



STATE OF NEW JERSEY

DECISION OF THE CIVIL SERVICE COMMISSION

In the Matter of Immanuel Jones, Township of Union, Department of Buildings and Grounds

CSC Docket No. 2023-1444 OAL Docket No. CSV 00482-23

ISSUED: APRIL 11, 2024

The appeal of Immanuel Jones, Laborer 1, Township of Union, Department of Buildings and Grounds, removal, effective October 14, 2022, on charges, was heard by Administrative Law Judge Andrew M. Baron (ALJ), who rendered his initial decision on March 8, 2024. Exceptions were filed by both parties and a reply to exceptions was filed on behalf of the appointing authority.

Having considered the record and the attached ALJ's initial decision, and having made an independent evaluation of the record, including a thorough review of the exception and reply, the Civil Service Commission (Commission), at its meeting on April 10, 2024, adopted the ALJ's Findings of Facts and Conclusions and his recommendation to modify the removal to a four working day suspension.

As indicated above, the Commission thoroughly reviewed the exceptions and reply filed in this matter. Upon that review, it does not find anything persuasive to overturn the ALJ's recommendations regarding the substantive finding on the charges. Regarding the penalty, the Commission's review is de novo. In addition to its consideration of the seriousness of the underlying incident in determining the proper penalty, the Commission also utilizes, when appropriate, the concept of progressive discipline. West New York v. Bock, 38 N.J. 500 (1962). In determining the propriety of the penalty, several factors must be considered, including the nature of the appellant's offense, the concept of progressive discipline, and the employee's prior record. George v. North Princeton Developmental Center, 96 N.J.A.R. 2d (CSV) 463. However, it is well established that where the underlying conduct is of an egregious nature, the imposition of a penalty up to and including removal is appropriate, regardless of an individual's disciplinary history. See Henry v. Rahway State Prison, 81 N.J. 571 (1980). It is settled that the theory of progressive discipline

is not a “fixed and immutable rule to be followed without question.” Rather, it is recognized that some disciplinary infractions are so serious that removal is appropriate notwithstanding a largely unblemished prior record. See *Carter v. Bordentown*, 191 N.J. 474 (2007).

In this matter, the Commission agrees with the ALJ’s recommendation to modify the removal to a four working day suspension. The ALJ determined that a penalty of removal was too severe for the appellant’s infractions. The ALJ outlined that the appointing authority did not follow the tenets of progressive discipline in this matter as the appellant had no prior disciplinary history. Further, the appellant’s actions were not egregious enough to warrant removal. Accordingly, the Commission finds that removal was too severe a penalty and that the minor disciplinary action of a four working day suspension is the appropriate penalty.

Since the removal has been modified, the appellant is entitled to be reinstated with mitigated back pay, benefits, and seniority pursuant to *N.J.A.C.* 4A:2-2.10 from four working days after the first date of separation until the date of actual reinstatement.

Moreover, *N.J.A.C.* 4A:2-2.12 provides for the award of counsel fees only when an employee has prevailed on all or substantially all of the primary issues in an appeal. The primary issue in any disciplinary appeal is the merits of the charges, not whether the penalty imposed was appropriate. See *Johnny Walcott v. City of Plainfield*, 282 N.J. Super. 121, 128 (App. Div. 1995); *James L. Smith v. Department of Personnel*, Docket No. A-1489-02T2 (App. Div. March 18, 2004); *In the Matter of Robert Dean* (MSB, decided January 12, 1993); *In the Matter of Ralph Cozzino* (MSB, decided September 21, 1989). It is also noted that a reduction in penalty may lead to an award of partial counsel fees, but only under circumstances where an appellant has prevailed on the most serious charge leaving only incidental charges, which give rise to a significantly reduced penalty, such as a minor discipline. See *Thomas Grill and James Walsh v. City of Newark*, Docket No. A-6224-98T3 (App. Div., January 30, 2001); *In the Matter of Diane Murphy* (MSB, decided June 8, 1999); *In the Matter of Joanne Chase* (MSB, decided June 24, 1997); *In the Matter of James Haldeman* (MSB, decided September 7, 1994); *In the Matter of Donald Fritze* (MSB, decided January 26, 1993). In the instant matter, the charges against the appellant were upheld. However, the Commission has found that the penalty of removal imposed by the appointing authority was clearly too severe given the infraction and that a minor disciplinary action was appropriate. Therefore, the Commission determines that since the imposition of a removal was a clearly excessive penalty being sought, the awarding of counsel fees of 75 percent of the services charged to the appellant, in accordance with *N.J.A.C.* 4A:2.12, is appropriate.

