



STATE OF NEW JERSEY

In the Matter of Nicholas Zatkos,
Youth Justice Commission

**DECISION OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2025-2312
OAL Docket No. CSR 07398-25

ISSUED: NOVEMBER 26, 2025

The appeal of Nicholas Zatkos, Senior Correctional Police Officer, Youth Justice Commission, removal, effective April 3, 2025, on charges, was heard by Administrative Law Judge Allison Friedman (ALJ), who rendered her initial decision on October 23, 2025. Exceptions were 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, the Civil Service Commission (Commission), at its meeting on November 26, 2025, adopted the ALJ's Findings of Fact and Conclusions, however it did not adopt her recommendation to modify the removal to a 30 working day suspension. Rather, the Commission imposed a 60 working day suspension.

In this matter, the ALJ found that the appellant was guilty only of one of the three main infractions alleged. Specifically, the ALJ determined that:

Zatkos is accused of falsification in three different respects. The first allegation is that he added false information to the previously approved FMLA request for 2023. Here, however, the information Zatkos added was not untrue, was not a misstatement of material fact, and did not alter the doctor's information or intent of the leave request. Rather Zatkos added dates consistent with and further defined the information provided by the doctor. Therefore, I **CONCLUDE** that Zatkos did not commit falsification, conduct unbecoming, or other just cause as defined by YJC policy by adding false information to the previously approved FMLA request for 2023.

The second accusation is that Zatkos falsified the 2024 FMLA application. Just as with the 2023 submission, the dates and checkmarks that were added by Zatkos were not misstatements of material fact, nor did the additions alter the meaning or intent of the information supplied by the doctor. Essentially, Zatkos handed in forms that were not completed correctly but were accurate and consistent with the information the doctor had supplied. Therefore, I **CONCLUDE** that Zatkos did not commit falsification, conduct unbecoming, or other just cause as defined by YJC policy by adding dates to the 2024 FMLA submission.

The third falsification accusation is that Zatkos made misstatements to Armstrong during the investigation and processing of only the 2024 FMLA request. In this instance, in an April 12, 2024, email, Zatkos asserted that the doctor's office faxed the originals and that he personally was dropping off a set of originals. Armstrong never received them. Not only did the doctor's office denied faxing them the office did fax Armstrong a copy that were different from what Zatkos had provided. The email Zatkos sent on April 12, 2024, was a misstatement of material fact. Additionally, this misstatement of material fact impeded the processing of his leave request and Armstrong's investigation into the discrepancies she saw. Therefore, I **CONCLUDE** that Zatkos violated the YJC's falsification and conduct unbecoming policies, constituting violations of *N.J.A.C.* 4A:2-2.3(a)(6) and 4A:2-2.3(a)(12).

In its exceptions, the appointing authority argues that the appellant intentionally submitted FMLA packets that were not completed by his physician for the dates in question. It contends that the appellant used copies of FMLA forms previously completed by his physician, altered the dates, and checked off additional boxes that the physician did not check off on the forms previously completed. These forms were submitted as representing that the documents were actually completed by his physician. However, as found by the ALJ, the credible evidence in the record establishes only that the appellant added accurate information to the forms in question which was consistent with the physician's originally supplied information. In essence, the ALJ found that the appellant handed "in forms that were not completed correctly but were accurate and consistent with the information the doctor had supplied" and she could not therefore conclude that the proffered charges were established. In its *de novo* review, the Commission finds nothing in the record or the appointing authority's exceptions establishing that the ALJ's findings and conclusions in that regard are arbitrary, capricious or unreasonable.

Regarding the penalty, similar to its assessment of the charges, the Commission's review of the penalty 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). Even when a law enforcement officer does not possess a prior disciplinary record after many unblemished years of employment, the seriousness of an offense may nevertheless warrant the penalty of removal where it is likely to undermine the public trust. In this regard, the Commission emphasizes that a Senior Correctional Police Officer is held to a higher standard than a civilian public employee. See *Moorestown v. Armstrong*, 89 *N.J. Super.* 560 (App. Div. 1965), *cert. denied*, 47 *N.J.* 80 (1966). See also, *In re Phillips*, 117 *N.J.* 567 (1990).

