

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 27TH DAY OF MARCH, 2018



Deirdre L. Webster Cobb
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
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 07573-17

AGENCY DKT. NO. 2016-1614

**IN THE MATTER OF SHEILA RICHARDSON,
UNION COUNTY DEPARTMENT OF HUMAN
SERVICES,**

Sheila Richardson, appellant, appearing pro se

**Rachel M. Caruso, Esq., for respondent (Union County Department of Human
Services)**

Record Closed: September 26, 2017

Decided: November 6, 2017

BEFORE JOANN LASALA CANDIDO, ALAJ:

STATEMENT OF THE CASE

Respondent, Union County Department of Human Services, removed appellant, Sheila Richardson (Richardson or appellant), a juvenile detention officer at the Union County Juvenile Detention Center (Detention Center), for acting unprofessionally towards a superior officer when failing to follow her commands and facility protocols for the detainees during wake-up and hygiene process.

PROCEDURAL HISTORY

On or about October 23, 2015, respondent served appellant with a Preliminary Notice of Disciplinary Action charging appellant with incompetency, inefficiency or failure to perform duties; insubordination; conduct unbecoming a public employee; neglect of duty; and other sufficient cause when violating Detention Center/Housing unit policies, procedures, post orders and directives, and took the disciplinary action of removal. Respondent did not issue a Final Notice of Disciplinary Action.¹ Richardson was removed from employment, including the payroll, on October 15, 2016.

Following appellant's appeal to the Civil Service Commission, the matter was transmitted to the Office of Administrative Law (OAL) pursuant to N.J.S.A. 52:14B-1 to 15 and N.J.S.A. 52:14F-1 to 13, where it was filed on May 30, 2017, for determination as a contested case. A prehearing conference was held wherein the hearing date was scheduled. The matter was heard on September 26, 2017, at which time the record closed.

ISSUE

At issue is whether respondent proved by a preponderance of the credible evidence that appellant engaged in the alleged conduct, and, if so, whether it constitutes conduct unbecoming a public employee, insubordination, neglect of duty, violation of Detention Center/Housing unit policies, procedures, post orders and directives and other sufficient cause to warrant removal.

¹ On appeal from the departmental hearing, the standard of review is de novo. In re Darcy, 114 N.J. Super. 454, 459 (App. Div. 1971) (citing Campbell v. Dep't of Civil Serv., 39 N.J. 556, 561; E. Paterson v. Civil Serv. Dep't of N.J., 47 N.J. Super. 55, 64, (App. Div. 1957)). An employee must be given fair notice of the charges against him so that he may have a fair opportunity to defend himself against the charges. W. New York v. Bock, 38 N.J. 500, 522 (1962). The hearing is limited to the charges made below. Ibid. (citing Kramer v. Civil Serv. Comm'n., 120 N.J.L. 599 (Sup. Ct. 1938); Orange v. DeStefano, 48 N.J. Super. 407, 419 (App. Div. 1958); cf. Marro v. Dep't of Civil Serv., 57 N.J. Super. 335, 344-45 (App. Div. 1959)). This de novo review before the OAL will only address charges listed on the Preliminary Notice of Disciplinary Action.

TESTIMONY

Michelle Perez

Michelle Perez, assistant superintendent at the Detention Center, testified on behalf of respondent. She confirmed that Richardson worked the 11:00 p.m. to 7:00 a.m. shift on October 22, 2015. The residents housed in Unit F were considered the "honor unit" for their good behavior. Perez testified that at approximately 6:27 a.m. on October 23, 2015, Richardson swiped her personal access security card one time at the resident housing door so that the door unlocked, but she did not physically look inside to make sure the resident was safe. Wake up and hygiene call for the residents began around 6:30 a.m. Richardson had the television on, which was very loud. While an officer is permitted to have the television on, it must be kept at a low volume so that detainees still sleeping are not disturbed. Richardson kept the volume up very loud even after the residents came out of their rooms. This is against safety policy since appellant would not have been able to hear if a resident needed help.

