



**STATE OF NEW JERSEY**

In the Matter of C.C., Office of the  
Public Defender

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

CSC Docket No. 2026-359

Discrimination Appeal

**ISSUED: November 5, 2025 (SLK)**

C.C., an Assistant Deputy Public Defender 2, Office of the Public Defender, appeals the determination of the Equal Employment Opportunity/Affirmative Action Officer (EEO) which found that the appellant had not been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

By way of background, C.C., who is 53 years old, was issued a written warning for neglect of duty by N.H., a Deputy Public Defender 1 who is 41 years old. Thereafter, C.C. filed a grievance and discrimination complaint alleging age discrimination. Specifically, C.C. alleged that she heard from others that N.H. wanted more younger attorneys to join the office and several experienced attorneys left the office in recent years in response to N.H.'s alleged age discrimination. Further, she indicated that she believed that her written warning was a pretext for future disciplinary action as she was next on "her list." In response, after the EEO interviewed C.C. and reviewed her documentation, it determined that the allegations did not implicate the State Policy as there was an insufficient nexus articulated between the alleged conduct and a protected category. Therefore, it closed the matter without conducting a formal investigation.

On appeal, C.C. states that she does not have much of a relationship with N.H. and the First Assistant as she is more experienced than them, and their interactions are limited to scheduling and leave approvals. C.C. presents that she had a June

2024 meeting with N.H. and the First Assistant who raised complaints allegedly made by judges and secretaries. The judges complained that C.C.'s clients would speak in court on their own behalf, and the secretaries said that C.C. was disrespectful to them. C.C. indicates that although she was advised that her meeting with N.H. and the First Assistant would only be a verbal conversation, there was an email summarizing the conversation which surprised her.

C.C. explains that after the June 2024 meeting, she had a fact-finding victory, which she emailed her superiors. Therefore, she contends that it did not make sense that shortly thereafter, she received more criticism. C.C. provides that she spoke with two of the secretaries who allegedly accused her of being disrespectful where one said she did not know what she was talking about, and the other did not respond. C.C. indicates that she requested N.H. to sign her application to apply for the State Bar Association's Leadership Academy. However, she presents that N.H. did not return it to her, and she later learned that N.H. had no intention of signing it. Additionally, in November 2024, C.C. presents that she had another meeting with N.H. and the First Assistant where C.C. was issued a written warning that included two client-related concerns. C.C. explains that there was a matter where her superiors claimed that she should have argued for her client's unsupervised visits as part of "zealous advocacy" although C.C. did not think that was realistic or in the client's best interest and argued that it would have been irresponsible for her to argue that position. Regarding the second client, C.C. states that N.H. claimed that she pressured her client into accepting an identified surrender to terminate parental rights. However, C.C. asserts that this is untrue as they were discussing Kinship Legal Guardianship and not surrender. Additionally, C.C. provides that this client never surrendered her parental rights even though she had no housing, communication access, and no viable path to reunification at that time. C.C. presents that the client's child was placed with a relative and C.C. was guiding the client toward a more realistic permanency plan with the possibility of her regaining custody later once she was stable.

After the November 2024 meeting, C.C. explains that she signed the written warning memorandum to avoid appearing combative even though she did not agree with it. Further, she states that although N.H. indicated that the written warning would not go in her personnel file, human resources was copied on it. Since this was the second time that N.H. had indicated that a meeting would not go in her file, C.C. claims that N.H.'s pattern of saying one thing and doing another made her very cautious.

C.C. indicates that she observed what she believes is a pattern of age-based discrimination. She presents that when she first started in 2021, two colleagues told her N.H. made comments about wanting older attorneys to leave so that she could bring in younger ones. Additionally, C.C. provides several seasoned attorneys, some who are over 50, who left or transferred from the agency. She states her belief that

N.H. prefers to mold younger attorneys into her vision of how advocacy should look, and she has noticed N.H. spending significant time with attorneys when they first started in the unit. C.C. reiterates that since she is more experienced than N.H., they rarely speak, and C.C. rarely seeks N.H.'s guidance. She presents that one of the secretaries who supposedly complained about her has been stripped of all her responsibilities by N.H. and her duties gradually shifted to a younger Caucasian employee, although she acknowledges she does not know if the motivation for this was age, race, or both. Moreover, C.C. acknowledges that she does not have direct proof that N.H. treats employees differently based on age but the pattern is enough for her to believe that N.H. favors less experienced staff that she can control. C.C. contends that N.H. looks for small issues to use as pretexts for discipline, which is why she believes that she was next on "her list."

