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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Denise
Worthy, City of Atlantic City

CSC Docket No. 2015-1078

Request for Enforcement

ISSUED: JUN 19 2015 (CSM)

Denise Worthy, a Keyboarding Clerk 3 with the City of Atlantic City, petitions the Civil Service Commission (Commission) for enforcement of the March 13, 2014 decision which ordered that she be awarded differential back pay from the date of her demotion to Keyboarding Clerk 1.

By way of background, the petitioner was demoted from the title of Registrar of Vital Statistics to Keyboarding Clerk 1 effective April 26, 2010 on charges of failure to perform duties, insubordination, inability to perform duties, conduct unbecoming a public employee and other sufficient cause. Specifically, it was asserted that the appellant failed to provide a key to the Deputy Registrar of Vital Statistics, prepared a chain of command memorandum and omitted the City Clerk, submitted an improper bilingual interpreters policy to her employees, acted inappropriately toward Spanish speaking employees, and continued to enforce a reimbursement policy. Upon the petitioner's appeal, the matter was transmitted to the Office of Administrative Law (OAL) for a hearing as a contested case. In his initial determination, the Administrative Law Judge (ALJ) concluded that the appointing authority had only proven the charges regarding her failure to provide a key and recommended modifying the demotion to Keyboarding Clerk 3 rather than Keyboarding Clerk 1. Upon its review, the Commission adopted the ALJ's determination and granted the petitioner differential back pay from the date of her demotion to Keyboarding Clerk 1.

In her request for enforcement, the petitioner provides a memorandum from the appointing authority dated April 9, 2014 which indicates that the Commission

rescinded her one day suspension effective August 24, 2011.¹ Therefore, as she has no knowledge of ever receiving pay for the one day suspension, she questions if she is supposed to receive back pay for that suspension. Additionally, the petitioner asserts that her title is still listed as Keyboarding Clerk 1 and she has not received differential back pay from the date of her demotion.² In this regard, the petitioner states that she received a retroactive negotiated agreement raise of 2% for the years of 2010, 2011, and 2012, but that this was the base salary of a Keyboarding Clerk 1 - \$58,611.55. The petitioner argues that her retroactive negotiated agreement increases should have been based on a salary of \$65,461.68, which is the salary she was earning as a Registrar of Vital Statistics when she was demoted in April 2010. Additionally, she states that the only thing the appointing authority provided her was "a bunch of confusing calculations which differed from the calculations of Pension Spreadsheet calculations." However, the petitioner does not provide a copy of these calculations for the Commission to review in this matter. Under these circumstances, the petitioner maintains that any retroactive payments she has received seem to be in error if based on the demotional salary of \$58,611.55.

Although provided the opportunity, the appointing authority has not provided any information or argument for the Commission to review in this matter.

CONCLUSION

N.J.A.C. 4A:2-2.10(f) states that when the Commission awards back pay and benefits, determination of the actual amounts shall be settled by the parties whenever possible.

N.J.A.C. 4A:2-2.10(g) states that if settlement on an amount cannot be reached, either party may request, in writing, Commission review of the outstanding issues. In a Commission review:

1. The appointing authority shall submit information on the salary the employee was earning at the time of the adverse action, plus increments and across-the-board adjustments that the employee would have received during the separation period; and
2. The employee shall submit an affidavit setting forth all income received during the separation.

¹ The petitioner's County and Municipal Personnel System (CAMPS) record has her recorded as receiving a one-day suspension on August 24, 2011. There is nothing in her official record to substantiate that this suspension was "rescinded" by the Commission.

² The petitioner's CAMPS record has her recorded as a Keyboarding Clerk 3, effective April 26, 2012. This appears in error and should be corrected to reflect the correct date of her demotion, April 26, 2010.

N.J.A.C. 4A:10-1.1(b) states that no appointing authority shall fail to comply with an order of the Commission.

Initially, although requested by the Commission, the appointing authority has not submitted any information on the salary the petitioner was earning at the time of her demotion or the differential amount of pay she would have earned during the period of demotion. Therefore, the Commission has no basis on which to determine the specific amount of differential back pay due to the petitioner. Further, although the petitioner argues that she should receive retroactive increases and back pay based on \$65,461.88, it cannot be ignored that this was her salary as a Registrar of Vital Statistics. Indeed, the Commission upheld the appellant's demotion from Registrar of Vital Statistics but ordered that she be placed in the title of Keyboarding Clerk 3 instead of Keyboarding Clerk 1. However, there is nothing in the record documenting what the appointing authority's salary schedule is for Keyboarding Clerk 3, but it is possible that it is at the same or a lower level than Registrar of Vital Statistics. As such, the Commission cannot rely solely upon petitioner's assertion that her differential back pay and increases be based on the salary level of the title from which she was demoted.

However, in no uncertain terms, the Commission's March 13, 2014 decision ordered that the petitioner receive the difference in pay between a Keyboarding Clerk 1 and a Keyboarding Clerk 3 from the effective date of her demotion, April 28, 2010. Accordingly, the petitioner's request for enforcement of the Commission's March 13, 2014 with respect to her differential back pay is granted. As such, the appointing authority is ordered to provide the petitioner with differential back pay or, if it has already done so, a written explanation as to how this amount was calculated and disbursed to her, within 30 days of the issuance date of this decision.

Additionally, the Commission is specifically given the power to assess compliance costs and fines against an appointing authority, including all administrative costs and charges, as well as fines of not more than \$10,000, for noncompliance or violation of Civil Service law or rules or any order of the Commission. *N.J.S.A.* 11A:10-3; *N.J.A.C.* 4A:10-2.1(a)2. See *In the Matter of Fiscal Analyst (M1351H)*, Newark, Docket No. A-4347-87T3 (App. Div. February 2, 1989). In this case, the Commission is disturbed by the appointing authority's non-compliance with the requirements to award differential back pay and its failure to respond to the Commission's request for information on which to calculate differential back pay in compliance with *N.J.A.C.* 4A:2-2.10(g)1. Under these circumstances, it is appropriate to fine the appointing authority \$1,000 for its actions and omissions in this case. Further, the appointing authority is strongly cautioned to ensure that it follows Civil Service law and rules in the future.