At 6:29 a.m., Richardson threw the resident's jumper into their room without entering the room and handing it to their, which is again against safety measures, as the resident could harm himself. As a housing unit officer, Richardson is responsible for ensuring security, safety and sanitation, and is required to adhere to schedules and document Unit occurrences by entering them in the unit log book. A resident is to be out of bed within ten minutes of being awakened and is to be provided with a toothbrush, toothpaste, and washcloths within ten minutes after awaking. (R-11.) She was also supposed to wait outside a bathroom door if a resident is using the facility. (R-15.) Although Richardson did wake the residents, she failed to timely hand out hygiene packs and did not wait outside the bathroom. She also allowed residents to return to their rooms and close their doors, again creating a safety issue.

At 6:37 a.m. Richardson went to residents' doors to swipe her access card, which unlocks the door so that the residents who did not come out can then come out for hygiene. But again, she did not check to see if the residents were okay. She also permitted two residents to go into the same room, which is against safety protocol.

Richardson called for a supervisor at the request of the residents and Chief Allen came to the Unit and observed no threat to Richardson of any kind. Allen turned off the television. Allen questioned Richardson why some of the residents did not get their hygiene packet. Allen directed the residents in a normal tone of voice to come out and take care of their hygiene. Allen then closed the residents' doors. Richardson turned the television back on after her supervisor turned it off.

Richardson called for assistance once Allen left claiming the residents were loud and not listening to her directives and Senior Juvenile Detention Officer Johnson and first-shift officers responded to Unit. Nothing was viewed as threatening. Residents told the officers they do not know why Richardson called for help. The residents appeared loud on the video when speaking to Richardson but nothing threatening. Officers exited after a few minutes. The residents lined up at 7:13 a.m. to go to breakfast. Richardson was not released from duty and was mandated to stay but refused the mandate and left the building.

Perez found that Richardson did not conduct herself in a professional manner and did not keep control of her unit, calling for a supervisor when there was no apparent threat. She disregarded the residents' safety by not checking on them when swiping her card and by not providing residents with hygiene packets. She did not have the residents' jumpers hanging outside of their room. Richardson also failed to make sure all residents were awake and out of their room within ten minutes of swiping her access card. She did not complete the handwritten logbook after each occurrence, such as logging when Allen arrived, when a resident used the rest room, when she asked for a supervisor, or when she gave out the hygiene materials.

In making her findings, Perez relied upon Resident Incident Reports submitted by the residents of Unit F where appellant was assigned. (R-6, R-7, R-8.) A video surveillance tape, which she relied upon during her investigation, was played during her testimony. (R-17.) Perez also investigated a statement made by a resident that Richardson said to the residents' "do not worry about me, I'm going home, you need to worry about getting out of jail," and found this to have occurred. She also noted

complaints from residents that the volume of the television was so loud that the residents could not sleep and that Richardson threw the jumpers in their face rather than handing them.

Chief Tekki Allen

Chief Tekki Allen of the Union County Juvenile Detention Center testified on behalf of respondent. Allen has worked with Richardson for approximately ten years. In the early morning hours of October 23, ²⁰¹³~~2018~~, Allen was on duty and received a call from Richardson who was calling for a supervisor. Allen came into the Unit and observed the residents behaving very loudly and the television was extremely loud. She turned the television off. Allen directed Richardson to start hygiene with the residents. Richardson had a belligerent attitude towards her, being insubordinate, since Allen had to request several times for Richardson to start hygiene. Richardson turned the television back on at a very loud volume despite Allen's order to keep the television off. Richardson did not follow the directive to close a resident's door once the resident came out. Richardson told Allen that it would be too much work for her to walk back and forth closing doors.

Allen testified that when she appeared at appellant's unit, there was no safety issue involved and at no time did ^{Allen}~~appellant~~ feel threatened by the residents. There was no indication the residents were inciting a riot as alleged by Richardson. While the residents were loud, Allen felt that appellant could have gotten them under control with little effort. She did not have to raise her voice in the manner that she did. Allen learned that it was the residents who wanted a supervisor since Richardson antagonized them by saying she is going home and they were not. Richardson told Allen it was too much work to get the residents out of their rooms to prepare for the day. After Allen ensured the residents that they would be getting their hygiene materials, she left the Unit. Allen then instructed the residents once lined up in the hallway to go to breakfast and be quiet since they were still very loud.