C.C. explains that after the November 2024 meeting, she contacted her union representative and filed a discrimination complaint because she wanted N.H. and the First Assistant to receive management training because she believes that they do not know how to handle emergencies or support staff constructively. Additionally, she states that she heard from secretaries that N.H. and the First Assistant do not take accountability when something goes wrong as they pass the blame. She states that her union representative advised her that she could not ask for management training as a remedy, so instead she requested a fair evaluation because she is a long-time Assistant Deputy Public Defender 2, and as a more than competent attorney, she seeks a promotion to Assistant Deputy Public Defender 3.<sup>1</sup>

In response, the appointing authority presents that N.H. memorialized the June 2024 meeting by stating that two judges reached out to her on several occasions informing her that C.C.'s clients were not receiving the same level of zealous advocacy that other litigants receive as C.C. lets her clients speak on their own behalf. Additionally, the judges indicated that C.C. does not add much information at hearings, does not present evidence, and the Court was dismayed that she communicated a settlement in a matter on the morning of trial when witnesses had been produced. Further, it provides that N.H. wrote that C.C. discouraged engagement in services prior to fact-finding in a way that was not aligned with the clients' interests or with case timelines, and N.H. directed that advocacy should support timely remedial services consistent with agency expectations. Additionally, the appointing authority highlights specific shortcomings in C.C.'s representation in several matters that N.H. found concerning courtroom advocacy, motion practice, and professional communication. Moreover, it notes that N.H. wrote how several support staff reported that C.C. spoke to them in a disrespectful manner.

The appointing authority indicates that the specific actions in N.H.'s improvement plan for C.C. included that she: (1) file and brief motions where

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<sup>1</sup> The description of C.C.'s appeal is based on her interview statement with the EEO, which she submitted as part of her appeal.

supported by the record; (2) prepare witnesses and exhibits earlier in the timeline; (3) conduct more targeted cross-examination on dispositive issues; (4) ensure clients do not address the court directly unless strategically appropriate and authorized; and (5) communicate with support staff in a professional and timely manner. It presents that C.C. responded to the criticism by stating that this criticism said more about the judge than her and justifying her actions in specific matters that N.H. highlighted. It provides that after C.C.'s fact-finding victory, she viewed the follow-up criticism as inconsistent, and she accused N.H. of being unresponsive and unprofessional in response to her request for N.H.'s signature for her application for the State Bar Association Leadership Academy which she did not return. Subsequently, after the November 2024 meeting, the appointing authority stated that N.H. and the First Assistant presented C.C. with a written warning charging her with neglect of duty, which then led to the subject discrimination complaint. However, after reviewing the underlying emails, the interviews and the supporting documentation, the appointing authority indicates that the EEO used its discretion under the State Policy to not open a formal investigation.

The appointing authority notes that under the State Policy, the decision as to whether to open a formal investigation is based on the facts presented, whether the complainant articulated a sufficient nexus between the alleged conduct to a protected class, the time the incident(s) occurred, the time the incident was reported; and whether the complainant and/or respondent is a current State employee. It argues that C.C. failed to establish a sufficient nexus to age discrimination as she concedes that she never personally heard N.H. express a preference for younger attorneys and relied solely on secondhand accounts from an alleged 2021 remark. Further, the appointing authority highlights that C.C. acknowledged that she did not know the reasons for attorneys who separated and transferred and the list of attorneys she provided included both younger and older attorneys, which indicated that these movements were based on attrition rather than a pattern of age discrimination. The appointing authority highlights that C.C. was unable to identify younger comparators with similar performance concerns who were treated more favorably, and she acknowledged that some of the younger attorneys also left the office. Finally, the appointing authority asserts that the timing of C.C.'s complaint shows that her allegations were based on her observations in the wake of disciplinary action rather than concrete evidence of disparate treatment as her complaint directly followed a written warning for neglect of duty that was grounded in documented performance concerns. Further, the appointing authority provides that C.C. seemed more upset that N.H. allegedly promised that there would be no written documentation regarding the issues that her superiors indicated rather than the performance issues themselves. Additionally, it indicates that C.C.'s responses, such as the complaint said more about the judge, she does not look to her superiors for mentorship, and she does not respect her superiors' guidance, underscores C.C.'s disagreement with supervisory feedback rather than demonstrating pretext.

