



## STATE OF NEW JERSEY

In the Matter of Angelina Saldana,  
Burlington County, Board of Social  
Services

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

CSC DKT. NO. 2025-622

OAL DKT. NO. CSV 13829-24

**ISSUED: JULY 23, 2025**

The appeal of Angelina Saldana, Clerk 1, Burlington County, Board of Social Services, release at the end of the working test period, effective August 20, 2024, was before Administrative Law Judge Advia Knight Foster (ALJ), who rendered her initial summary decision on June 18, 2025. No exceptions were filed.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, the Civil Service Commission (Commission), at its meeting of July 23, 2025, accepted the Findings of Fact and Conclusions of the ALJ as well as her recommendation to uphold the release at the end of the working test period,

The Commission makes the following comment. The burden of proof in an appeal of a release at the end of the working test period is on the appellant. See *N.J.A.C. 4A:2-1.4(c)*. In this regard, to be successful in such a challenge, the appellant would need to show by a preponderance of the evidence that the appointing authority effectuated the working test period in bad faith. See *N.J.A.C. 4A:2-4.3(b)*. In this matter, as found by the ALJ, the appellant has clearly not satisfied that burden.

**ORDER**

The Civil Service Commission finds that the action of the appointing authority in releasing the appellant at the end of the working test period was justified. The Commission therefore upholds that action and dismisses the appeal of Angelina Saldana.

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 23<sup>RD</sup> DAY OF JULY, 2025

*Allison Chris Myers*

---

Allison Chris Myers  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Nicholas F. Angiulo  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
P. O. Box 312  
Trenton, New Jersey 08625-0312

Attachment



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

**SUMMARY DECISION**

OAL DKT. NO. CSV 13829-24

AGENCY DKT. NO. 2025-622

**IN THE MATTER OF ANGELINA SALDANA,  
DEPARTMENT OF PERSONNEL, BURLINGTON  
COUNTY BOARD OF SOCIAL SERVICES.**

---

**Angelica Saldana**, appellant, pro se

**Sophia M. Agostini, Esq.**, for respondent Burlington County Board of Social  
Services

Record Closed: May 8, 2025

Decided: June 18, 2025

**BEFORE ADVIA KNIGHT FOSTER, ALJ:**

**STATEMENT OF THE CASE**

Appellant Angelina Saldana, a civil service worker hired as a Clerk 1, subject to a working test period in which the respondent provided regular feedback and correction, was terminated at the end of the working test period. Appellant claims she was bullied and is therefore entitled to a new working test period. Is appellant entitled to a new working test period? No. A civil service worker terminated at the end of a working test period must show bad faith. N.J.A.C. 4A:2-4.3(b).

### **PROCEDURAL HISTORY**

On August 19, 2024, respondent Burlington County Board of Social Services sent appellant a notice informing her that she did not satisfactorily complete her working test period and terminated her under N.J.A.C. 4A:2-4.1. (P-2.)

On August 28, 2024, appellant filed an appeal with the Civil Service Commission. (P-3.) On August 30, 2024, the Commission postmarked appellant's appeal, and the Director of Appeals and Regulatory Affairs determined that the appeal was filed within twenty days and that appellant should be granted a hearing.

On September 27, 2024, the case was transmitted to the Office of Administrative Law (OAL) for a hearing under N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13.

On January 21, 2025, the Honorable Joseph Ascione, ALJ, held a settlement conference but appellant failed to appear. The settlement conference was rescheduled for February 4, 2025, but the parties failed to reach a settlement. On February 20, 2025, the case was assigned to me for hearing.

On March 20, 2025, I held an initial prehearing telephone conference. During the call, the exchange of discovery was scheduled, and another telephone conference was scheduled for April 24, 2025. During that telephone conference, respondent asked permission to file a motion for summary decision, which I gave.

On May 1, 2025, respondent filed its motion for summary decision. Appellant's opposition was due on May 8, 2025, but appellant never filed any.

