

work during the stated times, and, after a departmental hearing, a Final Notice of Disciplinary Action upholding the charges and removing the appellant from employment on December 12, 2017.

In her initial decision, the ALJ inexplicably treated this matter as a release at the end of the working test period appeal pursuant to *N.J.A.C.* 4A:2-4.1, *et seq.* However, as indicated previously, the appellant was removed via disciplinary action. Thus, this matter was not an appeal of a release at the end of the working test period. In fact, the appellant, as a Police Officer who had not yet fully completed his academy training, had not yet even started his working test period. Specifically, *N.J.A.C.* 4A:4-5.2(d)1 states, in pertinent part:

In local service, law enforcement officers who are required by *N.J.S.A.* 52:17B-66 *et seq.* (Police Training Act) to complete a police training course shall not begin their working test period until notification is received by the appointing authority from the Police Training Commission of the successful completion of the police training course. However, major disciplinary procedures applicable to employees serving in a working test period (see *N.J.A.C.* 4A:2-2) shall also be applicable to such officers from the date of appointment until completion of police training

The implication of this error is potentially significant since, in disciplinary cases, the burden of proof is on the appointing authority to prove the charges by a preponderance of the evidence, while in a working test period appeal, the burden of proof is on the employee to show that the release was in bad faith. Nevertheless, this error is not fatal in this case. In that regard, the ALJ clearly found that “the department’s policies are reasonable, and that the department has proven, by a preponderance of the evidence, that the department will be unable to accommodate Bloomfield based upon his religious beliefs and for the safety of its officers.” The Commission agrees with these findings. As such, the appointing authority has satisfied its burden of proof that the proffered disciplinary charges have been sustained by a preponderance of the evidence. Accordingly, the Commission rejects any findings or conclusions in the initial decision relating to this matter being considered a working test period appeal and, rather, upholds the appellant’s removal.

ORDER

The Commission rejects the Administrative Law Judge’s recommendation to uphold the release at the end of the working test period. Rather, the Commission upholds the removal and dismisses the appeal of Clinton Bloomfield.

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 23RD DAY OF OCTOBER, 2019

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
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 10511-18

AGENCY DKT. NO. 2018 2466

**IN THE MATTER OF CLINTON BLOOMFIELD
CITY OF NEWARK.**

Giovanna Giampa, Esq., on behalf of appellant (Fusco & Macaluso, attorneys)

**Cheyner Scott, Esq., appearing on behalf of respondent (Chasen Lamparello Mallon
& Cappuzzo, attorneys)**

Record Closed: September 5, 2019

Decided: September 27, 2019

BEFORE JOANN LASALA CANDIDO, ALAJ:

STATEMENT OF THE CASE

Appellant, Clinton Bloomfield, appeals his termination after a working test period from his position as a police officer with the City of Newark (Newark) based upon the rejection of appellant's request to be accommodated for his religious belief of permitting him to not work the Sabbath.

On December 12, 2017, appellant was served a Preliminary Notice of Disciplinary Action, charging him with inefficiency or incompetency and obedience of orders when he did not attend mandatory graduation practice on December 3, 2017,

without authorization to be absent. Appellant submitted an Administrative Report requesting off every Friday evening at sundown through Saturday at sundown for his religious observation.

PROCEDURAL HISTORY

A Final Notice of Disciplinary Action dated January 23, 2018, was issued. By letter dated February 1, 2018, counsel for appellant requested relief from the Civil Service Commission, which transmitted the matter as a contested case to the Office of Administrative Law (OAL) on July 24, 2018. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -13. The matter was heard on June 4 and 25, 2019. Post-hearing submissions were received on September 5, 2019, on which date the record closed.

TESTIMONY

James Byrd

Newark Police Department Lieutenant James Byrd testified on behalf of respondent. Byrd has been employed by Newark for twenty-six years. He is the Executive Officer and Associate Director at the Essex County Police Academy under the Newark Police Training Division. Byrd oversees the entire Newark Police Department training of the recruits. In 2017, the recruit class received their training at the New Jersey State Police Sea Girt's Division until the end of the class when they were returned to Newark. Bloomfield was a member of that recruit class.