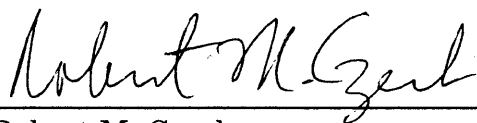
ORDER

Therefore, it is ordered that Denise Worthy's request for enforcement be granted. It is further ordered that the appointing authority provide the petitioner with differential back pay or, if it has already done so, a written explanation as to how this amount was calculated and disbursed to her, within 30 days of the issuance date of this decision. Finally, it is ordered that Atlantic City be fined in the amount of \$1,000 and that it remit that amount no later than 30 days after the issuance date of this decision.

Additionally, in the event that the appointing authority has not made a good faith effort to comply with this decision within 30 days of its issuance, the Commission orders that a fine be assessed against the appointing authority in the amount of \$100 per day, beginning on the 31st day of issuance of this decision and continuing each day of continued violation, up to a maximum of \$10,000.

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 17TH DAY OF JUNE, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals
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Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
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c: Denise Worthy
Arthur M. Liston
Joseph Gambino
Beth Wood



STATE OF NEW JERSEY

In the Matter of Denise Worthy
City of Atlantic City

CSC DKT. NO. 2010-3250
OAL DKT. NO. CSV 4371-10

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

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ISSUED: MARCH 13, 2014

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The appeal of Denise Worthy, Registrar Vital Statistics, City of Atlantic City, demotion to the position of Clerk Typist, effective April 28, 2010, on charges, was heard by Administrative Law Judge Bruce M. Gorman, who rendered his initial decision on January 30, 2014. No exceptions were filed.

Having considered the record and the Administrative Law Judge's initial decision, and having made an independent evaluation of the record, the Civil Service Commission, at its meeting on March 13, 2014, accepted and adopted the Findings of Fact and Conclusion as contained in the attached Administrative Law Judge's initial decision.

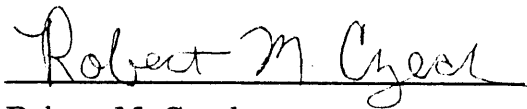
ORDER

The Commission adopted the ALJ's recommendation to demote the appellant to the title of Keyboarding Clerk 3, which is now the equivalent to Principal Clerk Typist. Additionally, the appellant is to receive differential back pay from the date of her demotion to Keyboarding Clerk 1.

Re: Denise Worthy

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
MARCH 13, 2014



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Merit System Practices
and Labor Relations
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 4371-10

AGENCY DKT. NO. 2010-3250

**IN THE MATTER OF DENISE WORTHY,
CITY OF ATLANTIC CITY.**

Richard L. Press, Esq., for Denise Worthy, appellant (Press & Associates, attorneys)

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

Record Closed: January 28, 2014

Decided: January 30, 2014

BEFORE BRUCE M. GORMAN, ALJ:

STATEMENT OF THE CASE

Appellant appealed respondent's action demoting her from the position of Registrar of Vital Statistics to the position of Clerk Typist for failure to perform duties, insubordination, inability to perform duties, conduct unbecoming a public employee, and other sufficient cause.

PROCEDURAL HISTORY

The appellant requested a fair hearing and the matter was filed at the Office of Administrative Law on May 12, 2010, to be heard as a contested case pursuant to N.J.S.A. 52:14B-1 to 15 and 14F-1 to 13. The matter was heard on July 19, 2013, July 25, 2013, September 16, 2013, September 30, 2013, and October 28, 2013. The record closed after the submission of closing documents and the undersigned conducted a telephone conference on January 28, 2014.

FACTUAL DISCUSSION

This case concerns the efforts of the City of Atlantic City (hereafter City) to demote its longtime Registrar of Vital Statistics. The charges against the appellant are many and varied.

Cassandra Boynton-Bell (hereafter Boynton-Bell) testified for the City. Boynton-Bell currently serves as the Registrar of Vital Statistics for Atlantic City. She was initially employed in the registrar's Office in 2008 as a clerk typist. At that time, the appellant was her supervisor. Appellant trained her in the job, and initially the two had a positive relationship. But, over the subsequent twelve to eighteen months, their relationship deteriorated.

Boynton-Bell is Latino by birth. She replaced another Latino employee, Tawaima Rosado (hereafter Rosado). Shortly after Boynton-Bell was employed, a third Latino employee, Norma Cusenza (hereafter Cusenza), was placed in the registrar's office. The three Latino employees soon encountered problems with the appellant.

Boynton-Bell observed that appellant instructed Rosado that she was only to use the English language when dealing with customers. This instruction created difficulties for Rosado, because many of the office's customers spoke only Spanish. It was

Boynton-Bell's impression that appellant wanted only English utilized so that she would know what was being said to the customer.

Similarly, Boynton-Bell observed that Cusenza had a difficult relationship with the appellant. Appellant frequently used a negative tone of voice when addressing Cusenza and Cusenza was reduced to tears on many occasions.

Finally, Boynton-Bell observed appellant's interaction with Latino customers. Frequently those interactions were negative. Boynton-Bell observed that appellant would talk louder when dealing with customers who only spoke Spanish. Frequently those customers left the office without accomplishing the purpose for which they appeared there.

Boynton-Bell testified about appellant's rule concerning shortages. When the money received for the purchase of the various certificates issued by the office was counted at the end of the day, if a shortage was found, appellant compelled the other employees in the office to jointly contribute to replace the missing funds. Boynton-Bell herself was required to contribute to disposing of shortages on at least two or three occasions. On each occasion, the amount she was required to pay out of her own pocket was small. Ultimately, the appellant abandoned her shortage rule, but Boynton-Bell could not remember when that occurred.

On cross-examination, Boynton-Bell admitted that appellant had instructed Rosado to speak both English and Spanish when dealing with Latino customers. She insisted that, on other occasions, appellant told Rosado not to speak Spanish to Latino customers.

Rhonda Williams (hereafter Williams) testified for the City. Williams has served as City Clerk since December 2010. She served as Deputy Municipal Clerk from 2008 to 2010, and as Assistant City Clerk from 2002 to 2008.