This decision resolves the merits of the dispute between the parties concerning the disciplinary charges and the penalty imposed by the appointing authority.

However, in light of the Appellate Division's decision, *Dolores Phillips v. Department of Corrections*, Docket No. A-5581-01T2F (App. Div. Feb. 26, 2003), the Commission's decision will not become final until any outstanding issues concerning back pay and/or counsel fees are finally resolved. In the interim, as the court states in *Phillips, supra*, the appointing authority shall immediately reinstate the appellant to his permanent position.

ORDER

The Civil Service Commission finds that the action of the appointing authority in removing the appellant was not justified. Therefore, the Commission modifies the removal to a four working day suspension. The Commission further orders that the appellant be granted back pay, benefits and seniority for the period after the imposition of the four working day suspension through the date of his actual reinstatement. The amount of back pay awarded is to be reduced and mitigated as provided for in *N.J.A.C. 4A:2-2.10*. Proof of income earned, and an affidavit of mitigation shall be submitted by or on behalf of the appellant to the appointing authority within 30 days of issuance of this decision.

The Commission further orders that counsel fees be awarded to the attorney for the appellant pursuant to *N.J.A.C. 4A:2-2.12* in the amount of 75 percent of the services charged. An affidavit of services in support of reasonable counsel fees shall be submitted by or on behalf of the appellant to the appointing authority within 30 days of issuance of this decision. Pursuant to *N.J.A.C. 4A:2-2.10* and *N.J.A.C. 4A:2.12*, the parties shall make a good faith effort to resolve any dispute as to the amount of back pay and counsel fees. However, under no circumstances should the appellant's reinstatement be delayed pending resolution of any potential back pay or counsel fee dispute.

The parties must inform the Commission, in writing, if there is any dispute as to back pay or counsel fees within 60 days of issuance of this decision. In the absence of such notice, the Commission will assume that all outstanding issues have been amicably resolved by the parties and this decision shall become a final administrative determination pursuant to R. 2:2-3(a)(2). After such time, any further review of this matter shall be pursued in the Superior Court of New Jersey, Appellate Division.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 10TH DAY OF APRIL, 2024



Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSV 00482-23

CSC NO.: 2023-1444

**IN THE MATTER OF IMMANUEL JONES,
TOWNSHIP OF UNION, DEPARTMENT
OF BUILDINGS AND GROUNDS.**

Michael A. Bukosky, Esq., for Petitioner, Immanuel Jones (Loccke, Correia, & Bukosky, LLC, attorneys)

John J. Collins, Esq., for Petitioner, (The Law Office of John J. Collins, Esq. c/o Loccke, Correia & Bukosky, attorneys)

Robert J. Merryman, Esq. for Respondent (Apruzzese, McDermott, Mastro & Murphy, PC, attorneys)

Record Closed: December 8, 2023

Decided: March 8, 2024

BEFORE **ANDREW M. BARON, ALJ**

STATEMENT OF THE CASE

Petitioner appeals a decision by Respondent, Township of Union, removing him from a position as a laborer with the Township of Union Shade Tree Commission.

PROCEDURAL HISTORY

Petitioner Immanuel Jones was injured on the job on October 12, 2022. Although he was not scheduled to be seen by a Township physician until his return to work, the Township changed its mind and without prior notice, sent a driver to his home the next morning to be seen by another physician only a day after the incident. Petitioner was unavailable at that time, and no further discussions ensued about other alternatives.

One day later on October 14, 2022, still three days before petitioner's expected return, the Township prepared a PNDA signed by the Township Administrator which recommended termination of petitioner as a Township employee based on his failure to see another physician. Petitioner was not served with the PNDA until his actual return date which was October 17, 2022. Upon his agreed upon return date, petitioner was informed that he had been terminated, and the PNDA became an FNDA.

Petitioner appealed and the matter was transmitted to the Office of Administrative Law as a contested case on January 13, 2023.