### **FINDINGS OF FACT**

Based on the papers respondent submitted in support of its motion for summary decision, and reviewing them in the light most favorable to appellant, **I FIND** the following as **FACT** for purposes of this motion only:

On April 30, 2024, appellant was hired as a Clerk 1 in the Burlington County Board of Social Services Online Scheduling Department, subject to a three-month working test period. (P-1.) She started her employment on May 20, 2024.

On June 24, 2024, Stephanie Ottig, appellant's supervisor, issued a progress report for the period May 20, 2024, to June 19, 2024, in which she gave appellant a "satisfactory" rating. (Respondent's brief (R) Ex. B.) Appellant was completing 7 Supplemental Nutrition Assistance Program (SNAP) applications per day.

In the initial thirty-day working test period, appellant and a coworker, Antoinette Carnivale, disagreed about how to label a file. (R Ex. D.) Carnivale got very upset and asked appellant not to talk to her anymore. Appellant discussed the issue with Ms. Ottig. Ibid. Appellant tried to make amends, but Ms. Carnivale rebuffed her apology. Soon after, appellant sought help from Ms. Carnivale, who declined. Appellant felt unwelcome and attacked. Ibid.

On July 23, 2024, Ottig issued the second progress report for the period from May 20, 2024, to July 19, 2024, and gave appellant a "needs improvement" rating. (R Ex. C.) Ottig informed appellant that she had been completing 9 applications per day, which could be higher with better time management. Further, Ottig told appellant that she wanted her to be averaging 17–20 applications per day.

Ms. Ottig also provided appellant with weekly reports containing feedback about her performance and the need for improvements. For example, Ms. Ottig informed appellant that she had completed 17.25 applications for the week of July 29, 2024, and averaged 15.8 applications for the last two weeks, which included the weeks of July 22, 2024, and July 29, 2024. (R Ex. E.) She informed appellant that she wanted her to increase her count to 25 to 30 completed applications. Ibid. Ottig also informed appellant that there were unexplained gaps of inactivity.

During the week of August 5, 2024, Ms. Ottig told appellant that she still had large gaps of unexplained inactivity. Appellant explained that the power went out on August 9,

2024, and that she could not complete any applications. Ms. Ottig told appellant that the power went out for a few minutes, that the computers rebooted, and that if she had any computer issues she did not report them. Ibid. Ms. Ottig informed appellant that she had to “catch up” on many applications. Ottig told her again that she needed to complete 25–30 SNAP applications. Ibid.

In the final progress report for the period from May 20, 2024, to August 19, 2024, Ms. Ottig noted that appellant completed 17.75 cases, which was in the low range of her goal. Ottig also informed appellant that she continued to have large gaps of unexplained inactivity. Ottig stated, “In a department where timeliness and accuracy are the main priorities, this can’t be a recurring issue.” Ms. Ottig advised appellant that she did not pass her working test period and that she would be terminated from her position as a Clerk 1.

### **CONCLUSIONS OF LAW**

A motion for summary decision “shall be served with briefs and with or without supporting affidavits” and the decision “may be rendered if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law.” N.J.A.C. 1:1-12.5(b). To defeat a summary decision motion, the adverse party must respond by affidavits setting forth specific facts showing that there is a genuine issue which can only be determined in an evidentiary hearing. Ibid. Use of the summary procedure is aimed at the swift uncovering of the merits and either their effective disposition or their advancement toward a prompt resolution by trial. Judson v. Peoples Bank & Trust Co. of Westfield, 17 N.J. 67, 74 (1954).

The New Jersey Supreme Court encouraged trial-level courts not to refrain from granting summary judgment when the proper circumstances present themselves. Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 541 (1995). While cautioning that a judge should not weigh the truth of the evidence or resolve factual disputes at this early stage of the proceedings, the Court clarified that when the evidence is so one-sided that one party must prevail as a matter of law, the trial court should not hesitate to grant summary judgment. Id.

at 540. A determination whether a genuine issue of material fact exists that precludes summary judgment requires the judge to consider whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party, are sufficient to permit a rational factfinder to resolve the alleged disputed issue in favor of the non-moving party. Ibid. Our courts have long held that "if the opposing party offers only facts which are immaterial or of an insubstantial nature, a mere scintilla, 'Fanciful frivolous, gauzy or merely suspicious,' he will not be heard to complain if the court grants summary judgment . . . ." Id. at 529 (quoting Judson, 17 N.J. at 75 (1954)).