On March 10, 2009, a meeting was held to discuss duties and responsibilities of the Deputy Registrar. Present were Mayor Lorenzo Langford, Council President William Marsh (hereafter Marsh), Councilman Steven Moore, Chief of Staff Linda Steele, Business Administrator Redenia Gilliam-Mosee, Union Representatives Rick Cistruk and Paul Jerkins, Confidential Aide/Press Secretary, Kevin Hall, Deputy Registrar Amber Ward, and appellant (R-8).

According to the minutes of the meeting (R-9), Council President Marsh expressed the view that the Deputy Registrar should be able to run the Office of Vital Statistics in the absence of the Registrar. The minutes reflect that the Council President included in his assessment the need for the Deputy Registrar to have keys for the office, access to the telephone, and access to documents, computers and other essential tools. Business Administrator Gilliam-Mosee concurred in that analysis. Deputy Registrar Amber Ward complained that she did not have access to marriage licenses in the absence of the registrar because they were locked in the registrar's office. Union Representative Cistruk expressed concern that the personal belongings of the appellant be protected. Mayor Langford instructed all that appellant's personal belongings should be kept separate.

On March 16, 2009, Council President Marsh generated a memorandum delineating the results of that meeting and specifying the future relationship between the Registrar and the Deputy Registrar (R-10). Approximately two to three weeks later, the appellant moved her personal belongings out of her office.

Williams also testified concerning appellant's shortage policy. In 2008, an employee named Rosa Ramos (hereafter Ramos) advised the clerk's office that appellant was requiring her employees to make up any shortage out of their own pockets. The City Clerk caused Ramos to be transferred out of the registrar's office and instructed appellant to cease requiring the other employees to make up shortages that occurred in the registrar's office. Appellant subsequently grieved that determination, and the City Clerk disciplined the appellant.

On cross-examination, Williams acknowledged that the previous City Clerk of twenty-eight year standing, Benjamin Fitzgerald (hereafter Fitzgerald), never disciplined the appellant. However, she noted that Fitzgerald's successor, Rosemary Adams, brought several disciplinary actions against the appellant. Williams also noted that appellant filed several grievances attacking Council President Marsh's memorandum of March 16, 2009 (R-10).

Williams noted that Cusenza had filed a grievance about appellant's shortage policy. Then City Clerk Adams upheld the grievance and instructed appellant to abandon the policy.

Ramos testified for the City. Ramos was hired for the position of Spanish speaking Clerk Typist in the Department of Vital Statistics in 2005. Part of her duties was to deal with Spanish speaking customers.

Ramos characterized appellant as "very strict" about the rules of her office. She termed her very businesslike and straightforward. If appellant did not agree with something, she would let you know. Ramos found her to be intimidating.

Ramos noted that when she was working at the counter and speaking Spanish to a customer, appellant would frequently come over and inquire what was transpiring. On one occasion, appellant stated that English should be used and if the customer did not understand, he should bring an interpreter with him. Ramos stated that on this occasion, appellant made the customer feel uncomfortable. Ramos herself felt demeaned.

Ramos testified that the office consisted of four employees. During a holiday celebration appurtenant to the Christmas season, appellant compelled Cusenza and Ramos to eat their food at their desks so that they could cover the phones and the counter. The other employee was permitted to eat in appellant's office.

Ramos discussed appellant's shortage policy. The office charged \$6 for each birth, death or marriage certificate. Each night the money, known as the bank, was counted, and a report was issued to the City's cashier. Occasionally shortages occurred. On those occasions, appellant required the other employees to pay equal amounts out of their own pockets to cover the shortage.

In September 2006, Ramos challenged the policy. Her husband had recently lost his job and money was extremely tight in her household. On this particular occasion, Ramos and two other employees were working. The shortage was \$30, meaning that Ramos would have to contribute \$10.

On that date, appellant was absent from the office and Amber Ward (hereafter Ward) was in charge. Ramos told Ward she did not have the money and refused to pay. Ward duly called appellant and advised her of the problem. Ward then printed out a report and showed Ramos and Cusenza how to check the report against the money in hand. The pair quickly found the error and determined that it was much smaller than originally thought. Despite the fact that Cusenza had committed the error, when appellant returned to the office the following day, she insisted that Ramos contribute her share to the satisfying the shortage. Again, Ramos refused. Thereafter, the money Ramos took in was kept separate from the rest of the money the office took in. The result was that frequently Ramos could not provide proper change to customers.

Eventually, Ramos complained to her Union President, Virginia Darnell (hereafter Darnell). Appellant then gave Ramos a verbal warning for creating a problem. When this occurred, Darnell insisted that Ramos report the matter to City Clerk Adams. Within a month, Ramos was transferred out of the Department of Vital Statistics and Adams instructed appellant to abandon her shortage policy. Notwithstanding that instruction, Cusenza reported to Ramos that appellant continued to enforce the shortage policy.

Darnell testified for the City. Darnell has been employed with the City for twenty-five years. She has served as President of the white-collar union for seven years.

In her capacity as Union President, Darnell met with Ramos, who, at the time, was employed in the vital statistics office. Ramos complained to Darnell that she was having problems in the office. Darnell agreed to meet with Ramos and the appellant to discuss those problems.

The first of those problems was appellant's requirement that the entire conversation in the office of vital statistics could not be conducted in Spanish. Her rule required that English be spoken as much as possible. Ramos disagreed with that rule. It was her view that in dealing with Spanish speaking residents, conducting the discussion exclusively in Spanish was the best way to communicate. Appellant refused to be moved. She stated that the policy was necessary so that she would know what was being said in her office.

Ramos' second problem concerned the cash shortage issue. Ramos complained that if the office was short at the end of the day, the employees were required to make up the shortfall. Appellant refused to alter the practice. At that juncture, Darnell went to the City Clerk with the problem. The Clerk ultimately directed appellant to terminate the policy.

Darnell also assisted Cusenza, a clerk typist in the vital statistic office, with similar issues. She advised Cusenza to keep a log. Cusenza kept that log, which was introduced into evidence as exhibit R-12. Cusenza is deceased, and therefore could not testify.

On cross-examination, Darnell acknowledged that Cusenza had never filed a grievance or submitted a complaint directly to the City. Instead, she had filed an EEOC complaint.

Towaima Rosado testified for the City. Rosado was employed in the registrar's office between 2005 and 2008. She confirmed that appellant's shortage policy was in place during the time of her employment.