In this matter, the ALJ, based on the upheld misconduct, recommended modifying the removal to a 30 working day suspension. In this regard, the ALJ stated:

Here, I am permitted to consider the January 16, 2024, discipline that is currently a contested case when determining progressive discipline. First, this discipline is currently on appeal in the Office of Administrative Law as a contested case, and the facts have not been decided. Second, the two occurred close in time to the instant matter and around the same time as the 2024 forms were due. One of the purposes of progressive discipline is to provide the employee with the opportunity to learn from their wrong and improve. Third, this is Zatkos' first disciplinary charge in fourteen years of service. Fourth, for a first disciplinary charge, a ninety-day suspension was ordered rather than a letter of reprimand, which is the lowest discipline available for those charges. The other disciplinary charge occurred after the first but prior to the instant case, and for that, despite being the second disciplinary action, Zatkos received the lowest level of discipline. All three of these occurred in 2024, not providing Zatkos with any meaningful time to correct or learn from the discipline. Thus, I assign minimal weight to this disciplinary matter in consideration of progressive discipline.

I also consider the testimony of Zatkos. During the hearing, he acknowledged what he did and that the procedure his doctor created to complete the FMLA forms was not proper. For fourteen years without

an issue Zatkos had applied and approved for FMLA, this was the first time. He was remorseful for his actions and honest in his desire not to repeat them. Zatkos' desire to maintain his position so that he may be able to make a positive impact on other juveniles is a strong motivation to correct his actions and continue to be an asset to the YJC for another fourteen years. Compelling is the fact the information added to the FMLA forms was not false and did not alter the information completed by the doctors. Along with the fact Zatkos's only benefit he sought by misleading Armstrong was one less trip to the doctor's office. In addition to his very limited disciplinary record for fourteen years of employment and his acknowledgement and ability to correct his actions, I **CONCLUDE** that for the sustained charges of falsification and conduct unbecoming an officer, a period of suspension is the appropriate level of discipline.

While the appointing authority believes the removal should be upheld, for all of the reasons expressed by the ALJ above, the Commission can support the modification to a penalty less than removal. However, the ALJ clearly minimized the appellant's misconduct as well as did not sufficiently take into account the recent 90 working day suspension on the appellant's record. In that regard, the tenets of progressive discipline support a penalty more significant than a 30 working day suspension. Accordingly, the Commission finds that a 60 working day suspension is the appropriate penalty. That penalty should serve as sufficient warning to the appellant that any future misconduct with likely result in his removal from employment.

Since the removal has been modified, the appellant is entitled to be reinstated to his position with mitigated back pay, benefits, and seniority pursuant to *N.J.A.C. 4A:2-2.10* from 60 working days after the first date of disciplinary separation without pay¹ until the date he is reinstated.

However, the appellant is not entitled to counsel fees. *N.J.A.C. 4A:2-2.12(a)* provides for the award of counsel fees only where an employee has prevailed on all or substantially all of the primary issues in an appeal of a major disciplinary action. The primary issue in a disciplinary appeal is the merits of the charges. See *Johnny Walcott v. City of Plainfield*, 282 *N.J. Super.* 121,128 (App. Div. 1995); *In the Matter of Robert Dean* (MSB, decided January 12, 1993); *In the Matter of Ralph Cozzino* (MSB, decided September 21, 1989). Thus, where, as here, a penalty is modified but charges are sustained and major discipline is imposed, counsel fees must be denied since the appellant has failed to meet the standard set forth at *N.J.A.C. 4A:2-2.12*.

This decision resolves the merits of the dispute between the parties concerning

¹ In this regard, if the appellant was immediately suspended without pay prior to the effective date of his removal, the imposed six-month day suspension begins as of that date, and the back pay period starts six months later. See e.g. *In the Matter of Ranique Woodson* (CSC, decided January 15, 2025).

the disciplinary charges and the penalty imposed by the appointing authority. However, per 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 are finally resolved. In the interim, as the court states in *Phillips, supra*, if it has not already done so, upon receipt of this decision, 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. The Commission therefore modifies that action to a 60 working day suspension.

