



STATE OF NEW JERSEY

In the Matter of Galen Baker,
Monmouth County, Police Radio
Department

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

CSC Docket No. 2023-2166
OAL Docket No. CSV 03267-23

ISSUED: NOVEMBER 26, 2025

The appeal of Galen Baker, Senior Public Safety Telecommunicator, Monmouth County, Police Radio Department, return to previously held permanent title at the end of the working test period (WTP), effective March 2, 2023, was heard by Administrative Law Judge Michael R. Stanzione (ALJ), who rendered his initial decision on October 20, 2025. Exceptions were filed on behalf of the appellant and a reply was filed on behalf of the appointing authority.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, including a thorough review of the exceptions and reply, the Civil Service Commission (Commission), at its meeting on November 26, 2025, accepted and adopted the ALJ's Findings of Facts and Conclusions and his recommendation to uphold the return to the appellant's previously held permanent title at the end of the WTP.

The Commission makes the following comments. The ALJ's initial decision was thorough, comprehensive and legally correct. In this regard, the decision was substantially based on the ALJ's determination of the credibility of the witnesses, where he found the appellant's testimony "less persuasive" than the appointing authority's witnesses. Specifically, the ALJ stated that "[g]iven the absence of compelling evidence supporting the appellant's assertions, his testimony is afforded less weight than that of the appointing authority's witnesses." The Commission acknowledges that the ALJ, who has the benefit of hearing and seeing the witnesses, is generally in a better position to determine the credibility and veracity of the witnesses. *See Matter of J.W.D.*, 149 N.J. 108 (1997). "[T]rial courts' credibility findings . . . are often influenced by matters such as observations of the character and demeanor of the witnesses and common human experience that are not transmitted by the record." *See also, In re Taylor*, 158 N.J. 644 (1999) (quoting *State v. Locurto*,

157 *N.J.* 463, 474 (1999)). Additionally, such credibility findings need not be explicitly enunciated if the record as a whole makes the findings clear. *Id.* at 659 (citing *Locurto, supra*). The Commission appropriately gives due deference to such determinations. However, in its *de novo* review of the record, the Commission has the authority to reverse or modify an ALJ's decision if it is not supported by sufficient credible evidence or was otherwise arbitrary. See *N.J.S.A.* 52:14B-10(c); *Cavalieri u. Public Employees Retirement System*, 368 *N.J. Super.* 527 (App. Div. 2004). While the ALJ's credibility determinations are not expansive, the Commission finds no persuasive evidence in the record or the appellant's exceptions to demonstrate that the ALJ's credibility determinations, or his findings and conclusions based on those determinations, were arbitrary, capricious or unreasonable.

Regarding the ALJ's finding that the appellant did not satisfy his burden of proof that the WTP was not effectuated in good faith, the ALJ stated:

Here, upon examination of the facts and evidence presented, the appellant failed after a period of three months to show improvement in performing his duties or to apply his training. His absences during the third portion of the working period led to insufficient time to observe him performing the roles of the OIC or the backup position. The appellant consistently failed or was unable to demonstrate an ability to perform the essential job functions and expectations of the senior PST position as they were outlined during his working test period.

The Commission agrees with the above assessment, and, finding nothing persuasive in the appellant's exceptions, affirms the recommendation to deny the appellant's challenge to his return to his previously held permanent title at the end of the WTP.

One final issue to address is the appellant's argument that since he was not timely served with his notice of release and under *N.J.A.C.* 4A:2-4.1(c), he should be granted permanent status. The Commission rejects this contention. The rule above states that: "The notice shall be served not more than five working days prior to or five working days following the last day of the working test period. A notice served after this period shall create a *presumption* that the employee has attained permanent status" (emphasis added). Even assuming, *arguendo*, that the appellant was not timely served the required notice, this does not conclusively establish that his working test period was conducted in bad faith. Moreover, as the ALJ, and the Commission in this matter have not otherwise found bad faith, the presumption would be considered rebutted.

ORDER

The Civil Service Commission finds that the action of the appointing authority in returning the appellant to his previously held permanent title at the end of the working test period was justified. The Commission therefore affirms that action and

dismisses the appeal of Galen Baker.