Marsh testified for the City. Marsh is the Councilman from Atlantic City's fourth ward. He has served on council since 2002 and as Council President since 2006.

Marsh attended the March 10, 2009, meeting with the appellant. The purpose of the meeting was to clarify how appellant was operating the office. Marsh was specifically interested in determining whether the appellant and her Deputy Registrar could work together. He had been made aware of allegations that the Deputy Registrar was not given the ability to function properly in the absence of the Registrar.

Marsh identified the minutes of the March 10, 2009, meeting with the appellant (R-9). He confirmed that the minutes were accurate. Marsh stated that the result of the meeting was an edict ordering the appellant to do certain things. That order was embodied in a Memorandum, dated March 16, 2009 (R-10).

The March 16, 2009, memorandum (R-10) contains six specific directives. They were:

- The Deputy Registrar shall have keys to all desks, cabinets, and files in the office of Vital Statistics at all times;
- In the absence of the Registrar, the Deputy Registrar has complete authority to conduct the business of the office. This shall include; keeping records and issuing copies of marriage licenses, birth certificates, death certificates, etc.;
- The Deputy Registrar will have access to all forms, certificates and official stamps regardless of the presence or absence of the Registrar of Vital Statistics;
- The Deputy Registrar will not be responsible to call or inform the Registrar of any decisions made during the absence of the Registrar. However, if the Deputy Registrar wishes to keep written documentation of actions taken during the Registrar's absence and provide a copy to the Registrar, it is at the Deputy Registrar's sole discretion, and not mandatory;

- The Deputy Registrar will have access to any and all computers and Internet information relevant to the professional operation of the office during the absence of the Registrar; and
- The Deputy Registrar will keep a record of all financial transactions to present to the Registrar upon return to work.

Marsh testified that appellant declined to implement the six points set forth in the March 16, 2009, Memorandum. She asserted she was answerable to the State Registrar of Vital Statistics, and not to City Council.

On cross-examination, Marsh denied knowledge of various provisions of Title 36 of the Revised Statutes of the State of New Jersey, the statutes governing the Registrar of Vital Statistics. It should be noted that Marsh is not an attorney.

Marsh expressed no knowledge about a dispute over a license issued by an Atlantic City Municipal Court Judge.

Marsh identified an Employee Warning Notice, dated July 21, 2009 (P-5). That Notice accused appellant of insubordination and other sufficient cause.

Appellant testified on her own behalf. She was born on July 15, 1956, and has been employed by the City of Atlantic City since 1983. She is currently employed as a Keyboarding Clerk I, which is the successor title formerly known as Clerk Typist. Appellant began as a Clerk Typist in the Atlantic City Municipal Court. She was subsequently transferred to the Office of the Registrar of Vital Statistics, where she worked under Selma Troy (hereafter Troy). Upon Troy's retirement in 1988, appellant became Acting Registrar. She became permanent in the title in 1989.

Appellant testified that as a result of the City's action in this case, she was reduced by three titles. At the time of her demotion, she served as Registrar. She was then demoted as Registrar, Deputy Registrar and Principal Clerk Typist, landing in her present position, which is the equivalent of the old Clerk Typist title.

Appellant worked under Troy for four years. Under Troy, she learned all of the duties of the Registrar of Vital Statistics. In 1989, Bridget Muniz (hereafter Muniz) was hired to work under appellant. They worked together for over ten years. Muniz is of Latino descent. Muniz and appellant had a positive relationship during their time together.

In 1993, appellant instituted a bilingual policy for the Registrar's office (P-5). The essence of the policy was as follows. Employees were to interpret what non-English-speaking customers said. No employee was to have an exclusive conversation with the customer. The purpose of the policy was so that appellant would be able to hear what was being communicated to a customer. Appellant stated that, as Registrar, she is responsible to know what transpired with each customer. No one ever complained about the policy until 2009, when employee Cusenza approached the City Clerk about the policy.

Appellant introduced a letter from then Mayor James Whalen commending her for assisting Hispanic members of the community (P-6). She also submitted a letter from Edna Torres, the prior Deputy Registrar, who submitted same to the appellant upon her retirement in 2001 (P-7). Finally, she introduced into evidence a letter from Muniz issued upon her retirement on April 1, 2005 (P-8). In that letter, she thanked appellant for her many kindnesses.

Appellant worked with a number of Hispanic subordinates, including Jeanne Pastrana, Edna Torres, Rosado, and Cusenza. To her knowledge, only Cusenza ever complained about the bilingual policy.

Appellant was shown a copy of Cusenza's diary (R-12). Appellant stated she had never seen Cusenza's diary before this hearing.

Appellant noted that she had never had an Affirmative Action complaint filed against her, nor had a lawsuit ever been filed against her for discriminatory conduct. Subsequent to her departmental hearing, appellant learned that Cusenza, Rosa

Hernandez (hereafter Hernandez) and Rosado had filed a complaint about her with the EEOC. Appellant was never questioned about this complaint and never saw a copy of it.

In 2009, a Latino customer named Jose Bello (hereafter Bello) submitted a written complaint. The facts of that case were as follows. Bello sought a marriage license from the Registrar's office. On the application, he noted that he had been divorced. In support of that statement, he submitted a divorce decree written in the Spanish language. Bello was instructed to go to the Spanish Community Center and obtain a translation of the divorce decree. Bello became annoyed and complained to the City Clerk's office. Hernandez, an employee at the City Clerk's office, translated the document for Bello. Appellant declined to accept the translation, and advised the Clerk that the State of New Jersey will only accept translated documents from those persons whose express business is translation. Ultimately, Bello obtained his marriage license.

Appellant addressed the issue of her shortfall policy (Specification Six). She began by noting that the existing City policy only addresses discrepancies in excess of \$10. She learned how to handle shortages under \$10 from her predecessor, Troy. Troy's policy was to have the staff members make up any shortage of up to \$10. Appellant merely continued that policy. Appellant acknowledged that she never discussed the policy with the City Clerk.

Sometime during the years 2008-2009, employee Hernandez complained about the policy and refused to contribute. After Hernandez filed her complaint, the City Clerk instructed appellant to discontinue the policy. She did so. Appellant was never previously disciplined about the shortfall policy.