All recruits entering training must sign an Acknowledgement of Work Schedule accepting working days, afternoons, nights, weekends, and/or holidays as required by the Department of Public Safety. R-3. Bloomfield signed this acknowledgment on May 25, 2017.

Byrd outlined the terms of the collective bargaining agreement between Newark and the Fraternal Order of Police. Officers work four days on and two days off and

there are six different shifts. All shifts require an officer to work a Friday evening or a Saturday before sunset.

On December 3, 2017, Bloomfield submitted an administrative submission requesting off on December 9, 2017, to observe the Sabbath due to his religious beliefs. R-5. There was a scheduled mandatory rehearsal for the recruits' graduation on that date at the Cathedral.¹ This was not approved and Bloomfield did not attend the graduation practice. Captain Donald Robertella responded to the request via email outlining the reason Bloomfield could not be accommodated to be excused on weekends from Friday sundown to Saturday sundown or for not attending the mandatory graduation practice. R-13. Also, on December 3, 2017, Bloomfield requested off January 4 through 10 for an annual religious observation. R-6. Bloomfield submitted a letter from the Church of God and Saints of Christ that requires all members to observe this annual religious event and are not permitted to work or perform outside activities. R-8. Byrd stated that the requested accommodation would be a hardship to the department and a threat to public safety.

Arthur Jorge

Newark Police Deputy Chief of Operations Arthur Jorge testified on behalf of respondent. His job duties include ensuring proper staffing throughout the department. Jorge stated that in Newark multiple and critical incidents happen on any given shift such as power outages, water-main breaks, shootings, murders, demonstrations, and raids and robberies. Because of the continued effects of a layoff in 2010, Newark has lost one-third of its police force and continues to lose officers. There needs to always be sufficient manpower to stabilize any given situation and officers may have to work overtime to achieve this. There is always a possibility that an officer will have to work on any given weekend, and it would lead to operational inefficiency to make an exception. Police are on call twenty-four hours per day, seven days per week. If officers do not volunteer for overtime, it will be mandatory if needed.

¹ The Cathedral Basilica of the Sacred Heart.

Clinton Bloomfield

Clinton Bloomfield testified on his own behalf. He testified that he was a recruit for the Newark Police Department and requested an accommodation from Civil Service to be able to take the civil service test in 2016 on a day other than a Saturday. That request was granted. He practices Judaism and is unable to work after sundown on Friday until sundown on Saturday, the Sabbath. He attends services from the morning until the sun sets.

Bloomfield entered the police academy and attended training Monday through Friday in Sea Girt. He stated he would not be in training after sundown on Fridays so it was not an issue. Bloomfield testified that when he was required to get his uniform and ballistic-vest fitting on a Saturday, the owner made an accommodation and permitted him to be the first one fitted on that day and would only take five minutes.

Bloomfield was not aware that respondent did not know of his request for Friday evening through Saturday evenings off. Bloomfield stated that he was available for work seven days per week but could not do the evening shift on Friday or Saturday until sundown. He would also use his vacation time for the two weeks he would need to observe religious holidays.

Bloomfield is currently employed as the security supervisor at East Orange General Hospital. He is not required to work on the Sabbath.

Charesse Forbes

Charesse Forbes testified on behalf of appellant. She and Bloomfield are members of the same church organization and have been friends for approximately twenty-five years. Forbes stated that services at the church on Friday evenings usually last for about two hours and services begin on Saturdays around 10:00 a.m. and end at sunset.

Brian Funchess

Brian Funchess testified on behalf of appellant. Funchess is Bloomfield's manager at East Orange General Hospital. Funchess described Bloomfield as an excellent professional employee and supervisor, and he has never taken a sick day. Bloomfield does not work a Friday night shift and does not work prior to sundown on Saturdays.

James Stewart, Jr.