DISCUSSION OF UNDISPUTED FACTS

Petitioner was employed as laborer with the Union Township Shade Tree Commission. He started as a provisional employee and completed that phase of his employment after the first ninety days.

Petitioner argues that under a system of progressive discipline which has long been the norm of the Civil Service System, termination from his position in this case was an excessive and harsh penalty that was not consistent with the offense he was charged with.

Kelly Scanlon was the first witness who testified. Ms. Scanlon indicated she served as Executive Assistant to the Public Works Director, indicated that she handled worker's compensation cases, budget and other general assistance for supervisors. She

also testified part of her duties were to arrange for medical examinations for Township employees, and she also worked with the Township's insurance carriers on claims.

Upon receipt of the medical note which Mr. Jones presented, Ms. Scanlon testified she believed the information provided was vague. Although it had been agreed that Mr. Jones would be seen by a Township doctor upon his return to work five days after the accident, she and Mr. Romano determined he needed to be seen sooner. However, neither of them shared this decision with Mr. Jones. According to Ms. Scanlon, the note did not specify a diagnosis, and did not say whether Mr. Jones would have to be assigned light duty first upon his return. Ms. Scanlon admitted she did not attempt to contact the medical technician who saw Mr. Jones at Overlook, nor did she attempt to contact anyone else at Overlook to gain clarification about the information which appeared on the note.

She learned that Mr. Jones turned away Joe Minecci who had been assigned the day after the accident to take Mr. Jones to another doctor. She was then told Mr. Jones had the same reaction when Mr. Goode attempted the same thing, the next day, which was only two days after the accident and three days before his scheduled return. Without any information as to who directed her to take further action, Ms. Scanlon prepared a Preliminary Notice of Disciplinary Action which terminated Mr. Jones as a Union Township employee. All of this took place within two days of the accident in which Mr. Jones was involved and three days before his expected return date.

The next witness called was Homer Castillo. Mr. Castillo, a co-worker of Mr. Jones, described the incident where the log accidentally rolled onto Mr. Jones's leg. Mr. Castillo indicated that immediately following the incident, Mr. Jones attempted to walk three steps and fell to the ground. He confirmed that Mr. Jones asked for an ambulance so he could seek medical treatment.

Mr. Castillo blamed the incident on Mr. Jones, essentially saying that Mr. Jones rolled the log too hard and too fast. Though the context is unclear, there is some reference to Mr. Castillo overhearing Mr. Jones say something to the effect about "making some money."

The next witness who testified was Joseph Minecci. Mr. Minecci was employed by the Township as a Code Enforcement officer for two and a half years. Mr. Minecci testified that he was often called upon to transport Township employees for medical evaluations.

On October 13, 2022, Mr. Minecci was instructed to pick up Mr. Jones and transport him for a medical evaluation. When he went to the door of Mr. Jones's home, Mr. Jones informed him he could not go. He then reported this information to Ms. Scanlon and Mr. Romano who were the officials who had dispatched him to pick up Mr. Jones.

Derrick Goode was the next witness called by the Township. Mr. Goode, who served as supervisor to Mr. Jones, worked for the Township for fifteen years. Mr. Goode admitted he was not at the jobsite on the day of the incident which involved Mr. Jones. When he learned about the accident from one of Mr. Jones's co-workers, he advised them to call an ambulance if it was needed. When asked if Mr. Jones had any performance issues or prior discipline, Mr. Goode indicated he had issued some verbal warnings for being late returning from lunch or from being on the phone too often. He told Mr. Jones to fill out a full incident report, which Mr. Goode says was not completed. He further testified upon being re-called to the stand that the reason the incident report is important is so a supervisor such as himself has something to go by if he is not at the scene when the accident occurs, and it allows the supervisor to also write something if necessary.

Roy Fonseca, a Shade Tree employee for five years also testified. Mr. Fonseca indicated that he was operating the backhoe on the day Mr. Jones was injured and saw Mr. Jones go behind Mr. Casillo to help him load the log into the bucket. He heard a commotion and asked Mr. Scott what happened, who told him he had been injured. Mr. Fonseca offered his opinion that on that particular day, two people were not needed to handle the log. Mr. Fonseca seemed proud that in his words he had trained Mr. Jones "from the bottom up." Mr. Fonseca also testified that when the EMS workers came to the scene, they did not see any swelling or bruising on Mr. Jones's ankle.