Appellant discussed the duties of local Registrar of Vital Statistics. According to law, the local Registrar works under the supervision of the State Registrar. She handles births, marriages and deaths for the City, as well as burial permits, registration of civil unions and domestic partnerships. The local Registrar is expressly responsible for determining the correctness of these documents.

Appellant noted that subsequent to the September 11 terrorist attack, the security requirements for vital statistics were significantly tightened. Pursuant to Executive Order 18 issued by Governor McGreevey, the local Registrar was now required to authenticate not only the documents themselves, but also who was requesting the documents. Documents could be provided only to an authorized receiver. The purpose of the tightened rules was to eliminate identity theft. The local Registrar was henceforth required to review the proof of identity and note the nature of that proof on any form requesting documentation.

As a result of the heightened security requirements, changes were made to the layout of the Registrar's office. Locks were placed on all doors, including the door leading into appellant's private office. Office employees could obtain the records kept in her private office during business hours and after hours upon request. The office's financial folder, the City seal, and appellant's signature stamp were kept in her personal office. A key to her office was maintained in a cup kept on a shelf in the outer office. The office personnel knew where the key was kept.

Appellant acknowledged that subsequent to the meeting of March 10, 2009, she understood she had been ordered to provide a key to the Deputy Registrar.

According to appellant, the meeting of March 10, 2009, was the direct result of a problem with a marriage license issued by one of the City's municipal court judges. The marriage license was received by the office, but appellant was not there on that day. The bride and groom came in and asked for the marriage certificate, but the Deputy Registrar, Amber Ward, saw that the date of the marriage reflected on the certificate was incorrect. The bride and groom were upset that they could not obtain their marriage certificate and went upstairs to complain. According to appellant, the "seventh floor" was upset. The City Solicitor called her and was abrasive about the situation.

Appellant went to her office and immediately saw the error on the certificate. She then called the City Clerk and spoke with Assistant Clerk Williams, explaining how

the correction had to be made. Appellant prepared a duplicate marriage license, took the duplicate to the municipal court judge, and he signed it. Appellant then instructed Deputy Registrar Ward to issue the duplicate copy. Several days later, the City Council President called the meeting of March 10, 2009.

Prior to the March 10, 2009, meeting, appellant was instructed to prepare a statement of job responsibilities for the Deputy Registrar (R-4). She provided that document in advance of the meeting.

Present at the meeting were Mayor Langford, the Business Administrator, the Assistant Clerk, the Assistant Solicitor, the Press Secretary, the Deputy Registrar, Councilmen Marsh and Moore and two representatives from the Union. At the outset of the meeting, everyone attacked the appellant. The issue of the improperly issued marriage license was discussed. Councilman Marsh and several other participants made comments that the office was not functioning properly. Marsh specifically asked appellant if the Deputy Registrar could act in her absence. When appellant responded "Yes", Marsh stated that the Deputy Registrar was not required to report back to her. Appellant disagreed with that statement, and told Marsh so. Appellant told Marsh that in her absence she wanted to know what had transpired in the office.

At the conclusion of the meeting, appellant was advised that she was being given a warning, and that discipline would result if this situation ever arose again. Appellant stated she never received a written warning arising out of this meeting. However, she did, receive the memorandum issued after the meeting (R-10).

Appellant reviewed the post-meeting memorandum (R-10). She stated that she objected to item number four. According to appellant, the Deputy Registrar should be responsible to inform the Registrar of the decisions she has made during the Registrar's absence.

Appellant also objected to the requirement that the Deputy Registrar be provided with a key to her personal office. Appellant did not want Ward to have a key to her

personal office. Consequently, she removed from the general office the key to her personal office which had been maintained in the cup on the shelf, and gave the key to Alternate Deputy Registrar Boynton-Bell. Appellant testified that she was not comfortable providing Deputy Registrar Ward with the key to her personal office because Ward never advised her about the incident concerning the improperly prepared Marriage Certificate that Council President Marsh complained about.

As a direct result of the meeting of March 10, 2009, appellant created a new directive, dated March 30, 2009 (P-16). In that document, she required her staff members to designate those items in the office to which each had access. After business hours, only appellant and Alternate Deputy Registrar Boynton-Bell were to have access to appellant's personal office. That ruling meant that Ward did not have access to the facsimile machine, the Seal of Atlantic City, and the key to appellant's personal office after business hours. According to appellant, she denied Ward access to these items as "another level of security".

Appellant specified that she had no problem with anything contained in Exhibit R-10, with the exception of item number four.

Thereafter, appellant filed a series of grievances, contesting, inter alia, item number four. She was subsequently issued with an Employee Warning Notice and Corrective Review (P-20). She filed a grievance about this action as well.

On July 21, 2009, appellant received the Correction Action form (P-20). She filed a grievance about the subject of the Correction Action form and did not respond to that document because she was awaiting disposition of the grievance, a disposition that never occurred.

Appellant testified that on August 28, 2009, she received an undated Preliminary Notice of Disciplinary Action (R-2), which specified: 1) that she would be suspended for 180 days; 2) that she would be removed from office; 3) that she would be demoted to the position of Clerk Typist. The City ultimately established that the Preliminary Notice

of Disciplinary Action (R-2) was dated August 11, 2009. The City represented that the charges were actually proffered August 4, 2009, but were not mailed in a timely fashion. As a result, appellant only received them on August 28, 2009.

Appellant testified that she consulted with the State Registrar's Office concerning the memorandum of March 10, 2009. The State Registrar advised her that whether the Deputy Registrar had a key to her personal office was not in Counsel President Marsh's area of oversight. However, she admitted that the State Registrar said the Deputy Registrar should have access to the office at all times.

Appellant then addressed the remaining specifications sequentially. Regarding specification number two, appellant testified that the purpose of her chain of command memorandum was to advise her staff of the proper command flow for the office. She did not list the City Clerk because the City Clerk was her superior, and not part of the internal chain of command in the Registrar's Office.

Specification number three concerned the bilingual interpreter policy. Appellant testified that she did not submit a memorandum regarding this policy to her staff on June 25, 2009. The policy was already in the established manual for her office. Appellant also denied writing the date "6/25/09" on the policy (P-5). She believed Cusenza wrote that date on the policy.