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 26TH DAY OF NOVEMBER, 2025

A handwritten signature in cursive script that reads "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

OAL DKT. NO. CSV 03267-23

AGENCY DKT. NO. 2023-2166

**IN THE MATTER OF GALEN BAKER,
MONMOUTH COUNTY POLICE RADIO DEPARTMENT.**

Amie E. DiCola, Esq., attorney for the appellant Galen Baker (Fusco & Macaluso, attorneys)

Steven W. Kleinman, Esq., attorney for respondent Monmouth County Police Radio Department (Cleary, Giacobbe, Alfieri & Jacobs, L.L.C., attorneys)

Record Closed: September 5, 2025

Decided: October 20, 2025

BEFORE **MICHAEL R. STANZIONE**, ALJ:

STATEMENT OF THE CASE

Appellant Galen Baker completed a working test period of three months as a senior public safety telecommunicator (senior PST), after which he was terminated and demoted to his previous position of public safety telecommunicator (PST). Did the Monmouth County Police Radio Department determine that he could not satisfactorily discharge his duties during his working test period in bad faith? No. The purpose of a working test period is to judge whether an employee can satisfactorily discharge the duties of a title. N.J.S.A. 11A:4-15.

PROCEDURAL HISTORY

The Monmouth County Department of Human Resources issued a notice on March 8, 2023, returning the appellant to his previous permanent title effective March 8, 2023. R-15. On March 28, 2024, the appellant filed an appeal with the New Jersey Civil Service Commission (CSC). The matter was transmitted to the Office of Administrative Law (OAL), where it was filed on April 14, 2023, for hearing as a contested case. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13. Pre-hearing telephone conferences were scheduled for August 15, 2023, September 22, 2023, and December 8, 2023. An in-person hearing was scheduled for April 18, 2024, at the OAL. Appellant's counsel requested an adjournment, which was granted. The case was heard over three dates: July 30, 2024, February 19, 2025, and May 15, 2025. The record remained open until the parties received written summations. Both summations were received by September 5, 2025, and the record closed that day.

DISCUSSION AND FINDINGS OF FACT

The following is undisputed, and I therefore **FIND** the following as **FACT**:

1. The Monmouth County Sheriff operates the 9-1-1 communications center in Freehold, NJ and a backup facility in Neptune, NJ. R-1.
2. Appellant worked at the 9-1-1 communication center since July 2014, starting as a public safety telecommunicator trainee.
3. After his first year of employment, appellant was promoted to PST after completing the training program.
4. Effective December 1, 2022, appellant received a promotion to the position of senior PST.
5. Permanent status in the position of senior PST was subject to a three-month working test period. R-3.

6. The initial progress report was reviewed with the appellant on January 19, 2023. R-6. The initial progress report had marked the appellant's performance so far as unacceptable in multiple areas. Id.
7. February 2023, appellant received his second working test period report for January 2023 and received average marks in all categories. R-11.
8. On March 2, 2023, appellant received his third working test period report, which covered from February 1, 2023, through March 2, 2023; his performance was once again unsatisfactory. R-14.
9. March 8, 2023, appellant was served with a notice from Monmouth County Human Resources confirming that he did not successfully pass his working test period for senior PST and was being returned to his previous PST title. R-15.

Testimony

For respondent

John Cuccia is a supervising public safety telecommunicator for the Monmouth County Communications Division. Mr. Cuccia has worked for the Sheriff's Office since 1997 and was promoted to senior PST in 2004 and became a supervising PST in 2011. His duties include, but are not limited to, the training of senior PSTs. He explained how the working test period is administered.

Mr. Cuccia testified that he was familiar with the appellant and his working test period. He confirmed the appellant was rated unsatisfactory, satisfactory and unsatisfactory in his three reviews during the working test period. As a result of two of the three working test period reports being marked as unsatisfactory, a decision was made to demote the appellant back to the position of PST.

The appellant did not have sufficient time working in the officer in charge (OIC) position. One specific issue was the use of benefits time by the appellant on scheduled days he was to work as the OIC. All working test period trainees work in one of two positions under observation to demonstrate their understanding of the duties their new

senior PST position requires. Position number one is the OIC, and position two is the backup.