Additionally, the Commission orders that the appellant be granted back pay, benefits, and seniority from 60 working days after the first date of disciplinary separation without pay to the date he is reinstated. 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. Pursuant to *N.J.A.C. 4A:2-2.10*, the parties shall make a good faith effort to resolve any dispute as to the amount of back pay. However, under no circumstances should the appellant's reinstatement be delayed pending resolution of any potential back pay dispute.

Counsel fees are denied pursuant to *N.J.A.C. 4A:2-2.12*.

The parties must inform the Commission, in writing, if there is any dispute as to back pay 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 26TH DAY OF NOVEMBER, 2025



Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
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Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSR 07398-25

AGENCY DKT. NO. N/A

**IN THE MATTER OF NICHOLAS ZATKOS,
NEW JERSEY YOUTH JUSTICE COMMISSION.**

Robert Cannan, Esq., for appellant Nicholas Zatkos (Markman & Cannan, LLC,
attorneys)

Kevin Sangster, Deputy Attorney General, for respondent (Matthew J. Platkin,
Attorney General of New Jersey, attorney)

Record Closed: October 15, 2025

Decided: October 23, 2025

BEFORE **ALLISON FRIEDMAN**, ALJ:

STATEMENT OF THE CASE

Appellant Nicholas Zatkos, an officer for the Youth Justice Commission, added truthful information to his Family and Medical Leave Act (FMLA) form but was not honest about providing the original forms to Human Resources to avoid an extra doctor's appointment. Must Zatkos be terminated? No, termination of a public servant is appropriate for falsification when progressive discipline has not been effective and the

punishment is not disproportionate to the offense in light of all the circumstances. In re Carter, 191 N.J. 474 (2007).

PROCEDURAL HISTORY

On May 20, 2024, a Preliminary Notice of Disciplinary Action (PNDA) charged Zatkos with falsification of his FMLA forms for the years 2023 and 2024 and making false statements to Human Resources. (R-1.) On February 25, 2025, a departmental hearing concluded that Zatkos would be terminated for falsification. (R-2.) The Final Notice of Disciplinary Action (FNDA) was issued on April 3, 2025, terminating Zatkos as of April 3, 2025. The FNDA charged appellant with conduct unbecoming a public employee, N.J.A.C. 4A:2-2.3(a)(6), and other sufficient cause, N.J.A.C. 4A:2-2.3(a)(12), specifically, HR 19.7 C9 falsification, C12 conduct unbecoming a public employee, and 19.7 E1 violation of a rule, regulation, policy, procedure, order, statute, or administrative decision. (R-2.)

On April 13, 2025, Zatkos appealed his removal to the Civil Service Commission and the Office of Administrative Law under N.J.S.A. 40A:14-202(d). On April 25, 2025, the appeal was perfected.

On July 10, 2025, respondent filed a motion for summary decision. Based on the records provided, a dispute of material facts existed as to whether appellant falsified records. Specifically, respondent relied on hearsay that was not connected by the residuum rule. Additionally, appellant challenged the level of discipline imposed. On July 25, 2025, appellant waived 30 days, extending the 180-day time period under N.J.S.A. 40A:14-201(a). On September 5, 2025, I placed the denial of respondent's motion for summary decision on the record. On September 9, 2025, appellant waived an additional 24 days, thus extending the 180 days to November 25, 2025. On September 5 and October 3, 2025, I heard the case. On October 15, 2025, respondent filed their summation brief, and I closed the record.

DISCUSSION AND FINDINGS OF FACT

Senior correctional police officer Nicholas Zatkos has been with the New Jersey Youth Justice Commission (YJC) since 2015. Zatkos testified that his desire to work with the YJC emanated from the desire and belief that he could make a difference in a youth's life based on an experience he had when he was younger, when Zatkos maintained a relationship with a detained friend and had an impact on that friend. Zatkos expressed his regret and remorse for how he submitted his FMLA forms as well as a strong desire to return to his position and willingness to do things differently from now on.

In 2002 doctors diagnosed Zatkos with a chronic medical condition that flares up on occasion, causing him to be out of work for a few days. After he suffered an episode in 2015 and was absent for a few days, Human Resources recommended that Zatkos begin applying for intermittent FMLA leave rather than providing a doctor's note after each episode.