Immanuel Jones testified that on October 12, 2022, he observed his co-worker Homer Castillo struggling to push a log onto the backhoe. When Mr. Castillo asked Mr. Jones for help, Mr. Jones slipped when he pushed the log. Two other employees who were onsite, Mr. Fonseca and Mr. Scott, had to help move the log off his leg.

After he spoke with Mr. Goode, an ambulance was called, and Mr. Jones was taken to Overlook Hospital where he was x-rayed and treated. He was provided with a medical note which called for him to work in five days. A few hours later, he left the note on Mr. Goode's desk, but there is no indication he filled out and left an incident report as requested by Mr. Goode.

The next day around 9:00 AM, someone came to his door. The individual was Joe Minecci, who Mr. Jones knew from the Public Works Department. When Mr. Minecci informed Mr. Jones he was there to take him to be examined by a doctor, Mr. Jones responded that "he was unable to go right now." Minecci stepped away to make a phone call, and then returned to the door to tell Mr. Jones, "You have to go now." Mr. Jones gave Mr. Minecci the same response, and Mr. Minecci left. There was no discussion about coming back another time later that day or on another day.

During his testimony, Mr. Jones admitted that when he was contacted by his supervisor Mr. Goode after Mr. Minecci left, he told him the same thing, that he could not go. There was no discussion about going on an alternate day or at a different time. He also indicated that when he was contacted by someone who identified themselves as a representative of Qual-Nyx, the Township's insurance carrier, he did not speak with that person.

FINDINGS OF FACT

Based on the testimony, and the evidence provided, set forth below are my **FINDINGS OF FACT:**

1. At all times relevant herein, petitioner Immanuel Jones was employed by the Union Township Shade Tree Commission.
2. He was hired in April 2022, and after a period of training with his co-workers, he started his duties.
3. At 8 AM on October 12, 2022, Mr. Jones reported to work and was assigned as part of a crew to work a designated site.
4. Around 1:00 PM, while working with another crew member Homer Castillo, a large log falls on Mr. Jones's foot, causing him injury and to yell out in pain.
5. After helping to remove the log from his leg, a crew member contacted their supervisor Derrick Goode for guidance on how to handle the injury.
6. Mr. Goode contacted the Fire Department, who dispatched an ambulance to the scene.
7. Mr. Jones was taken to Overlook Hospital for evaluation and treatment.
8. While at Overlook, he was seen by Karine Gelin, a licensed Physician's Assistant, who evaluated his condition and provided him with a medical note excusing M. Jones from work for five days until October 17, 2022.
9. Mr. Jones then shared this information electronically via text message to Mr. Goode who acknowledged the information.
10. After being discharged from the hospital, Mr. Goode also dropped off the hard copy papers concerning his injury around 5:00 PM at the Shade Tree office.
11. The supervisor, Mr. Goode informed Mr. Jones that prior to resuming his duties upon his return to work on October 17, 2022, he would be seen by a Township doctor.
12. The next day, October 13, 2022, a discussion is held between Kelly Scanlon, a Township secretary and Michael Romano, who oversees the Shade Tree department.

13. For reasons unknown, Ms. Scanlon and Mr. Romano were not satisfied with the note Mr. Jones provided.
14. Even though the note provided by Ms. Gelin offers to provide additional information, neither Ms. Scanlon nor Mr. Romano reached out to her or anyone else at the hospital.
15. Instead, without informing Mr. Jones, that same day, they dispatched an individual later identified as Joe Minecci, who had some affiliation with the Township.
16. With no advance notice and believing he would be examined five days later upon his return to work, Mr. Jones advised Mr. Minecci he was not available and sent him away.
17. Shortly thereafter, Mr. Jones receives a telephone call from his supervisor Derrick Goode.
18. Mr. Goode informed Mr. Jones that he needed to see the Township doctor that same day, which was one day after he had already been seen at Overlook, and four days before his agreed upon return date.
19. Still believing that he was not expected to see a Township doctor until his return to work on October 17th, Mr. Jones informed Mr. Goode that he was not available.
20. Still only one day after the injury, Mr. Goode failed to inform Mr. Jones that despite the fact he had already been medically evaluated, unless he cooperated, he would be subject to discipline.
21. Mr. Jones did not hear from anyone else from the Township for the rest of the day, nor were any alternative dates and times offered to him if Township officials wanted him to be seen by a Township doctor sooner than October 17th.
22. Independent of these events, Ms. Scanlon had communications with Qual-Lynx, the firm that handles the Township's worker's compensation claims.
23. For reasons unknown, two days after Mr. Jones incurred the injury, and still three days before his expected return to work, Ms. Scanlon drafted a Preliminary Notice of Disciplinary Action (PNDA) against Mr. Jones, charging him with Conduct Unbecoming an Employee, Insubordination and Other Sufficient Cause.

