it to her. He testified that he asked her a few times if she had ever tasted Filipino food.

Dela Cruz further testified that if there is an emergency situation, the Public Safety Office calls Facilities on the radio and requests immediate assistance. He did not offer testimony as to whether the repair to Room 218 on that evening was an emergency to which he was asked to respond. However, he did state that he did not have the authority to declare a situation to be emergent. In addition, Dela Cruz stated that he never needs an escort to enter a room to which he has been dispatched. He also said that he is "a sucker for giving comfort to anyone who needs help," and that is why he had M.S. touch the unit once he had replaced its filter.

According to Cunningham, Dela Cruz completed four jobs in Bischoff on July 9, 2013, but only one was pursuant to a work order. The other three were requested on July 9, 2013, but had not yet been assigned. In addition, none of the three constituted an emergency. Cunningham also testified that Dela Cruz had keys to all the dormitory rooms, as was the case with all employees assigned to a trade.

The following morning on July 10, 2013, M.S. went to the Upward Bound office in another building in order to apprise her supervisor, Dr. Sandra Suarez, of both the April 2012 and July 9, 2013 incidents. Before she had a chance to talk to Suarez, Dela Cruz and another Facilities employee, June Constantino, came to repair the air conditioner. Dela Cruz left for approximately thirty minutes with Constantino, then returned. In the interim, M.S. filled Suarez in on the two incidents. When Dela Cruz and Constantino returned to the Upward Bound office, Constantino did the repair. Dela Cruz, however, did not perform any work. Instead, he chatted with Suarez, lingered, and asked M.S. how everything worked out with the room the night before. M.S. believed that he came to the office for the purpose of once again engaging her in some manner.

On July 11, 2013, M.S. spoke to Ramapo's Department of Public Safety and provided a written statement (R-1 at RC0026, RC0028-RC0030). The matter was then referred to Melissa Van Der Wall, who also gave testimony at the hearing. Van Der

Wall has been the Acting Dean of Students at Ramapo since August 2004. In July 2013, she was the Director of Affirmative Action and Workplace Compliance. Van Der Wall testified that she conducted a thorough investigation, interviewing both M.S. and Dela Cruz. At the conclusion of her investigation, she determined that Dela Cruz had violated both the Department of Facilities' policies and procedures with regard to the Work Order Policy, as well as the New Jersey State Policy Prohibiting Discrimination in the Workplace ("State Policy").

Van Der Wall stated that Dela Cruz's actions on July 9, 2013, constituted sex or gender based harassment as defined under the State Policy with respect to his (1) asking M.S. to escort him to rooms when he did not need an escort; (2) asking M.S. to go out for Filipino food with him; and (3) going to M.S.'s room in Bischoff without cause. Further, she concluded that Dela Cruz's actions in visiting M.S. in the Upward Bound office on July 10, 2013, when he had no reason for being there, also constituted sex or gender based harassment as defined in the State Policy. Van Der Wall additionally concluded that Dela Cruz violated Facilities policies and procedures on July 9, 2013, by performing non-emergency work in three dormitory rooms after 8:00 P.M., all without work orders

FINDINGS OF FACT

Although much of the testimony of Dela Cruz and M.S. was the same or similar, certain key, contradictory testimony was presented, specifically Dela Cruz's and M.S.'s differing accounts of the conversation that took place at their first meeting in April 2012. As such, I am bound to make credibility determinations in this regard. For testimony to be believed, it must not only come from the mouth of a credible witness, but it also has to be credible in itself. It must elicit evidence that is from such common experience and observation that it can be approved as proper under the circumstances. See Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961). A credibility determination requires an overall assessment of the witness's story in light of its rationality, internal consistency and the manner in which it "hangs together" with the other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963).

After carefully considering the testimonial and documentary evidence presented, and having had the opportunity to listen to the testimony and observe the demeanor of the witnesses, I credit the testimony of M.S. rather than that of Dela Cruz. M.S. testified in a clear and concise manner. Her testimony was consistent and credible throughout. In her testimony concerning her first encounter with Dela Cruz, she described the manner in which he stopped by her office when she and another student were on overnight duty. She stated that although he seemed friendly, she became annoyed that he interrupted her conversation with her friend. Her annoyance turned to discomfort when Dela Cruz sat down at an empty desk, and began questioning them about their ethnicity and asked their names. When he asked for their phone numbers so that a date could be arranged to taste Filipino food, M.S. clearly felt trapped, and responded in a way that is not uncommon. She gave Dela Cruz a false phone number, "just to get rid of him."