Zatkos testified to the procedure he followed for the fourteen years he applied for intermittent FMLA leave. Zatkos only saw his doctor during episode flare-ups and did not have regular checkups. The FMLA paperwork is repeated annually or every six months. Since Zatkos' condition is chronic and does not change, and only the dates change, the doctor does not need to see him to complete the forms. The doctor developed a routine for completing the FMLA forms. The doctor would leave the partially completed forms at the front with office staff. All information the doctor had would be completed, but the dates would be left blank. Once Zatkos picked up the forms from the doctor he added the dates and the information the doctor did not have, such as his job title and employee information. Zatkos would then submit the forms to the YJC leave department.

When Zatkos' doctor at the time, Dr. Carrazzone, retired in 2023, he recommended that Zatkos see Dr. Iannetta. Dr. Iannetta followed the same procedure that Dr. Carrazzone had established in completing the 2024 FMLA forms. Zatkos' testimony and this procedure are supported by the FMLA forms the doctor's office provided to Armstrong. (R-9a; R-16a; R-12.) The doctor's copy of the 2024 FMLA forms has the information the doctor needed to complete filled out, with the dates blank or vague (one

date is listed simply as 2002). (Ibid.) Zatkos testified that he added the dates to the 2023 FMLA forms and to the 2024 FMLA submissions. (R-10)

On March 28, 2024, Zatkos submitted his request for FMLA leave with the forms to the leave unit. (R-7.) On April 1, 2024, Zatkos was asked to provide the originals of the 2024 FMLA forms or have the doctor's office send them. (R-17.) On April 11, 2024, email exchanges began on the issue of the originals with Tierra Armstrong, human resources coordinator, in charge of processing the leave requests. (Ibid.) In an April 12, 2024, email, Zatkos maintained that he had personally delivered originals and that the doctor's office had faxed its set of the FMLA forms. (R-4.) However, Armstrong testified that she never received the originals and eventually obtained the doctor's office copy on her own. She had the doctor's office fax a copy of the form with a star marking so that the forms could not be confused with what had been previously turned in. (R-9a; R-16a.)

Upon receiving the doctor's office copy, Armstrong compared the submission from Zatkos (R-10) to the forms received from the doctor (R-16a). On April 15, 2024, based on her examination of the documents, she emailed the chief of investigations, Wimson Crespo. (R-6.) Crespo recommended that the matter be investigated. Chief Crespo assigned senior investigator Stephanie Jones to investigate Armstrong's suspicions that Zatkos falsified the FMLA forms for 2024 by forwarding her the email he had received from Armstrong. Armstrong then redacted the forms with marker and whiteout before transferring the documents to Jones to maintain HIPAA compliance.

Jones testified consistent with her report. (R-3.) However, her testimony revealed significant holes in her investigation. First, Jones concluded in her report that Zatkos used whiteout to add false information and alter other information. (Id.) However, Jones never investigated that conclusion. Jones simply accepted Armstrong's suspicions that had been laid out in the email to Crespo. Jones never looked at the unredacted forms, did not ask Armstrong about the whiteout and redactions, and did not consider the policy concerning HIPAA and the transferring of protected materials. Therefore, Jones' report, investigation, and testimony are premised on a false conclusion. The alterations she attributed to Zatkos were actually made by Armstrong.

In her report, Jones details a conversation she purported to have had with Dr. Frank Iannetta. Dr. Iannetta is the doctor whose signature is on the 2024 FMLA forms. However, the report does not indicate where or when the conversation with the doctor took place. During her testimony, Jones could only recall that she received a copy of the FMLA form from the doctor's office that was mostly blank. However, there is no mention in her report of being handed these mostly blank forms by the doctor's office.

Jones' report further claims that the doctor told her that he would never write the word "ANYTIME" on an FMLA form, but that claim is unsupported. Specifically, Jones testified that she went to Dr. Iannetta's office on either one or five occasions. She agreed that her mileage log would reflect the office visit or visits. However, the mileage log is void of any entry showing that she went to the doctor's office. (P-1; P-2; P-3.) Instead, the mileage log has a grossly inaccurate entry made by her on the certified document. (P-2.)