24. The PNDA is signed by the Township Administrator and dated October 14, 2022, three days before Mr. Jones is scheduled to return to work.
25. The PNDA is not served on Mr. Jones until October 17th.
26. No one from the Township informed Mr. Jones that he was being terminated.
27. Leading up to the termination, Mr. Jones had not received any progressive discipline for any work-related incidents.
28. Since there were no work-related incidents or discipline prior to the unexpected termination, there was also no Last Chance Agreement in effect.
29. Upon his scheduled return to work on October 17th, Mr. Jones reported early and asked Mr. Goode when he would be seen by the Township doctor.
30. Under the Collective Bargaining Agreement, the Township has the right in all cases of reported illness or injury to require a doctor's certificate of illness, or to have a physician designated by the Township examine and report on the condition of the employee.
31. Mr. Jones was not taken to the doctor upon his return to work. Instead, he was summoned to another township office, given the PNDA and informed that he was terminated.
32. The basis of the termination was that Mr. Jones failed to cooperate with the Township's directive that he be seen by a Township doctor for a work-related injury.

LEGAL ANALYSIS AND CONCLUSION

N.J.S.A. 11A:1-1 through 12-6 the "Civil Service Act, established the Civil Service Commission in the Department of Labor and Workforce Development in the executive branch of the New Jersey State government. N.J.S.A. 11A:2-1. The Commission establishes the general causes that constitute grounds for disciplinary action, and the kinds of disciplinary action that may be taken by appointing authorities against permanent career-service employees. N.J.S.A. 11A:2-20. N.J.S.A. 11A:2-6 vests the Commission with the power after a hearing, to render the final administrative decision on appeals

concerning removal, suspension or fine, disciplinary demotion, and termination at the end of the working test period, of permanent career service employees.

N.J.A.C. 4A:2-2.2(a) provides that major discipline includes removal, disciplinary demotion, and suspension or fine for more than five working days at any one time. An employee may be subject to discipline for reasons enumerated in N.J.A.C. 4A:2-2.3 (a)(2), (3), (6), (7) and (12). Due process is a key component of the disciplinary process, including but not limited to the requirement that a preliminary Notice of Disciplinary action, (PNDA) be prepared which spells out the basis of the disciplinary action. This is subsequently followed by a Final Notice of Disciplinary Action, (FNDA), which is provided to the employee after a local hearing is conducted.

In appeals concerning such major disciplinary actions, the burden of proof is on the appointing authority to establish the truth of the charges by a preponderance of the believable evidence. N.J.A.C. 4A:2-1.4; N.J.S.A. 11A:2-21, See also: Atkinson v. Parkesan, 37 N.J. 143 (1962).

N.J.A.C. 4A:2-2.3 (a)(6) does not define conduct unbecoming. However, the Appellate Division has held that conduct unbecoming a public employee is "any conduct which has a tendency to destroy public respect for municipal employees and confidence in the operation of municipal services. See: Karins v. Atlantic City, 152 N.J. 532, (1998).

There are a multitude of cases that discuss and uphold the right of a government entity to discharge/terminate an employee pursuant to N.J.A.C. 4A:2-2.2. In re Overton, OAL Dkt. No. 8542-07, 2008 N.J. AGEN. LEXIS 525, Final Decision (April 23, 2008) involved a building maintenance worker who was removed from his position due to being convicted of driving a township vehicle while under the influence of alcohol, and where the employee had received several accommodations for alcoholism prior to the termination. See also: In re Dakalis, OAL Dkt. No. CSV 6744-07 2008, NJ AGEN. LEXIS 717 Merit System Board Decision (June 11, 2008) and See: In re Griffin-Staples, Dept. of Children & Families, OAL Dkt. No. CSV 8810-07, 2008 N.J. AGEN. LEXIS, 1513 Initial Decision (May 27, 2008), wherein a worker at a residential treatment center was removed

for being found to have engaged in inappropriate physical contact with a patient, but since there was no showing that the worker intended to harm the patient, the penalty of removal was determined to be too harsh, and a 60-day suspension imposed instead. See also: Matter of McCall CSV 02729-19 Agency. Ref. No. 2019-1978 (July 21, 2022).