Addressing specification number five, appellant denied that she constantly and consistently acted inappropriately toward Spanish speaking employees. She was shocked when she was advised that this complaint had been made against her. She only learned that an Equal Employment Opportunity Commission (EEOC) complaint had been filed against her during the pendency of this case.

Addressing specification number six, appellant testified that she terminated the shortage policy once directed to do so by the City Clerk. According to appellant, she ceased enforcing this policy one to two years prior to 2009.

Appellant testified that as a result of the charges filed against her, she was removed as Registrar and reduced three levels to what was then the position of Clerk Typist (this is now Keyboarding Clerk I).

On cross-examination, appellant delineated the chain of command for the Registrar of Vital Statistics. She listed the State Registrar of Vital Statistics at the top of the chain, followed by the City Council President, the City Clerk, and then the Municipal Registrar of Vital Statistics.

Regarding the reimbursement policy, on cross-examination appellant testified that she did not create the policy. She inherited it from her predecessor. She never discussed the reimbursement policy with anyone from the Clerk's Office until Adams assumed that title. When Adams instructed her to discontinue the policy in 2007, she discontinued it.

In response to questions from the Bench, appellant addressed her refusal to provide the Deputy Registrar with the key to her inner office, as instructed by City Council. She testified that she refused to provide Ward with a key because she wanted to protect the integrity of the office. Ward never told her about the marriage certificate incident. She suspected Ward told Council President that she could not retrieve the City's Seal because it was locked in the appellant's office.

Because Ward never mentioned the incident to her, she was concerned that the office would be subjected to other "personal requests" from City Council members. She feared that if she provided Ward with a key, Ward would be able to access appellant's office without her knowing, and would be in a position to disseminate certificates without appellant's knowledge. Appellant freely admitted that she openly refused to conform with Marsh's directive that the Deputy Registrar be provided with a key to the inner office. She contended that by filing the grievance she was not required to follow Marsh's direction. Appellant opined that if she could have had a grievance hearing, all of her issues would have been aired.

In response to further questions from counsel, appellant stated that she knew why Council President Marsh wanted the Deputy Registrar to have a key to her inner office. She was certain that Marsh wanted to be able to access her private office without her knowledge. In her view, any activity conducted through her office without her knowledge was improper.

Muniz testified for the appellant. Muniz is currently Deputy Registrar with the City of Pleasantville. She worked for Atlantic City from November 1989 through April 2005 in the Office of the Registrar. Appellant was her immediate supervisor during those years. During that time period, two other Latino persons worked in that office, Edna Torres and Jeannie Santana.

During her sixteen years working with the appellant, Muniz never saw appellant act in a discriminatory fashion toward any Latino person. Muniz had no recollection of the bilingual interpreting policy that subsequently became a matter of controversy. While she worked in the Registrar's Office, Muniz acted as translator for Latino customers. She would frequently repeat the conversations to appellant so that appellant could be certain that the customer was receiving the correct information.

Muniz left her employment in Atlantic City in 2005 because she had just had a baby and found it difficult to handle her job and her child simultaneously. Her departure had nothing to do with how appellant treated her.

On cross-examination, Muniz confirmed that when a shortage occurred, the employees would pool their money to make up the shortage.

Fitzgerald testified for the appellant. Fitzgerald currently works for Caring, Inc. in Pleasantville, New Jersey. He assumed that position subsequent to his retirement from the City of Atlantic City. Starting in 1982, he served as Deputy City Clerk, and in 1987 he became City Clerk. He remained in that position until 2001, when he was appointed City Business Administrator. He retired from Atlantic City in November of 2004.

During the time he served as Clerk and Business Administrator, he functioned as appellant's direct supervisor.

Fitzgerald testified that although he functioned as appellant's direct supervisor, the appellant is also subject to supervision by the New Jersey Registrar's Office.

Fitzgerald testified that he received no complaints about appellant's shortage policy during his time as City Clerk and Business Administrator. Fitzgerald acknowledged that forcing the employees to make up large shortages was unacceptable.

LEGAL DISCUSSION

At the conclusion of the plenary hearing, the City voluntarily dismissed the charges of inability to perform duties and other sufficient cause. Their remained the charges of failure to perform duties, insubordination, and conduct unbecoming a public employee.

In order to simplify this decision, the seven specifications will be labeled one through seven. Specification One recites the failure of the appellant to provide a key to the Deputy Registrar. Specification Two sets forth the allegation that she prepared a chain of command and omitted the City Clerk. Specification Three sets forth the allegation that she submitted an improper bilingual interpreter's policy to her employees on June 25, 2009. Specification Four was dismissed by the City. Specification Five recites the allegation that she acted inappropriately toward Spanish speaking employees. Specification Six sets forth the allegation that, subsequent to July 21, 2009, she continued to enforce the reimbursement policy. Specification seven was dismissed by the City.

Specification two alleges that on March 16, 2009, appellant submitted to her employees a memorandum reflecting a chain of command that omitted the role of the City Clerk in the chain of command. This charge refers to a memorandum from

appellant to Ward, dated March 16, 2009 (P-21). The offending portion of that memorandum states as follows:

Chain of Command; Each of you take your direction from your immediate supervisor, the Local Registrar."

The City has charged the appellant with failing to note in this memorandum (P-21) that the City Clerk is the immediate superior of the Local Registrar. The City failed to explain why this omission is relevant. The purpose of the memorandum was clearly to advise Deputy Registrar Ward and Alternate Deputy Registrar Boyton-Bell that appellant was their immediate superior, and that they were to receive direction from her. There is nothing inaccurate about that statement and insertion of the City Clerk into this memorandum would serve no purpose.

Apparently, it is the City's theory that the memorandum was intended as some sort of attack on the authority of the City Clerk. Nothing contained in the memorandum supports that theory. Nothing contained in the memorandum supports the charges of failure to perform duties, insubordination, or unbecoming conduct. Consequently, Specification Two must be **DISMISSED**.

Specification Three alleges that on June 25, 2009, appellant submitted a copy of the bilingual interpreter's policy to her staff in violation of prior directives from her superiors. The allegation is based upon the fact that the document in question (P-5) contains the following handwritten notation at the top: "6/25/09". The allegation is buttressed by the diary of Cusenza (R-12). Cusenza is deceased, and therefore, could not testify at trial. Consequently, her diary constitutes hearsay, and cannot form the sole basis for the decision herein. See N.J.A.C. 1:1-15.5.