Specifically, in the entry for May 1, 2024, the drive from Tramburg to Spruce (two YJC facilities) is entered at 11 miles. (P-2.) The return trip entry, immediately below, from Spruce back to Tramburg is somehow 120 miles. (Ibid.) Jones had no explanation for this discrepancy or for the lack of an entry documenting her travel to the doctor's office some 60 plus miles from her home and office. Sometime after Jones' first day of testimony and her second day, a supervisor at the YJC captured the GPS data for Jones' State car for May 1, 2024. (P-4.) The GPS location has Jones' State car at 170 Changebridge Road, Unit A-1, in Montville. This is the address belonging to Dr. Iannetta, the doctor who completed the 2024 FMLA filings. Additionally, absent from her investigation was showing the doctor the submitted forms and asking if any of the information contained on the forms is in fact false. Further, it is unclear why Jones would get a copy of a form that Armstrong had been provided and had provided to Jones. (R-9a; R-16a.)

Jones additionally concluded in her report and testified that Iannetta told her that he would never write the word "ANYTIME" on the FMLA form. (R-3.) The addition of the word "ANYTIME" is consistent with the need to explain that the leave was intermittent. The form answers Part B question 6 with the addition of the word "ANYTIME" indicating

that treatment for an episode may occur anytime during the period of January 26, 2024, to January 26, 2026. (R-10b.) Additionally, on the 2023 FMLA forms the words “anytime between” are located in the same place on the FMLA form in the doctor’s handwriting. (R-12.) These discrepancies diminish the veracity of Jones’ investigation, conclusions, and testimony.

On the 2024 FMLA form, there are additional checkmarks on the submitted forms that are not on the doctor’s copy. (R-10b; R-9; R-16.) These additional checkmarks are consistent with the information completed by the doctor and the type of leave requested. Further, the added information does not alter or change the information placed on the form by the doctor and are not misstatements of material facts. Rather, the additional information more accurately defines and limits the information the doctor completed. Specifically, the doctor completed the FMLA forms with the intent to support intermittent FMLA leave, consisting of intermittent leaves of three to five days for various currently unknown dates for the period requested. (R-9 at 2–4.)

As for the 2023 FMLA submission, an examination of that document shows that the dates are in different handwriting than the rest of the form. (R-12a.) This supports Zatkos’ testimony that he altered the dates. Also present on the 2023 submission are the words “anytime between” in the same location as “ANYTIME” on the 2024 FMLA submission (R-12a at 3; R-16a), thus supporting that the doctor does in fact put it there and that the leave unit has accepted it before.

Therefore, I **FIND** the following facts. Zatkos placed the dates on both the 2023 and 2024 FMLA submissions, placed additional checkmarks on the 2024 form, and completed the forms incorrectly. However, I additionally **FIND** that the added information was not false and did not alter the meaning of the information the doctor had completed. I further **FIND** that Zatkos was not truthful with Armstrong during her processing of the 2024 FMLA request.

As for Zatkos’ prior discipline, I **FIND** that in his fourteen years with the YJC he has faced disciplinary charges on three separate occasions, including this case. All three occurred relatively close in time to one another. The first occurred on January 16, 2024,

for the same offenses charged in the instant case. Ten months later, an FNDA was issued on November 22, 2024, imposing a ninety-day suspension. That case is a contested case on appeal in the Office of Administrative Law. The second discipline is the instant matter with the PNDA issued on May 20, 2024, and the FNDA issued on April 3, 2025. For the third discipline, for chronic or excessive absences, the PNDA was issued on August 27, 2024, and resulted in an FNDA issued on October 27, 2024, imposing an official written reprimand.

CONCLUSIONS OF LAW

A civil service employee may be subject to discipline, including removal, for neglect of duty, inability to perform duties, or insubordination. N.J.A.C. 4A:2-2.3(a). “Falsification” is the intentional misstatement of material fact in connection with work, employment application, or attendance, or in any record, report, or investigation. (R-14 at YJC070.) “Conduct unbecoming” per YJC policy is the requirement of employees to abide by title 4A and contractual agreements. (*Id.* at YJC082.) “Other just cause” as defined by YJC policy calls for discipline for a violation of a rule, regulation, procedure, order, statute, or administrative decision. (*Id.* at YJC091); N.J.A.C. 4A:2-2.3(a)(12). The possible discipline ranges from a letter of reprimand to removal. (R-14 at YJC100.)