In contrast, I do not view Dela Cruz's testimony as credible. He offered his testimony in a nervous and disjointed manner. His rendition of that first meeting is not persuasive or credible. For example, Dela Cruz stated that it was M.S. who asked him about his ethnicity, and upon discovering that he was Filipino, mentioned that she wanted to try Filipino food. This is in sharp contrast with M.S.'s persuasive testimony that she was aware that Filipino food often contained pork, and as a Muslim, it was not an ethnic food she would care to try. Dela Cruz's statement that the students seemed interested, whether in him or his offer to take them for Filipino food, is quite different from M.S.'s testimony that she and her co-worker were busy planning their dinner delivery. The way in which he simply made himself at home at first annoyed her, then evolved into a feeling of discomfort, and ended with her feeling compelled to give him a false phone number. Given the thirty-year age difference between them, and the fact that M.S. was approximately only twenty-two years old at the time, it is believable that she had not yet developed the tools for dealing with this kind of situation in a more sophisticated way.

Further, Dela Cruz's testimony that the reason he insisted M.S. escort him to the three dormitory rooms on July 9, 2013, was so he could give her an experience, much like he would give his own children, lacks credibility and makes little sense. In addition,

he acknowledged that he needed a work order to proceed with repairs, and that he did not have work orders for any of the three rooms that night. Also, he testified that he was not empowered to determine what constituted an emergency, nor did he suggest that an emergency existed in any of the three rooms that evening.

In sum, Dela Cruz's testimony doesn't "hang together" with the other evidence, nor does it contain the requisite rationality to be deemed credible.

In view of the above credibility determinations, I make the following **FINDINGS of FACTS**:

In April 2012, Dela Cruz stopped by the RA office where M.S. and a co-worker were on overnight duty. He stated that he was reporting his completion of a few work orders. In every other instance, Facilities workers did not stop by the office. Instead, they would email M.S. notification that a job had been completed. Dela Cruz made himself at home, sitting at a vacant desk, and asked the students for their names, and about their ethnic backgrounds. He asked them if they wanted to eat Filipino food with him, and pressed them for their phone numbers. His overtures were unwanted. M.S. was at first annoyed by his presence, then made uncomfortable as he attempted to set a date for a meal. She gave him a false phone number in order to get him to leave the office.

Dela Cruz and M.S. met again on July 9, 2013 when he appeared on her dormitory floor somewhere between 7:45 P.M. and 8:00 P.M. They immediately recognized one another. M.S. mistakenly believed that he was responding to the work orders she had submitted. He told her that he had not yet been assigned those particular work orders, but that he would do the repairs only if she escorted him to the rooms. The repairs were not of an emergent nature. M.S. had never been asked to escort a Facilities worker previously. She did accompany him to the third floor of Bischoff, and followed him to two rooms. In each instance, she stood in the doorway; however, Dela Cruz asked her to approach the unit and feel the cool air coming out. She did so, then returned to the doorway. On the elevator ride back to the second floor, Dela Cruz asked her why she had given him the wrong phone number during their first

meeting. Feeling awkward, M.S. replied that the number had been changed. He then asked her about her co-worker, and again asked her if she wanted to get Filipino food with him. M.S. felt very weird in the elevator wanted the situation to be over. She told Dela Cruz that she was Muslim and did not eat pork.

M.S. exited the elevator on the second floor where she resided, and Dela Cruz continued down to the first floor. About ten minutes later, sometime after 8:00 P.M., M.S. heard the ring of the elevator and assumed that it was Dela Cruz. She heard the jangling of his keys as he approached her door, and then heard her doorknob rattle. She became scared, and pulled open the door to find him standing there. He asked her if she knew where his meter was, and she replied that she did not know. She told him he could check the rooms where he had worked. At this point, he did not require her to escort him to the rooms. Approximately five minutes later, he knocked on her door. She opened it, and he told her that he had found his meter. He then left the premises.

The following morning, July 10, 2013, M.S. was in the Upward Bound office for the purpose of reporting the prior two incidents to her supervisor, Suarez. Before she could tell Suarez what happened, Dela Cruz entered the office to speak to Suarez. The air conditioner in the office needed a repair. He left the office and returned approximately thirty minutes later. His co-worker, Constantino, proceeded to do the repair, while Dela Cruz merely lingered and made small talk with the office employees. He asked M.S. how everything worked out the night before. She believed that he came to the office to once again engage her, and felt compelled to report his actions to Suarez, and then Ramapo's Department of Public Safety.

LEGAL ANALYSIS AND CONCLUSIONS

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, -20; N.J.A.C. 4A:2-2.2, -2.3. 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 (1962); In re Polk, 90 N.J. 550 (1982). The evidence

must be such as to lead a reasonably cautious mind to a given conclusion. Bornstein v. Metropolitan Bottling Co., 26 N.J. 263 (1958). Preponderance may also be described as the greater weight of credible evidence in the case, not necessarily dependent on the number of witnesses, but having the greater convincing power. State v. Lewis, 67 N.J. 47 (1975).