The June 25, 2009, entry in the Cusenza's diary (R-12) states as follows:

June 25, 2009

Denise mentioned there was a page in the office manual, which explains how to deal with Spanish speaking

customers. She told me to look for it in the manual. I did and there was nothing in the manual about this. A few minutes later she handed me a typewritten sheet (attached) and told me to put it in the manual book.

Basically she is telling me I am not to speak a language other than English even though I was hired to translate to customers.

During her testimony, appellant denied providing the bilingual policy (P-5) to her staff on June 25, 2009. She freely admitted she had utilized this policy in the past, but had ceased to do so after being instructed by the City Clerk at an earlier date to no longer use it. Appellant also testified that she did not write the notation "6/25/09" on exhibit P-5 and asserted that Cusenza had written the date on the document. The City contended that appellant attempted to continue to utilize the bilingual policy in direct violation of instructions to cease. The City opines that such conduct constitutes either failure to perform her duties or unbecoming conduct. I found appellant's testimony on this issue to be credible and believable. I also note that Boynton-Bell, the current Registrar, was employed in the office on June 25, 2009. During her testimony, she made no reference to receiving the bilingual interpreter's policy on June 25, 2009.

In the final balance, the City has failed to prove that appellant distributed the Bilingual Interpreter's Policy to her staff on June 25, 2009. Accordingly, Specification Three must be **DISMISSED**.

Specification Five alleges that appellant "constantly and consistently acted inappropriately towards Spanish speaking employees." Boynton-Bell, Ramos and the diary of Cusenza all testified about conflict between appellant and various Latino employees. Conversely, Muniz, a witness of Latino origin who worked in appellant's office from 1989 through 2005, testified that she and appellant were friends and that appellant never expressed any bias against Spanish speaking employees. Additionally, appellant produced a supporting letter from prior employee Edna Torres (P-3), and a letter from former Mayor James Whelan (P-6).

It is instructive to note that Muniz appeared to be reasonably close in age to the appellant. Boyton-Bell and Ramos both appeared to be younger women. Additionally, appellant appears to have had a contentious relationship with Amber Ward, the younger employee who was not of Latino extraction. On the witness stand, appellant presented as single-minded, authoritarian, and generally someone who wanted things done her own way. I am satisfied that nothing in the record proves that appellant "acted inappropriately toward Spanish speaking employees." That charge necessarily means that appellant acted in a discriminatory manner toward employees of Latino descent. Nothing in the record supports that contention. What the record does show is that appellant was hard to get along with and that the younger employees resented her. Appellant may have been difficult, but cantankerousness does not constitute grounds for disciplinary action. Accordingly, Specification Five must be **DISMISSED**.

Specification Six alleges that, subsequent to July 21, 2009, appellant continued to enforce the reimbursement policy and require her subordinates to cover any cash shortage. Although undated, the City stipulated that the preliminary notice of disciplinary action was prepared August 4, 2009. Accordingly, in order for this charge to be substantiated, the offense must have occurred during the two-week period following July 21, 2009.

Nothing in the record supports that conclusion. Boyton-Bell submitted a statement, dated August 4, 2009, in which she confirmed that she had been compelled to contribute to a shortage during 2009 (P-2), but nothing in the statement establishes that this payment was made subsequent to July 21, 2009. In her testimony at the plenary hearing, Boyton-Bell admitted that appellant had stopped enforcing the reimbursement policy, but she did not remember when this occurred. Similarly, Amber Ward submitted a statement, dated August 4, 2009 (P-3). She stated that the reimbursement policy had been enforced "recently this year", but admitted, "I was not working that day." Ward did not testify at the hearing.

Conversely, appellant testified credibly and believably that when her employees complained she was instructed by City Clerk Adams to discontinue the policy. She did so at that time, and never required contribution from the employees again.

Nothing in the record establishes that appellant enforced the reimbursement policy between July 21, 2009, and August 4, 2009. Accordingly, Specification Six must be **DISMISSED**.

The remaining offense to be considered is Specification One. Specification One alleges that appellant was instructed to provide a key to her inner office to Deputy Registrar Ward. Appellant did not dispute that she received that directive. Thereafter, appellant refused to comply with that order, and continued to refuse to comply up to the date of her suspension. Instead, appellant provided the key to her office to her Alternate Deputy Registrar, Boyton-Bell. She then grieved the directive.

Her excuse for not complying with the order was two-fold. Procedurally, she asserted that she was not required to do so until her grievance was adjudicated. Substantively, she refused because she did not trust Ward. It was her opinion that Ward had gone behind her back in her dealings with Council President Marsh. She opined that she believed Marsh wanted Ward to have the key to her inner office so that he would have access to her office without her knowledge. She stated that she refused to provide Ward with a key to her inner office in order to protect the security and integrity of her office.

In refusing to comply with the order to provide Ward with a key to her inner office, appellant was openly defiant. She received an order from her superior and refused to comply. At one point, she argued that she was not answerable to the City Clerk or the Council President on this issue, but only to the State Registrar. That argument is invalid on its face. The appellant answers to the State Registrar on substantive matters involving vital statistics. She answers to the City Clerk and ultimately to the Council President on issues regarding how she procedurally operates her office. The physical office of the Registrar of Vital Statistics, including her inner

office, are City property, and are under the governance of the City. The State Registrar told appellant as much when she called him.

Appellant's excuse that Ward threatened the integrity and security of her office is also without merit. If appellant felt that Ward had violated rules and regulations, then the proper remedy was to discipline Ward, not to disregard to a direct order from her superiors. Appellant took no action against Ward. Instead, she provided the key to Ward's subordinate, Boyton-Bell.

What is clear is that appellant was acting in an arbitrary and capricious manner. She was angry with Ward and allowed her anger to lead her astray. Her continued defiance of a direct order from her superior is unacceptable.

That failure to follow a direct order constitutes insubordination. It can also be argued that she failed to perform duties as directed and that her open defiance of her superiors constitutes unbecoming conduct, but I am satisfied that there is one offense here, and that the charges of failure to perform duties and unbecoming conduct merge into the charge of insubordination. Based on the above analysis, the charge of insubordination must be **SUSTAINED**.