Sheila Richardson

Sheila Richardson testified on her own behalf. She stated that on October 23, 2015, at approximately 6:27 a.m. she came into her Unit after returning from lunch. She awakened the residents to get them ready for breakfast by 7:30 a.m. She claims she went back to the residents' door as a courtesy call, something that she was not required to do. Richardson stated that she threw the jumpsuits in their rooms rather than hang them by the door because she did not want to get accused of sexual contact with the residents.

Richardson further testified that the residents asked her to call for a supervisor. She had their hygiene bags on the chairs in the common area but the residents were not going to comply. The residents were disrespectful to her and called her names. They did not follow the rules and claimed that a resident touched the television volume control. She called for assistance because she felt threatened by one of the residents with whom she had had problems. Richardson felt that she properly performed her job on the date in question. She candidly admitted that she left the facility despite not being released by her superior.

Richardson stated that in 2014 she entered into a stipulation of settlement on a previous matter, upon the advice of counsel, that she regretted entering. The terms of the settlement were for a demotion in rank from senior officer to a juvenile detention officer because of a physical confrontation with a subordinate.

CREDIBILITY DETERMINATIONS

Where facts are contested, the trier of fact must assess and weigh the credibility of the witnesses for purposes of making factual findings as to the disputed facts. Credibility is the value that a finder of the facts gives to a witness' testimony. It requires an overall assessment of the witness' story in light of its rationality, internal consistency and the manner in which it hangs together with the other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963). Testimony to be believed must not only proceed from the mouth of a credible witness but must be credible in itself, in that it

must be such as the common experience and observation of mankind can approve as probable in the circumstances. In re Perrone, 5 N.J. 514, 522 (1950). A fact finder is free to weigh the evidence and to reject the testimony of a witness when it is contrary to circumstances given in evidence or contains inherent improbabilities or contradictions which alone or in connection with other circumstances in evidence excite suspicion as to its truth. Id. at 521-22; see D'Amato by McPherson v. D'Amato, 305 N.J. Super. 109, 115 (App. Div. 1997). In other words, a trier of fact may reject testimony as inherently incredible, and may also reject testimony when it is inconsistent with other testimony or with common experience or overborne by the testimony of other witnesses. Congleton v. Pura-Tex Stone Corp., 53 N.J. Super. 282, 287 (App. Div. 1958). The choice of rejecting the testimony of a witness, in whole or in part, rests with the trier and finder of the facts and must simply be a reasonable choice. Renan Realty Corp. v. Dep't of Cmty. Affairs, 182 N.J. Super. 415, 421 (App. Div. 1981).

I **FIND** the testimony offered by respondent's witnesses to be compelling and credible. All witnesses offered consistent versions of the events on October 23, 2015. Their testimony was wholly consistent with the memoranda written by each of the witnesses' right after the incident as well as confirmed by video. Richardson's testimony, on the other hand, was in direct contradiction to the credible testimony offered by respondent's witnesses as well as the video of her conduct and was not deemed credible.

FACTS

Based on the evidence presented, as well as having the opportunity to observe the witnesses and assess their credibility, I make the following **FINDINGS OF FACT**:

1. Sheila Richardson was employed as a juvenile detention officer at the Union County Juvenile Detention Center until her removal on October 23, 2015. She was assigned to the 11:00 p.m. to 7:00 a.m. shift.

2. Richardson, as a housing unit officer, was responsible for the security, safety and sanitation of the Unit to which she was assigned, as well as adhering to schedules and for the entry of every Unit occurrence in the Unit log book.
3. Richardson did not check inside each resident's room when swiping her card.
4. Richardson did not prepare the residents for hygiene within the required ten minutes of waking them. Allen had to request several times for Richardson to initiate hygiene.
5. Richardson did not wait outside of the bathroom when a resident was in there.
6. Richardson did not have the residents' jumpers hanging on the outside of their room and inappropriately threw their jumpers into the cells during wake up.
7. Richardson ignored a direct order from a superior to keep the television off. Instead, she kept the television on very loudly, not at a permissible low volume so as not to not disturb the residents.
8. Richardson did not follow her superior's directive not to leave the resident's door open once the resident came out. Instead, she complained that it was too much work.
9. Richardson was verbally abusive when telling the residents' not to worry about her since she was going home and they need to worry about getting out of jail. This was against policy.
10. Richardson was to document every incident in the logbook during her shift. She failed to enter occurrences such as logging when Allen arrived, when a resident used the rest room, when she asked for an assistant, or when she gave the hygiene materials as she was required to do.