Appellant has been charged with incompetency, inefficiency, or failure to perform duties, for conduct unbecoming a public employee, and for discrimination that affects equal employment opportunity including sexual harassment. Regarding the charge of incompetency, inefficiency, or failure to perform duties, Dela Cruz violated the Facilities' Work Order Policy by entering dormitory rooms after 8:00 P.M., without work orders for those rooms, and further advising M.S. that she needed to escort him to the rooms.

"Unbecoming conduct" is broadly defined as any 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)). Here, Dela Cruz's encounters with M.S. clearly rise to the level of conduct unbecoming a public employee, as more fully set forth above.

Regarding the charge of discrimination that affects equal employment opportunity including sexual harassment, Ramapo follows the State Policy, which is a zero tolerance policy. (R-10, State Policy). Therein, sexual harassment includes conduct that "has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment." (Id.

at RC0003). The State Policy recognizes that a person may violate the policy "even if there was no intent on the part of an individual to harass or demean another." (Id. at RC0002).

Based on the foregoing, I **CONCLUDE** that Ramapo has proven by a preponderance of the credible evidence that Dela Cruz engaged in conduct that constitutes incompetency, inefficiency, or failure to perform duties, as well as in conduct unbecoming a public employee. I further **CONCLUDE** that Dela Cruz violated the State Policy, as set forth in part above, through his actions towards M.S.

The sole remaining issue concerns the penalty that should be imposed. Standing alone, the testimony of M.S. and Van Der Wall would be enough to support termination of Dela Cruz. However, a review of Dela Cruz's disciplinary record indicates that he had received counseling memos on two occasions. First, in November 2006, he entered a female student's residence hall room without a work order, and permitted an unknown, unwelcome male into that room. Second, in December 2007, he received a counseling memo for failing to follow procedures and directions. In addition, Dela Cruz was suspended in November 2008 for repeatedly visiting a female student's dormitory room without work orders and for failing to follow procedures and directions. Finally, he was suspended without pay in October 2010 for a chronic disregard of procedures and directions. Accordingly, I **CONCLUDE** that his termination as a Mechanical Equipment Specialist in the Department of Facilities at Ramapo College is clearly warranted.

ORDER

It is hereby **ORDERED** that Ramapo College of New Jersey's removal of Appellant is **AFFIRMED**. It is further hereby **ORDERED** that Appellant's appeal be **DISMISSED**.

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.

February 20, 2015
DATE

Joan Bedrin-Murray
JOAN BEDRIN-MURRAY, ALJ

Date Received at Agency:

February 20, 2015 / (ab)

Date Mailed to Parties:
sej

February 23, 2015 / (ab)

APPENDIX

WITNESSES

For Appellant:

Jaime Dela Cruz

For Respondent:

Michael Cunningham

Melissa Van Der Wall

Stephen J. Rona

M.S.

EXHIBITS

For Appellant:

None

For Respondent:

- R-1 Work Order Policy at RC0044, written statement at RC0026, RC0028-RC0030
- R-2 Maintenance Detail By Technician from July 9, 2013
- R-3 Ramapo College of New Jersey Letter to Mr. Dela Cruz dated November 9, 2010
- R-4 Confidential Memorandum to File-Summary of Interview with Majeda Sultana dated July 22, 2013
- R-5 Confidential Memorandum to File-Summary of Interview with Jaime Dela Cruz dated July 29, 2013
- R-6 Confidential Memorandum to File-Summary of Interview with Mr. Dionisio "June" Constantino dated August 12, 2013
- R-7 Confidential Memorandum to File-Summary of Interview with Jaime Dela Cruz dated August 13, 2013
- R-8 Ramapo College of New Jersey Letter to Mr. Dela Cruz dated October 18, 2013
- R-9 Ramapo College of New Jersey State Model Procedures for Internal Complaints Alleging Discrimination in the Workplace

- R-10 State Policy
- R-11 New Jersey State Policy Acknowledgement of Receipt dated January 8, 2008
- R-12 Ramapo College of New Jersey Letter to Mr. Dela Cruz dated January 12, 2006
- R-13 Final Notice of Minor Disciplinary Action
- R-14 Ramapo College of New Jersey Letter to Mr. Dela Cruz dated November 6, 2013
- R-15 Disciplinary Appeal
- R-16 Ramapo College of New Jersey Letter to Mr. Dela Cruz dated November 27, 2013