There remains the question of penalty. Progressive discipline is the law in New Jersey. See, West New York v. Bock, 38 N.J. 500, 522 (1962). Appellant's disciplinary record is without blemish. In order to sustain the penalty of demotion, a finding that her offense was egregious is required.

Appellant's lengthy tenure with the City and her unblemished record mitigate in her favor. But her continued insistence that she was not required to provide Ward with the key to her inner office is unacceptable. Up to and including the trial in this case, appellant has remained openly defiant. At no time did she give any indication that she was prepared to comply with the City's directive that she provide her Deputy with the key. In so doing, the appellant has attacked the fundamental efficiency of the City. Any bureaucracy is based on the premise that an order from a superior must be followed. If the employee believes the order to be improper, she may follow the

appropriate legal process to contest the order, but in the interim, she must follow the order. Appellant's abject refusal to accept that premise demonstrates her unfitness to continue in a supervisory capacity. Accordingly, I have no choice but to **SUSTAIN** her demotion.

However, the precise nature of the demotion is subject to review. According to the final notice of disciplinary action, appellant was demoted to the position of "Clerk Typist". The parties agreed during the plenary hearing that this action constituted a three-step demotion. Appellant held the title of Registrar of Vital Statistics. She had previously held the titles of Deputy Registrar, Principal Clerk Typist, and Clerk Typist (P-1A). In reducing her three levels, the City bypassed the position Principal Clerk Typist. The City offered no reason for its action reducing appellant down to the position of Clerk Typist, bypassing the position of Principal Clerk Typist.

Absent any justification for that action, appellant should be restored to the equivalent of what was the position of Principal Clerk Typist. I note that at some point in recent history all such titles have been changed and are now referred to as various levels of "Keyboarding Clerk". Appellant must be restored to whatever present title equates to the former title of Principal Clerk Typist and she must be provided with back pay at the level paid to a Principal Clerk Typist retroactive to the date of her suspension.

ORDER

I **ORDER** that the charge of insubordination as it pertains to Specification One be **SUSTAINED**.

I **ORDER** that the charges of failure to perform duties and unbecoming conduct regarding Specification One be **MERGED** into the charge of insubordination.

I **ORDER** that all charges related to Specifications Two, Three, Five and Six be **DISMISSED**.

I **ORDER** that appellant be **DEMOTED** from the positions of Registrar of Vital Statistics and Deputy Registrar of Vital Statistics.

I **ORDER** that appellant be **REINSTATED** to the current Civil Service title equivalent to the former title of Principal Clerk Typist.

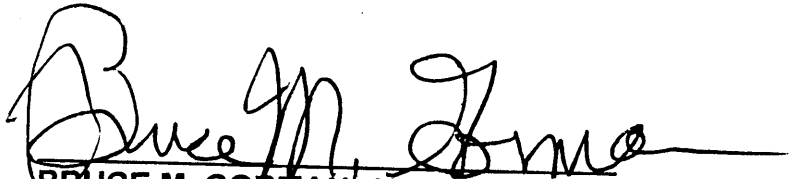
I **ORDER** that appellant receive back pay, retroactive to her date of suspension, for the current equivalent title to the former title of Principal Clerk Typist.

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.

January 30, 2014
DATE


BRUCE M. GORMAN, ALJ

Date Received at Agency:

January 30, 2014

Date Mailed to Parties:

January 30, 2014

/ds/lam

WITNESSES AND DOCUMENTS IN EVIDENCE

WITNESSES

For Appellant:

Denise Worthy
Bridget Muniz
Benjamin Fitzgerald

For Respondent:

Cassandra Boynton-Bell
Rhonda Williams
Rosa Ramos
Virginia Darnell
Tawaima Rosado
William H. Marsh

EXHIBITS

For Appellant:

- P-1 Appellant's Employment History
- P-1A Title Change and Salary History
- P-2 Boynton-Bell Email to Adams, dated 8/4/09
- P-3 Ward to Adams Email, dated 8/4/09
- P-4 Email Ward to Williams, dated 3/1/09
- P-5 Bilingual Interpreting Policy
- P-6 Letter, Whelan to appellant, dated 7/30/91
- P-7 Letter, Torres to appellant, undated

- P-8 Letter, Muniz to appellant, dated 4/1/05
- P-9 Education Provision Collective Bargaining Agreement
- P-10 Handling of Monies Policy
- P-11 Certified Municipal Registrar Certification for appellant, dated 1/1/09
- P-12 Certified Municipal Registrar Certification for appellant, dated 1/1/12
- P-13 Chain of Command for Registrar of Vital Statistics
- P-14 Request for Personnel Action, dated 8/4/09
- P-15 UPS Receipt
- P-16 Access List, dated 3/30/09
- P-17 Grievance, dated 3/17/09
- P-18 Grievance Denial, dated 4/8/09
- P-19 Employee Warning Notice and Corrective Review, dated 7/21/09
- P-20 Grievance, dated 7/27/09
- P-21 Chain of Command Memo, dated 3/16/09
- P-22 Request for Personnel Action, dated 4/12/10
- P-23 Tarver Memo, dated 9/16/09
- P-24 City Personnel Policies and Procedures Manual, dated 8/15/08
- P-25 Not Admitted
- P-26 Key Memo from Appellant to Union Officials, dated 3/17/09
- P-27 Memo from Adams to Marsh, dated 3/13/09
- P-28 Letter from State Registrar to Appellant, dated 4/22/10

For Respondent:

- R-1 Final Notice of Disciplinary Action, dated 4/8/10
- R-2 Preliminary Notice of Disciplinary Action (undated)
- R-3 Civil Service Job Description, Registrar of Vital Statistics
- R-4 Civil Service Job Description, Deputy Registrar of Vital Statistics
- R-5 Civil Service Job Description, Clerk Typist
- R-6 Memorandum from Marsh to Adams, dated 3/5/09
- R-7 Memo from Marsh to Worthy, dated 3/5/09
- R-8 Attendance List for 3/10/09 Meeting

- R-9 Minutes of 3/10/09 Meeting
- R-10 Memo from Marsh to Worthy, dated 3/16/09
- R-11 Request for Personnel Action - Ramos
- R-12 Cusenza Diary