11. Richardson, at the request of the residents, requested a supervisor to come to the Unit. When Chief Allen responded, she found nothing threatening, but that the television was extremely loud.

12. Richardson requested assistance once Allen left and approximately nine officers came to the Unit. Nothing appeared to be a hazard or safety issue. The residents lined up for breakfast.

13. Richardson left her assigned post and the building without being authorized to do so.

LEGAL ANALYSIS AND CONCLUSIONS

The purpose of the Civil Service Act is to remove public employment from political control, partisanship, and personal favoritism, as well as to maintain stability and continuity. Connors v. Bayonne, 36 N.J. Super. 390 (App. Div.), certif. denied, 19 N.J. 362 (1955). The appointing authority has the burden of proof in major disciplinary actions. N.J.A.C. 4A:2-1.4. The standard is by a preponderance of the credible evidence. Atkinson v. Parsekian, 37 N.J. 143 (1962). Major discipline includes removal or fine or suspension for more than five working days. N.J.A.C. 4A:2-2.2. Employees may be disciplined for insubordination, neglect of duty, conduct unbecoming a public employee, and other sufficient cause, among other things. N.J.A.C. 4A:2-2.3. An employee may be removed for egregious conduct without regard to progressive discipline. In re Carter, 191 N.J. 474 (2007). Otherwise, progressive discipline would apply. W. New York v. Bock, 38 N.J. 500 (1962).

Hearings at the OAL are de novo. Ensslin v. Twp. of N. Bergen, 275 N.J. Super. 352 (App. Div. 1994), certif. denied, 142 N.J. 446 (1995).

Maintenance of strict discipline is important in military-like settings such as police departments, prisons and correctional facilities. Rivell v. Civil Serv. Comm'n, 115 N.J. Super. 64, 72 (App. Div.), certif. denied, 50 N.J. 269 (1971); City of Newark v. Massey,

93 N.J. Super. 317 (App. Div. 1967). Refusal to obey orders and disrespect of authority cannot be tolerated. Cosme v. Borough of E. Newark Twp. Comm., 304 N.J. Super. 191, 199 (App. Div. 1997).

The need for proper control over the conduct of inmates in a correctional facility and the part played by proper relationships between those who are required to maintain order and enforce discipline and the inmates cannot be doubted. We can take judicial notice that such facilities, if not properly operated, have a capacity to become "tinderboxes."

[Bowden v. Bayside State Prison, 268 N.J. Super. 301, 305-06 (App. Div. 1993), certif. denied, 135 N.J. 469 (1994).]

Respondent charged Richardson with incompetency, inefficiency or failure to perform duties; insubordination; conduct unbecoming a public employee; neglect of duty; and other sufficient cause, violation of detention center/housing unit policies, procedures and post orders and directives. I **CONCLUDE** that these charges have been proven by a preponderance of the credible evidence.

As to the charges of incompetency, inefficiency or failure to perform duties, in violation of N.J.A.C. 4A:2-2.3(a)(1), the Administrative Code fails to define these grounds for disciplinary action, although they are generally interpreted to mean a failure to perform duties due to malingering, willful refusal, or idleness. See, e.g., Avanti v Dep't of Military and Veterans' Affairs, 97 N.J.A.R.2d (CSV) 564 (1996); Stevenson v Burlington Cty. Mosquito Control Comm'n, 97 N.J.A.R.2d (CSV) 702 (1997); Bright v Arthur Brisbane Child Development Ctr., 97 N.J.A.R.2d (CSV) 586 (1997). Guidance in interpreting the concepts may be found in Black's Law Dictionary 765 (6th ed. 1990), which defines incompetency as "[l]ack of ability, knowledge, legal qualification or fitness to discharge the required duty or professional obligation." "Inefficiency" has been defined as the "quality of being incapable or indisposed to do things required of an officer in a timely and satisfactory manner." Glenn v. Twp. of Irvington, CSV 5051-03, Initial Decision (February 25, 2005), adopted, MSB (May 23, 2005), <http://njlaw.rutgers.edu/collections/oal/>.