In each of the aforementioned cases discussed above, there was another intervening act, which I **CONCLUDE** is not the case with Petitioner Jones. By signing the PNDA only two days after Mr. Jones suffered an injury, and still three days before his scheduled return, I **CONCLUDE** Township officials violated the spirit and intent of the Civil Service progressive discipline system, and Mr. Jones did not get the benefit of due process and I **ALSO CONCLUDE**, that by preparing and signing the PNDA, while Mr. Jones was still out on documented medical leave, township officials were predisposed to fire him in violation of his due process rights, which is another key component of the Civil Service system of progressive discipline. It is suggested but unclear if this action was retaliatory because the Township believed the potential worker' compensation claim on behalf of Mr. Jones was fraudulent.

Based on petitioner' prior work history, which was previously memorialized in a Last Chance Agreement, I **CONCLUDE** that in terminating Mr. Jones, who did not have a prior history of discipline, as well as the fact that there was no Last Chance Agreement in place which is often relied upon by public employers prior to terminating an employee, I **MUST CONCLUDE** Township has not met its burden as its action was inconsistent with the policy of progressive discipline under the Civil Service law.

The Township failed to communicate with Mr. Jones that it had changed its position and wanted him to be seen by a Township doctor before his return date. Taking into account Mr. Jones had no prior record of discipline, I **CONCLUDE** the Township had the right to request an examination before his scheduled return date. Mr. Jones's unwillingness to cooperate and/or request an alternate time and date to be taken to a doctor before his return, and his failure to fill out a complete incident report as requested by Mr. Goode is worthy of minor discipline and a **four (4) day** suspension in lieu of termination.

As such, I **MUST CONCLUDE** that the Township has not met its burden of justifying the termination of Mr. Jones, in that he has not received the benefit of progressive discipline under the Civil Service system, and he should be reinstated to his position with back pay and benefits.

ORDER

It is hereby **ORDERED** that petitioner's appeal is **GRANTED** and the Township's determination that Mr. Jones should be terminated is hereby **REVERSED and MODIFIED from termination to a four (4) day suspension**, which is more consistent with the purpose and intent of the progressive discipline system and the alleged offense herein.

I **FURTHER ORDER** that Mr. Jones is reinstated to his position as a laborer with the Shade Tree Commission with back pay, benefits, and lost compensatory time he would have received had his employment not been interrupted. If applicable, an application for counsel fees may also be made in the appropriate forum.

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 was mailed to the parties, any party may file written exceptions with the **DIRECTOR** recommended decision, **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.

March 8, 2024

DATE


ANDREW M. BARON, ALJ

Date Received at Agency:

March 8, 2024

Date E-Mailed to Parties:

March 8, 2024

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APPENDIX

WITNESSES

For Petitioner

Immanuel Jones

For Respondent:

Kelly Scanlon

Homer Castillo

Joseph Minecci

Derrick Goode

Roy Fonseca

EXHIBITS

For Petitioner:

P-1 Email exchanges between Ms. Scanlon, Ms. George and Ms. Stelzman

P-2 Work/School Excuse letter

P-3 Text messages

P-4 Medical info

P-5 E-mails

P-6 Communication between I Jones and Ms. Coble

P-7 E-mail from I. Jones to Ms. Ulrich

P-8 E-mail from Don Travis

P-9 Letter dates 11/28/22

P-10 Contract

For Respondent:

R-1 Preliminary Notice of Disciplinary Action

R-2 Final Notice of Disciplinary Action

R-3 Work-School excuse letter

R-4 Union Township Fire Department report

- R-5 Letter from Qual-Lynx
- R-6 Collective bargaining agreement
- R-7 Photo of backhoe blade and cabin
- R-8 Photo of tool