James Stewart, Jr. testified on behalf of appellant. Stewart is currently the president of the Newark Fraternal Order of Police Lodge #12. There are six shifts an officer may work. He described the Newark Police Officer to work predominately work a four and two schedule that consists of an eight-hour day for four days and then off for two days. Administrative people and detectives work an administrative schedule that is a five and two schedule that may encompass one weekend day. This schedule may also be available to the Dignitary Protection Unit and the Real Time Crime Center. The Pitman Schedule would be twelve-hour days that may fall on weekends. If an officer cannot work a shift, he/she can swap with another officer after submitting a report to the captain. There are seven precincts. The FOP would not stand in the way of an officer that needs a certain schedule such as Bloomfield.

Joint Stipulation of Facts

Based upon the evidence, including the testimony and demeanor of the witnesses, I adopt the following stipulated facts:

1. On or around July 31, 2017, Clinton Bloomfield (Petitioner) was conditionally hired by the Newark Police Department (the Department) contingent on successful completion of police academy training with the New Jersey State Police Academy (NJSPA), pursuant to the requirements set forth by the Police Training Commission. N.J.S.A. 52:17B-66 et seq.

2. At all times relevant to this action, petitioner was subject to the Collective Bargaining Agreement between the City of Newark and the Fraternal Order of Police (FOP).
3. Prior to beginning training, Petitioner reviewed and signed an Acknowledgement of Work Schedule on May 25, 2017.
4. Prior to beginning training, Petitioner reviewed and signed a Statement of Understanding on July 26, 2017.
5. Petitioner, as well as all recruits, was ordered to respond to Atlantic Uniform for ballistic-vest fittings on either Saturday, October 21, 2017, or Saturday, October 28, 2017, between 1000 hours and 1800 hours.
6. Petitioner attended a mandatory ballistic-vest fitting on Saturday, October 28, 2017.
7. Petitioner, as well as all recruits, was required to attend police academy graduation training on December 9, 2017, from 0645-1300 hours.
8. On December 3, 2017, Petitioner issued an Administrative Submission to Captain Donald M. Robertella, Commander of the Police Training Division, requesting to be excused from work on December 9, 2017, due to his religious practice.
9. Also, on December 3, 2017, Petitioner issued an Administrative Submission to Captain Robertella requesting to be excused from work from January 4-10, 2018, due to his religious practice.
10. Along with the December 3, 2017, Administrative Submissions, Petitioner attached a letter dated June 28, 2017, from Elder Clement Bloomfield, his father and pastor of Church of God and Saints of Christ, stating that Petitioner was an active and involved member of the church and stating that no labor or activity may be done outside the worship of God after sun down Friday through sunset Saturday.
11. Along with the December 3, 2017, Administrative Submissions, Petitioner attached a letter dated December 2017 from Elder Bloomfield stating that Petitioner was not permitted to work during Holy Convocation from January 4 to January 10, 2018, due to his religious beliefs.
12. On December 7, 2017, Petitioner emailed Captain Robertella confirming that he understood that the meeting on December 9, 2017, was mandatory and

- reiterating that he would not be present due to observance of his religious practice.
13. On December 11, 2017, Petitioner submitted an Administrative Submission to Captain Robertella explaining that he was absent from mandatory graduation practice due to observance of his religious practice.
 14. On December 11, 2017, Petitioner, while represented by a FOP representative, typed answers to questions presented to him by Sergeant Byrd.
 15. On December 12, 2017, the Department issued a Preliminary Notice of Disciplinary Action CAP 2017-248/IOP 2017-665, charging Petitioner with:
 - a) Chronic Inefficiency or Incompetency: Department Rules and Regulations Chapter 18:29.2 and Civil Service Rule 4A:2-2.3(a)(1);
 - b) Obedience of Orders: Department Rules and Regulations Chapter 5:4.1; and
 - c) Absence Without Leave: Department Rules and Regulations Chapter 18:2 and Civil Service Rule 4A:2-2.3(a)(11).
 16. On December 12, 2017, the Department issued Personnel Order No. 2017-587 suspending Petitioner without pay.
 17. On December 13, 2017, Sergeant Byrd issued an Investigative Submission sustaining the Department complaint investigation and recommending a departmental hearing.
 18. On January 23, 2018, Petitioner appeared with counsel at a departmental hearing and waived the charges to the Office of Administrative Law.
 19. On January 23, 2018, the Department issued a Final Notice of Disciplinary Action CAP 2017-248/IOP 2017-665, finding Petitioner guilty of all charges.