Zatkos is accused of falsification in three different respects. The first allegation is that he added false information to the previously approved FMLA request for 2023. Here, however, the information Zatkos added was not untrue, was not a misstatement of material fact, and did not alter the doctor’s information or intent of the leave request. Rather Zatkos added dates consistent with and further defined the information provided by the doctor. Therefore, I **CONCLUDE** that Zatkos did not commit falsification, conduct unbecoming, or other just cause as defined by YJC policy by adding false information to the previously approved FMLA request for 2023.

The second accusation is that Zatkos falsified the 2024 FMLA application. Just as with the 2023 submission, the dates and checkmarks that were added by Zatkos were not misstatements of material fact, nor did the additions alter the meaning or intent of the information supplied by the doctor. Essentially, Zatkos handed in forms that were not

completed correctly but were accurate and consistent with the information the doctor had supplied. Therefore, I **CONCLUDE** that Zatkos did not commit falsification, conduct unbecoming, or other just cause as defined by YJC policy by adding dates to the 2024 FMLA submission.

The third falsification accusation is that Zatkos made misstatements to Armstrong during the investigation and processing of only the 2024 FMLA request. In this instance, in an April 12, 2024, email, Zatkos asserted that the doctor's office faxed the originals and that he personally was dropping off a set of originals. Armstrong never received them. Not only did the doctor's office denied faxing them the office did fax Armstrong a copy that were different from what Zatkos had provided. The email Zatkos sent on April 12, 2024, was a misstatement of material fact. Additionally, this misstatement of material fact impeded the processing of his leave request and Armstrong's investigation into the discrepancies she saw. Therefore, I **CONCLUDE** that Zatkos violated the YJC's falsification and conduct unbecoming policies, constituting violations of N.J.A.C. 4A:2-2.3(a)(6) and 4A:2-2.3(a)(12).

When imposing penalties, State agencies have long considered progressive discipline principles, which are based on the notion that "past misconduct can be a factor in the determination of the appropriate penalty for present misconduct." In re Herrmann, 192 N.J. 19, 29 (2007). However, progressive discipline is not to be followed without question. Rather, the appropriate test to be applied is whether the punishment is so disproportionate to the offense in light of the circumstances as to shock one's sense of fairness. In re Carter, 191 N.J. at 484 (citing In re Polk, 90 N.J. 550, 578 (1982)).

The case of Henry v. Rahway State Prison, 81 N.J. 571 (1980), involves a corrections officer, similar to Zatkos, who falsified a report. Specifically, the corrections officer, Henry, had found marijuana in the weightroom of the prison and in the report indicated that he did not know where the marijuana had come from. That statement is contrary to what Henry did in fact know. Henry desired to continue his own independent investigation of the origin of the marijuana. Henry was terminated by the agency. The case was appealed, and Henry's discipline was reduced to a sixty-day suspension. After considering Henry's motivation, the Court upheld the sixty-day suspension.

Here, like in Henry, I place great weight on the actual actions of Zatkos and his motivation for the false statement to Armstrong. Zatkos' misstatement of fact did not involve an inmate or investigation of potential criminality. Rather, Zatkos' motivation for the false statement to Armstrong was to process an already late FMLA request without an additional doctor's visit regarding a leave period that was set to start on January 26, 2024, and last until January 26, 2025. Equally important is consideration for what Zatkos did not do. Zatkos at no time altered or changed the information his doctor had provided. Instead, Zatkos provided additional specific dates. If Zatkos' motivation had been to extend the length of the leave periods the doctor had provided from three days to one or two weeks, that would lead to a different outcome, but he did no such thing.

The damage of Zatkos' misstatement of material fact in his email to Armstrong is minor. Specifically, it merely created an extra step for Armstrong. Armstrong had to obtain the doctor's copy herself. Only when the actual acts of Zatkos are considered and not a false premise that he whited out and changed the doctor's information can the appropriate level of discipline be determined.