Insubordination likewise constitutes sufficient grounds for major discipline under N.J.A.C. 4A:2-2.3(a)(2). The charge of insubordination is a serious one. Since the term is not defined in the Civil Service Act, resort may be made to Black's Law Dictionary 801 (6th ed. 1990), which defines insubordination as "[r]efusal to obey some order which a superior officer is entitled to give and have obeyed. The term imports a willful or intentional disregard of the lawful and reasonable instructions of the employer." This definition would appear to limit insubordination to a willful disregard of instructions or some other affirmative act of disobedience. However, a much broader definition of the term is found at Webster's II New College Dictionary (1995). That definition refers not only to affirmative acts of disobedience, but also acts of non-compliance and non-cooperation. It may, therefore, also include any conduct that constitutes a refusal to submit to supervisory authority. Stanziale v. Cty. of Monmouth Bd. of Health, A-5029-00T5 (App. Div. April 11, 2002), <http://njlaw.rutgers.edu/collections/courts/>. As stated in Holly v. Hudson County, CSV 3085-02, Initial Decision (February 28, 2003), <http://njlaw.rutgers.edu/collections/oal/>, insubordination generally involves a violation of a directive or order by an employee.

Richardson was also charged with conduct unbecoming a public employee. N.J.A.C. 4A:2-2.3(a)(6). "Conduct unbecoming a public employee" is an elastic phrase, which encompasses conduct that adversely affects the morale or efficiency of a governmental unit or that has a tendency to destroy public respect in the delivery of governmental services. Karins v. City of Atl. City, 152 N.J. 532, 554 (1998); see also In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). It is sufficient that the complained-of conduct and its attending circumstances "be such as to offend publicly accepted standards of decency." Karins, supra, 152 N.J. at 555 (quoting In re Zeber, 156 A.2d 821, 825 (1959)). Such misconduct need not necessarily "be predicated upon the violation of any particular rule or regulation, but may be based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct." Hartmann v. Police Dep't of Ridgewood, 258 N.J. Super. 32, 40 (App. Div. 1992) (quoting Asbury Park v. Dep't of Civil Serv., 17 N.J. 419, 429 (1955)). Suspension or removal may be justified where the misconduct occurred while the employee was off duty. Emmons, supra, 63 N.J. Super. at 140. Likewise, undefined by the code, neglect of duty, N.J.A.C.

4A:2-2.3(a)(7), means that "an employee has neglected to perform an act required by his or her job title or was negligent in its discharge." Oliveira v. N. State Prison, CSV 7053-01, Initial Decision (September 5, 2002), <http://njlaw.rutgers.edu/collections/oal/>.

Here, Richardson called for a supervisor at the request of the residents. Chief Allen came to the Unit and did not find the residents to be threatening, only loud. She also observed that the residents had not completed hygiene. Allen prepared the residents for hygiene and left the Unit after ordering appellant to turn off the television. Richardson then called for further assistance because the residents were uncooperative and calling her names. Senior Juvenile Detention Officer Johnson and first shift officers responded to her call. Johnson was able to de-escalate the yelling between appellant and the residents and directed the residents to prepare to go to breakfast. Clearly Richardson was unable to control her Unit. Allen had to direct her several times to prepare the residents for hygiene before she did so.

Because Richardson disregarded the directives of a superior by being asked several times to get the residents ready for hygiene and for not keeping the television off when her superior turned it off, is a willful disobedience of her superior officer and the charge of insubordination is affirmed. Insubordination is always a serious matter, especially in a paramilitary context. "Refusal to obey orders and disrespect cannot be tolerated. Such conduct adversely affects the morale and efficiency of the department." Rivell v. Civil Serv. Comm'n, 115 N.J. Super. 64, 72 (App. Div.), certif. denied, 59 N.J. 269 (1971). Not only did Richardson speak in a disrespectful manner to her superior, but she also exhibited a sarcastic disrespect for the residents when telling them she is going home and they are not.