The main issue for appellant's unsatisfactory reviews and his ultimate demotion was his use of benefits time when he was scheduled to work as OIC. If the Monmouth Police Radio room had accommodated his absences and shifted the scheduled OIC time around, it would have been to the detriment of the other four trainees who were also in their working test periods. All trainees are told during their working test period to pay attention to their attendance. Appellant was aware of the days he was scheduled to be OIC and, on some occasions, used his benefits time on those days.

Phillip Meehan has been in the role of Monmouth County Undersheriff since 2021. The undersheriff is appointed by the sheriff and is the senior person in the communications division.

Undersheriff Meehan was familiar with the appellant's working test period. Mr. Cuccia, who reported to the Undersheriff, informed him that the appellant was going to be unsatisfactory in the third part of the working test period, meaning he would have two unsatisfactory reports and be demoted. It was the Undersheriff's understanding that appellant's absences in the third part of the working test period were an issue. He was not confident that the appellant could perform the job of senior PST.

There is nothing more important than being the OIC. As OIC, you are responsible for all the staff, and it is the most critical position. Appellant was a valued employee, but the Undersheriff was not confident he could perform the job based on his working test period. There was not enough time to observe him in either the backup or OIC positions.

For appellant

Galen Baker contends that the termination was unfair and that the organization did not uphold its commitment to equitable treatment and employee development. Appellant contends that the absences and use of benefit time as a reason for his demotion

is not fair because it was all approved. Mr. Baker did not know he was assigned to be the OIC on the days he had requested leave.

During overtime, whether forced or not, Mr. Baker was not always in his OIC or any working test period role. Despite the approved benefits time and absences, Mr. Baker believes he met the requirements of a senior PST. He is fully capable of performing the role. He did recall that the use of benefits time during the working test period was discussed. It was made clear that the trainees, if possible, should avoid taking time off. There was no discussion about using sick time specifically.

Additional Findings

As the fact finder, I was able to observe the demeanor, tone, and physical actions of the appointing authority's witnesses. They testified clearly and convincingly about their observations of the appellant and his performance. The testimony of each was consistent with that of the other and bolstered by the submitted evidence. They also testified professionally and without equivocation concerning the working test period and what it required. I find their testimony to be credible.

I was also able to observe the demeanor, tone, and physical actions of the appellant during his testimony and throughout the proceeding. The appellant presented himself as less persuasive. Given the absence of compelling evidence supporting the appellant's assertions, his testimony is afforded less weight than that of appointing authority's witnesses.

Having considered the testimony and documentary evidence and the credibility of the witnesses, I **FIND** the following additional **FACT**:

1. Appellant's absences, although approved, took away from the time the appointing authority had to observe him in the OIC or the backup position.

DISCUSSION AND CONCLUSIONS OF LAW

The Civil Service Act, N.J.S.A. 11A:1-1 to 12-6 (Act), and its implementing regulations, N.J.A.C. 4A:1-1.1 to 10-3.2, are designed in part “to encourage and reward meritorious performance by employees in the public service and to retain and separate employees on the basis of the adequacy of their performance.” N.J.S.A. 11A:1-2(c).

The purpose of a working test period is to judge whether an employee can satisfactorily discharge the duties of a title. N.J.S.A. 11A:4-15; N.J.A.C. 4A:4-5.1(a). It is a part of the examination process. N.J.S.A. 11A:4-15. A basic condition of permanent or absolute appointment to any civil service position is successful completion of a probationary or working test period. Cipriano v. Dep’t of Civil Serv., 151 N.J. Super. 86, 90 (App. Div. 1977). The commission shall provide for a working test period for political subdivision employees of three months. N.J.S.A. 11A:4-15(a). Progress reports are to be made by the appointing authority and provided to the employee at such times during the working test period as provided by rules of the commission, and a final progress report at the end of the entire working test period shall be provided to the employee and the commission. N.J.S.A. 11A:4-15(b). The commission shall provide for the retention of permanent status in the lower title by a promoted employee during the working test period in the higher title and the right to return to such permanent title if the employee does not satisfactorily complete the working test period. N.J.S.A. 11A:4-15(d).

