



Klarida Papajani,
Petitioner,

**STATE OF NEW JERSEY
DEPARTMENT OF LABOR
AND WORKFORCE DEVELOPMENT**

v.

New Jersey Turnpike Authority,
Respondent.

**FINAL ADMINISTRATIVE ACTION
OF THE
COMMISSIONER**

**OAL DKT. NO LID 15541-14
AGENCY DKT. NO. D66-25-113**

Issued: June 12, 2025

The Division of Public Safety and Occupational Safety and Health (the Division or PSOSH), within the Department of Labor and Workforce Development, issued a determination dismissing the discrimination complaint of Klarida Papajani (Papajani or petitioner), on the basis that she had not met the standard for establishing an act of discrimination under N.J.A.C. 12:110-7.5. In her complaint, Papajani, a former maintenance person (and toll collector) with the New Jersey Turnpike Authority (NJTA or respondent), alleged that she had been assigned extra duties and suspended without pay in retaliation for filing a complaint that she had been required by NJTA to remove cones from the highway without proper protection. Following the Division's dismissal of Papajani's complaint, petitioner requested a hearing, at which time the matter was transmitted to the Office of Administrative Law (OAL) for determination as a contested case. The matter was assigned to Administrative Law Judge (ALJ) Margaret M. Monaco.

There were multiple adjournments of the OAL hearing, after which the parties jointly requested that the matter be placed on the inactive list pending completion of an arbitration proceeding. At issue in the arbitration proceeding was whether disciplinary actions taken by NJTA against Papajani, including Papajani's termination, had been for just cause, or instead, had been in retaliation for complaints filed by Papajani against NJTA, including the worker safety complaint described above. Upon completion of the arbitration proceeding, at the conclusion of which the arbitrator determined that the

disciplinary actions taken against Papajani by NJTA, including the termination of her employment, had been for “just cause,” and not retaliatory, the matter was scheduled for a hearing. However, prior to the hearing, respondent filed a motion for summary decision. Specifically, respondent maintained that Papajani’s discrimination complaint should be dismissed, since Papajani’s decision to pursue public safety retaliation as a defense in her arbitration proceeding estopped her from asserting the same claim before the Division. Respondent further maintained that dismissal was appropriate based upon the undisputed material facts, including the arbitrator’s findings and conclusions, which demonstrated that Papajani had been subject to disciplinary action, including termination, for just cause, and not in retaliation for her safety complaints. In response, petitioner asserted that she was not estopped from pursuing her retaliation claim against NJTA before the Division, and that material facts were in dispute, precluding summary decision.

The ALJ granted respondent’s motion for summary decision and dismissed petitioner’s discrimination complaint, explaining as follows:

I **CONCLUDE** that the requirements for collateral estoppel are met, and Papajani is barred from litigating her [PSOSH] retaliation claim. Accordingly, I **CONCLUDE** that summary decision in favor of the NJTA is warranted.

Papajani was a party to the arbitration proceedings, and the arbitration decision constitutes a final judgment on the merits. During the arbitration proceedings, Papajani raised public safety retaliation as a defense against the NJTA’s disciplinary charges and her termination of employment. Papajani does not dispute that she testified as to her belief that her termination was in retaliation for her safety complaints and argued in her post-arbitration brief that her termination was in retaliation for safety complaints that she raised to [PSOSH]. (Papajani’s Response to Respondent’s Statement of Undisputed Material Facts at Nos. 16 and 17.) In other words, Papajani had a full and fair opportunity to litigate safety retaliation during her disciplinary arbitration, and she availed herself of that opportunity by presenting evidence on the issue and arguing it in her legal brief. Papajani was not prevented from offering additional evidence in support of her retaliation defense and shouldered the burden to present evidence regarding the claim during the arbitration once the defense was raised.

No exceptions to the ALJ’s initial decision were filed.

Having considered the ALJ’s initial decision, and having made an independent evaluation of the record, I have accepted and adopted the findings of fact, conclusions and recommendation contained in the ALJ’s initial decision

ORDER

Therefore, it is ordered that the discrimination complaint of Klarida Papajani is hereby dismissed.

This is the final administrative decision in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY
THE COMMISSIONER, DEPARTMENT
OF LABOR AND WORKFORCE DEVELOPMENT

A handwritten signature in black ink, appearing to read 'R. Asaro-Angelo', written over a horizontal line.

Robert Asaro-Angelo, Commissioner
Department of Labor and Workforce Development

Inquiries & Correspondence:

David Fish, Executive Director
Legal and Regulatory Services
Department of Labor and Workforce Development
PO Box 110 – 13th Floor
Trenton, New Jersey 08625-0110