Furthermore, Richardson did not follow policy and procedures on the morning of October 23, 2015. Residents were to be out of bed within ten minutes of being awakened and prepared for hygiene. The residents did not come out of their rooms within the required ten minutes nor where they provided with toothbrushes, toothpaste, and washcloths within ten minutes after waking the residents. Rather than leaving the residents' jumpers hanging by the door, appellant threw them into their room without regard for their safety. Richardson had to be told by a superior more than once to start

hygiene. She was also supposed to wait outside a bathroom door if a resident was using the facility, which she failed to do.

Based upon all the foregoing, including the credible evidence in the record and the specific findings above, I **CONCLUDE** that respondent has met its burden of proving, by a preponderance of the credible evidence, the charges of incompetency, inefficiency or failure to perform duties; insubordination; conduct unbecoming; and other sufficient cause, in violation of detention center/housing unit policies, procedures and post orders and directives.

Richardson was also charged with neglect of duty, violating N.J.A.C. 4A:2-2.3(a)(7). Neglect of duty can arise from an omission to perform a duty or failure to perform or discharge a duty and includes official misconduct or misdoing, as well as negligence. Steinel v. City of Jersey City, 7 N.J.A.R. 91, 95 (1983), modified on other grounds, Civ. Serv. Comm'n, 7 N.J.A.R. 100 (1983), modified on other grounds, 193 N.J. Super. 629 (App. Div. 1984), aff'd, 99 N.J. 1 (1985). Generally, the term neglect connotes a deviation from normal standards of conduct. In re Kerlin, 151 N.J. Super. 179, 186 (App. Div. 1977).

Police officers are held to a higher standard of conduct than ordinary public employees. In re Phillips, 117 N.J. 567, 576-77 (1990). They represent "law and order to the citizenry and must present an image of personal integrity and dependability in order to have the respect of the public." Moorestown v. Armstrong, 89 N.J. Super. 560, 566 (App. Div. 1965), certif. denied, 47 N.J. 80 (1966). Correction officers, like police, are "held to the highest standards." Peterson v. E. Jersey State Prison, CSV 03927-02 and CSV 5336-02, Initial Decision (December 11, 2003), adopted, Merit System Board (February 11, 2004), <http://njlaw.rutgers.edu/collections/oal/>. These higher standards can mean that infractions will lead to major discipline for officers that otherwise may not have warranted severe discipline for some other positions. See Chopek v. Bayside State Prison, CSV 00658-01, Initial Decision (May 10, 2002), adopted, Merit Sys. Bd. (June 26, 2002), <http://njlaw.rutgers.edu/collections/oal/>.

Here, Richardson left the Detention Center despite being mandated to work until released by a supervisor without regard to coverage, which is an extremely serious offense for a detention officer. The officer's position involves public safety and by leaving the facility without authorization, increased the risk of harm to the residents and staff. This is contrary to the public interest, and constitutes a serious neglect of duties.

Principles of progressive discipline should be considered in the removal actions of civil service employees. Bock, supra, 38 N.J. 500. The determination of whether a specific act supports removal requires an evaluation of the conduct in terms of its relationship to the nature of the position itself and an evaluation of the actual or potential impairment of the public interest that may be expected to result from the conduct in question. Golaine v. Cardinale, 142 N.J. Super. 385, 397 (Law Div. 1976). The frequency, number and continuity of the employer's warnings indicate the progression of the discipline. Ibid. On appeals from disciplinary action, the Merit Board may redetermine guilt or modify a penalty originally imposed. N.J.S.A. 11A:2-19; Henry v. Rahway State Prison, 81 N.J. 571 (1980). The Board is empowered to substitute its own judgment on the appropriate penalty, even if the local appointing authority has not clearly abused its discretion. Id. at 579. The Board must consider an employee's past record, including both mitigating factors and prior discipline when determining the appropriate penalty to be imposed. Bock, supra, 38 N.J. at 523. The frequency, number and continuity of the employer's warnings, counseling and other measures indicate the progression of the discipline.