There are no genuine issues as to the material facts. Here, no issue exists that the employer exercised bad faith in terminating appellant at the end of the working test period. The fact that appellant may have had a personality conflict with a coworker is ancillary and not material regarding the issue of whether the employer exercised good faith in determining that appellant was not competent to satisfactorily perform the job of Clerk 1. Therefore, I **CONCLUDE** that this case is appropriate for summary decision.

In a working-test-period case, the employee shoulders the burden of proving that the appointing authority's "action was in bad faith." N.J.A.C. 4A:2-4.3(b). If bad faith is found, the employee is entitled to a new full or shortened working test period and, if appropriate, other remedies. N.J.A.C. 4A:2-4.3(c). The basic test is whether the appointing authority exercised good faith in determining that the employee was not competent to perform satisfactorily the duties of the position. See Briggs v. Dep't of Civil Serv., 64 N.J. Super. 351, 356 (App. Div. 1960); Devine v. Plainfield, 31 N.J. Super. 300, 303-04 (App. Div. 1954); Lingrell v. New Jersey Civil Serv. Comm'n, 131 N.J.L. 461 462 (1944). In general, "good faith" has been defined as meaning "honesty of purpose and integrity of conduct with respect to a given subject." Smith v. Whitman, 39 N.J. 397, 405 (1963).

The Civil Service Commission has adopted regulations with respect to the working test period. N.J.A.C. 4A:4-5.1 to -5.5. N.J.A.C. 4A:4-5.1(a) provides that the working test period is part of the examination process designed to permit an appointing authority to determine whether an employee can satisfactorily perform the duties of the title. Its

purpose is to furnish an additional test of efficiency. See Devine, 31 N.J. Super. 300. N.J.A.C. 4A:4-5.3(a) provides that the appointing authority is required to prepare progress reports after two months and a final report at the conclusion of the working test period. In addition, N.J.A.C. 4A:4-5.4(a) and (b) provide that an employee may be separated for unsatisfactory performance at the end of the working test period.

Here, appellant contends that she was mocked and bullied by a coworker but failed to demonstrate that it was the result of any employer bias against her in its administration of the work during the working test period, thus constituting bad faith. She had a personality conflict with a coworker, but that does not impute animus or bad faith to the employer. Further, appellant does not show that the employer's actions during the working test period were motivated by any sinister motive or dishonest purpose. She acknowledged her shortcomings noted in the progress reports and even provided correspondence that showed regular feedback and coaching by her supervisor.

Appellant's supervisor pointed to objective observations and deficiencies in appellant's performance, including poor time management and an inability to meet the daily goals for completed applications, which were critical to the job. There were also unexplained gaps in time during appellant's work shift. The employer observed appellant's performance and work product. Based on those observations, the supervisor made an honest assessment regarding appellant's inability to perform the job. Therefore, I **CONCLUDE** that there was no bad faith by respondent.

### **ORDER**

Given my findings of fact and conclusions of law, I **ORDER** that the motion for summary decision is **GRANTED** and that appellant is terminated from her position as a Clerk 1.

I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.



This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make a final decision in this matter. If the Civil Service Commission does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, DIVISION OF APPEALS AND REGULATORY AFFAIRS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, PO Box 312, Trenton, New Jersey 08625-0312**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

June 18, 2025

DATE



**ADVIA KNIGHT FOSTER, ALJ**

Date Received at Agency:

\_\_\_\_\_

Date Mailed to Parties:

\_\_\_\_\_

AKF/tc

**APPENDIX**

**Exhibits**

**For petitioner:**

- P-1 Employment letter dated April 30, 2024
- P-2 Failed working test period letter dated August 19, 2024
- P-3 Appellant's letter of appeal dated August 28, 2024

**For respondent:**

- R-1 Motion for Summary Decision with Exhibits