The issue to be addressed here is whether the employee has shown by a preponderance of the credible evidence that the decision to terminate him from the position of senior PST and demote him at the end of a working test period was made in bad faith.

Bad faith has been defined as: “Generally implying . . . a design to mislead or deceive another . . . not prompted by an honest mistake as to one’s rights or duties, but by some interested or sinister motive. Bad faith is not simply bad judgment or negligence, but implies the conscious doing of a wrong because of a dishonest purpose . . .” Brown v. State Dep’t of Educ., 97 N.J.A.R.2d (CSV) 537, 541 (quoting Memmott v. Dep’t of Health, Twp. of Freehold, 95 N.J.A.R.2d (CSV) 118). “Moreover, it is a well-established

principle of Merit System law that the working test is not a period during which a probationer is to be given further training to qualify him/her for a position, but rather, is part of the testing process, given in addition to the examination conducted by the Department of Personnel. During that period the employee must demonstrate that he/she is competent to discharge the duties of the position. Briggs v. New Jersey Department of Civil Service, 64 N.J. Super. 351, 355 (App. Div. 1960)." Ibid.

The decision to demote an employee after a working test period must center on whether the individual can successfully perform the duties of the position. DeBartola v. Borough of Lodi, CSV 3327-03, Initial Decision (January 2, 2004), adopted in part and modified in part, Merit System Board (March 3, 2004), <http://lawlibrary.rutgers.edu/oal/search.html> (finding that after being discharged in bad faith for disciplinary reasons, the employee was entitled to permanent status rather than reinstatement for a shortened working test period).

Here, upon examination of the facts and evidence presented, the appellant failed after a period of three months to show improvement in performing his duties or to apply his training. His absences during the third portion of the working period led to insufficient time to observe him performing the roles of the OIC or the backup position. The appellant consistently failed or was unable to demonstrate an ability to perform the essential job functions and expectations of the senior PST position as they were outlined during his working test period.

I **CONCLUDE** that appellant has failed to show that the determination to demote him at the end of the working test period was made in bad faith.

ORDER

I hereby **ORDER** that the appeal of Galen Baker of his demotion at the end of his working test period is **DENIED**.

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 the other parties.

October 20, 2025
DATE


MICHAEL R. STANZIONE, ALJ

Date Received at Agency: October 20, 2025

Date Mailed to Parties: _____

APPENDIX

Witnesses

For appellant:

Galen Baker

For respondent:

John Cuccia

Philip Meehan

Gretchen Bennett

Dawn Sommeling

Exhibits

For appellant:

P-1 Time spreadsheet created by appellant

For respondent:

R-1 Background information on the Monmouth County Sheriff's Office Communications Division

R-2 Memo from Phillip Meehan regarding senior public safety telecommunicator promotional selection

R-3 Memo to Galen Baker from Glenn Talavera

R-4 Memo to Phillip Meehan from Glenn Talavera

R-5 Galen Baker employee progress report number one, dated January 19, 2023

R-6 E-mail memorandum from Undersheriff Meehan, re: senior PST progress report number one

R-7 Memorandum from John Cuccia, dated January 19, 2023

R-8 E-mail from Phillip Meehan to Galen Baker, dated January 27, 2023

- R-9 E-mail from Galen Baker to Phillip Meehan, dated January 27, 2023
- R-10 Correspondence from Galen Baker to Undersheriff Phillip Meehan, Coordinator Dawn Sommeling and Supervisor John Cuccia, dated January 27, 2023
- R-11 Galen Baker employee progress report number two, dated February 6, 2023
- R-12 E-mail memorandum from Phillip Meehan regarding progress report number two
- R-13 E-mail memorandum from Phillip Meehan regarding progress report number three
- R-14 Galen Baker employee progress report number three, dated March 2, 2023
- R-15 Letter to Galen Baker from Glenn Talavera, dated March 8, 2023
- R-16 Galen Baker attendance record – December 2022 through February 2023
- R-17 Senior public safety telecommunicator training checklist
- R-18 Job description for a senior public safety telecommunicator