Richardson entered into a settlement agreement in April 2014, accepting a demotion for being involved in a verbal and physical confrontation with a subordinate officer. Given the seriousness of the offenses in this matter, and the higher standard applicable to officers, a penalty of removal is appropriate and warranted in this case.

ORDER

Based on the foregoing findings of fact and applicable law, it is **ORDERED** that the charges against appellant be and is hereby **SUSTAINED** and that appellant's appeal be and is hereby **DISMISSED WITH PREJUDICE**.

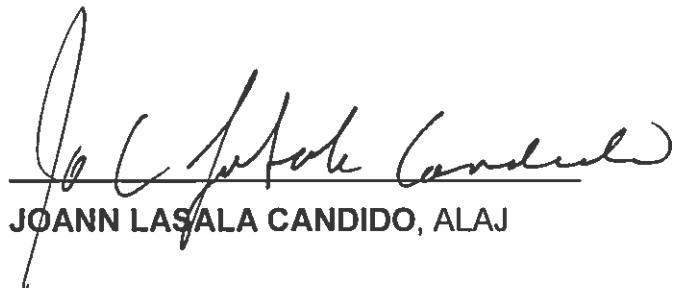
I hereby **FILE** my Initial Decision with the **CIVIL SERVICE COMMISSION** for consideration.

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, P.O. 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.

November 6, 2017

DATE


JOANN LASALA CANDIDO, ALAJ

Date Received at Agency:

November 6, 2017

Date Mailed to Parties:

NOV 9 2017



DIRECTOR AND
CHIEF ADMINISTRATIVE LAW JUDGE

ljb

APPENDIX

WITNESS LIST

For Appellant:

Sheila Richardson

For Respondent:

Michelle Perez

Tekki Allen

EXHIBIT LIST

For Appellant:

None

For respondent:

- R-1 Preliminary Notice of Disciplinary Action dated October 23, 2015
- R-2 Correspondence from Sheila Richardson to Civil Service dated October 23, 2015
- R-3 Union County Juvenile Detention Center Incident Report #1669-15, authored by Allen, dated October 24, 2015
- R-4 Union County Juvenile Detention Center Incident Report, authored by Richardson, dated October 23, 2015
- R-5 Union County Juvenile Detention Center Incident Report #1676-15, authored by C. Johnson, dated October 25, 2015
- R-6 Union County Juvenile Detention Center Resident Incident Report #1661-15 and Resident Grievance Form authored by J.C., dated October 23, 2015
- R-7 Union County Juvenile Detention Center Resident Incident Report #1666-15 and Resident Grievance Form authored by C.R., dated October 23, 2015
- R-8 Union County Juvenile Detention Center Resident Incident Report #1665-15 and Resident Grievance Form authored by J.O., dated October 23, 2015

- R-9 Unit F log book entries from 11:00 p.m. October 22, 2015, to 7:15 a.m. October 23, 2015
- R-10 Union County Detention Center Policy and Procedure No. 1.C.2 entitled Standard of Conduct
- R-11 Union county Juvenile Detention Center Policy and Procedure No. 4B.1 entitled Housing Unit Routine
- R-12 Union County Juvenile Detention Center Incident Report authored by Ms. Boyea, dated October 23, 2015
- R-13 Union County Juvenile Detention Center Incident Report, authored by McMillon dated October 26, 2015
- R-14 Union County Juvenile Detention Center Incident Report #1645-15, authored by Abney, dated October 22, 2015, and Union County Juvenile Detention Center Operational Report authored by JDO Richardson, dated October 22, 2015
- R-15 Union County Juvenile Detention Center Job Description and Post Orders, Post Order #PO-C-05 for Housing Unit Officer Post
- R-16 Correspondence from Sheila Richardson to Edward Haas dated October 23, 2015
- R-17 Surveillance Video from Juvenile Detention Center on October 22 and 23, 2015
- R-18 Final Administrative Action of the Civil Service Commission, issued June 18, 2014, regarding Sheila Richardson, OAL Docket # CSV 13435-13 (for penalty purposes only)
- R-19 Correspondence to Sheila Richardson, dated June 21, 2014, with Amended Final Notices of Disciplinary Action relative to thirty-day suspension and demotion (for penalty purposes only)