The appointing authority submits that the only age-related statement C.C. identified was an alleged 2021 comment that she did not hear herself. It claims that if an investigation had been opened, it would have required interviewing numerous current and former employees, as well as sitting judges and past clients whose concerns C.C. herself dismissed or minimized. The appointing authority emphasizes that N.H.'s thorough and consistent accounts substantially undermined C.C.'s credibility.

## CONCLUSION

*N.J.A.C. 4A:7-3.1(a)* provides, in pertinent part, the State is committed to providing every State employee and prospective State employee with a work environment free from prohibited discrimination or harassment. Under this policy, forms of employment discrimination or harassment based upon age will not be tolerated.

*N.J.A.C. 4A:7-3.2(i)* provides that at the EEO's discretion, a prompt, thorough, and impartial investigation into the alleged harassment or discrimination will take place. In determining whether or not a thorough and impartial investigation is warranted, the EEO when reviewing complaints shall consider, but is not limited to considering, the following factors: the facts presented, whether the complainant articulated a sufficient nexus between the alleged conduct to a protected category as set forth in *N.J.A.C. 4A:7-3.1(a)*, the time the incident(s) occurred, the time the incident was reported, and whether the complainant and/or respondent is a current State employee (regardless of when the incident occurred).

*N.J.A.C. 4A:7-3.2(n)1* provides, in pertinent part, the appellant has the burden of proof on appeal.

In this matter, although C.C. accuses N.H. of discriminating against her based on age, the facts presented are that in June 2024, N.H. and the First Assistant indicated to C.C. that two judges, and not N.H., complained that C.C. was not "zealously advocating" for her clients. Further, at the same meeting, C.C. was informed that secretaries, again not N.H., were alleging that C.C. was disrespectful towards them. However, instead of C.C. trying to correct her actions as outlined in the performance improvement plan that she received, her interview with the EEO revealed that she dismissed these concerns such as stating that a judge's criticism reflected more about the judge than her, and she was more concerned about the meeting being memorialized in her personnel file.

Additionally, the record indicates that N.H. decided not to sign C.C.'s application for the State Bar Association Leadership Academy because she could not recommend her based on these actions and not based on age. Further, after the June 2024 meeting, N.H. began observing C.C.'s work more closely, and she also found two

specific examples of N.H.'s lack of "zealous advocacy" on behalf of her clients, which led to a November 2024 meeting where N.H. issued a written warning to C.C. concerning her "neglect of duty." Again, C.C.'s interview with the EEO revealed that she dismissed these concerns as she did not respect her superiors' authority and was more concerned about the written warning being placed in her file than correcting the actions.

Therefore, the record indicates that there was no nexus between C.C.'s age and the actions taken against her. Rather, such actions were based on the criticisms from judges, other staff, and N.H.'s specific documented performance issues with C.C. Moreover, while C.C. clearly disagrees with these criticisms and actions taken against her, disagreements between co-workers cannot sustain a violation of the State Policy. *See In the Matter of Aundrea Mason* (MSB, decided June 8, 2005) and *In the Matter of Bobbie Hodges* (MSB, decided February 26, 2003). Additionally, the record indicates that C.C. filed the subject complaint only after receiving a written warning. Further, while C.C. alleges that two other coworkers commented to her in 2021 about N.H.'s alleged favoritism for younger employees, she presented this allegation approximately four years later after receiving a written warning. Also, during C.C.'s EEO interview, she acknowledged that she did not know if N.H.'s actions were based on age, and the examples of an alleged pattern of age discrimination by N.H. within the unit based on employee movements were not supported by the evidence as the record indicated that both older and younger employees left the unit, suggesting that such movements were based on attrition and not age discrimination. Finally, C.C. has not presented one iota of evidence, such as statements from the coworkers who she claims heard N.H.'s alleged age discrimination remark in 2021, and mere speculation, without evidence, is insufficient to substantiate a violation of the State Policy. *See In the Matter of T.J.* (CSC, decided December 7, 2016). Therefore, C.C. has failed to meet her burden of proof. *See N.J.A.C. 4A:7-3.2(n)1*. Accordingly, it was within the EEO's discretion to determine that an investigation was not warranted in this matter. *N.J.A.C. 4A:7-3.2(i)*

### **ORDER**

Therefore, it is ordered that this appeal be denied.

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 5<sup>TH</sup> DAY OF NOVEMBER, 2025

*Allison Chris Myers*

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Allison Chris Myers  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: C.C.  
Philippo Salvio, Esq.  
Division of EEO/AA  
Records Center