Here, I am permitted to consider the January 16, 2024, discipline that is currently a contested case when determining progressive discipline. First, this discipline is currently on appeal in the Office of Administrative Law as a contested case, and the facts have not been decided. Second, the two occurred close in time to the instant matter and around the same time as the 2024 forms were due. One of the purposes of progressive discipline is to provide the employee with the opportunity to learn from their wrong and improve. Third, this is Zatkos' first disciplinary charge in fourteen years of service. Fourth, for a first disciplinary charge, a ninety-day suspension was ordered rather than a letter of reprimand, which is the lowest discipline available for those charges. The other disciplinary charge occurred after the first but prior to the instant case, and for that, despite being the second disciplinary action, Zatkos received the lowest level of discipline. All three of these occurred in 2024, not providing Zatkos with any meaningful time to correct or learn from the discipline. Thus, I assign minimal weight to this disciplinary matter in consideration of progressive discipline.

I also consider the testimony of Zatkos. During the hearing, he acknowledged what he did and that the procedure his doctor created to complete the FMLA forms was not proper. For fourteen years without an issue Zatkos had applied and approved for FMLA, this was the first time. He was remorseful for his actions and honest in his desire not to repeat them. Zatkos' desire to maintain his position so that he may be able to make a positive impact on other juveniles is a strong motivation to correct his actions and continue to be an asset to the YJC for another fourteen years. Compelling is the fact the information added to the FMLA forms was not false and did not alter the information completed by the doctors. Along with the fact Zatkos's only benefit he sought by misleading Armstrong was one less trip to the doctor's office. In addition to his very limited disciplinary record for fourteen years of employment and his acknowledgement and ability to correct his actions, I **CONCLUDE** that for the sustained charges of falsification and conduct unbecoming an officer, a period of suspension is the appropriate level of discipline.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that Zatkos be suspended from his position of senior correctional police officer for a period of thirty days.

I further **ORDER** that Zatkos be awarded back pay for any period he has been out of work without pay due to this disciplinary action.

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. 40A:14-204.

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.

October 23, 2025

DATE

A handwritten signature in dark ink, appearing to read "Allison Friedman", is written over a horizontal line.

ALLISON FRIEDMAN, ALJ

Date Received at Agency:

October 23, 2025

Date Mailed to Parties:

AF/kl

APPENDIX

Witnesses

For Appellant:

Nicholas Zatkos

For Respondent:

Tierra Armstrong, Human Resources Coordinator

Stephanie Jones, Senior Investigator

Exhibits

For Appellant:

- P-1 Jones' April 2024 Mileage Log
- P-2 Jones' May 2024 Mileage Log
- P-3 Jones' June 2024 Mileage Log
- P-4 GPS location of license plate SG 36983 for May 1, 2024

For Respondent:

- R-1 May 20, 2024, Preliminary Notice of Disciplinary Action YJC001-2
- R-2 April 3, 2025, Final Notice of Disciplinary Action YJC003-4
- R-3 May 16, 2024, Office of Investigations Report YJC008-16
- R-4 E-mail from Zatkos to Armstrong, dated April 12, 2024, YJC021
- R-5 E-mail from Zatkos to Daloisio, dated April 11, 2024, YJC022
- R-6 E-mail from Armstrong to Crespo, et al., dated April 15, 2024, YJC023
- R-7 E-mail between Zatkos and the Leave Unit, dated March 28, 2024, YJC024-28
- R-8 E-mail from Zatkos to Moss, dated April 1, 2024, YJC029-30
- R-9 Physician's copy of the 2024 FMLA Application YJC031-35
- R-10 Zatkos' copy of the 2024 FMLA Application YJC036-41
- R-11 Physician's copy of the 2023 FMLA Application YJC042-46
- R-12 Zatkos' copy of the 2023 FMLA Application YJC047-52

- R-13 LPS Sick Leave Policy, effective January 1, 2020, YJC059-66
- R-14 Juvenile Justice Commission Custody Discipline Policy, effective September 19, 2011, YJC067-110
- R-15 Zatkos' Disciplinary History YJC11; YJC136–38
- R-16 Zatkos' FMLA Applications from Dr. Iannetta YJC112–119
- R-17 E-mail chain between Zatkos and Leave Unit, March 28, 2024, and April 11, 2024, YJC053–58