LEGAL ANALYSIS AND CONCLUSIONS OF LAW

A civil service employees' rights and duties are governed by the Civil Service Act, N.J.S.A. 11A:1-1 to -12.6. The Act is an important inducement to attract qualified personnel to public service and is to be liberally construed toward attainment of merit appointments and broad tenure protection. See Essex Council No. 1, N.J. Civil Ser. Ass'n. v. Gibson, 114 N.J. Super. 576 (Law Div. 1971), rev'd on other grounds, 118 N.J.

Super. 583 (App. Div. 1972); Mastrobattista v. Essex County Park Comm'n, 46 N.J. 138, 147 (1965).

The appointing authority shoulders the burden of establishing the truth of the allegations by a preponderance of the credible evidence, Atkinson v. Parsekian, 37 N.J. 143, 149 (1962), and a civil service employee may not be removed from his or her position unless the appointing authority establishes just cause by a preponderance of the credible evidence. In re Polk, 90 N.J. 550 (1982). Evidence is said to preponderate "if it establishes 'the reasonable probability of the fact.'" Jaeger v. Elizabethtown Consol. Gas Co., 124 N.J.L. 420, 423 (Sup. Ct. 1940) (citation omitted). Stated differently, the evidence must "be such as to lead a reasonably cautious mind to the given conclusion." Bornstein v. Metro. Bottling Co., 26 N.J. 263, 275 (1958); Lowe v. Union Beach, 56 N.J. Super. 93, 104 (App. Div. 1959).

One of the objectives of the civil service laws and regulations is to ensure the merit and fitness of public service employees. See N.J.S.A. 11A:1-2; State-Operated Sch. Dist. of City of Newark v. Gaines, 309 N.J. Super. 327, 332 (App. Div. 1998), certif. denied, 156 N.J. 381 (1998). Toward this end, a candidate for permanent employee status must successfully complete a probationary or working test period. N.J.S.A. 11A:4-15. The working test period is considered part of the examination process and designed to enable an appointing authority to evaluate whether an employee can satisfactorily perform the duties of the title meriting permanent status. N.J.S.A. 11A:4-15; N.J.A.C. 4A:4-5.1(a). It is intended "to supplement the examining process by providing a means for testing an employee's fitness through observed job performance under actual working conditions." Dodd v. Van Riper, 135 N.J.L. 167, 171 (E. & A. 1947). Briggs v. Dep't of Civil Serv., 64 N.J. Super. 351, 355 (App. Div. 1960).

Here, appellant avers that he has not been afforded an accommodation to be permitted to not work after sundown on Fridays through Saturday at sundown due to his religious beliefs. Appellant argues that he did not violate the department's rules and regulations because he requested accommodations for his religious beliefs. Further, he claims religious discrimination based on a failure to accommodate stating that to establish a prima facie case of this cause of action, "the employee must show: 1) she

holds a sincere religious belief that conflicts with a job requirement; 2) she informed her employer of the conflict, and 3) she was disciplined for failing to comply with the conflicting requirement.” Br. of Appellant at 10 (citing Webb v. City of Phila., 562 F.3d 256, 259 (3d Cir. 2009) (citing Shelton v. Univ. of Med. and Dentistry of N.J., 223 F.3d 220, 224 (3d Cir. 2000)). He argues he satisfies the outlined elements through testimonies by Ms. Forbes and Mr. Funchess, and he illustrated that his religious beliefs are lifelong and devout. He informed his employer, Captain Robertella, of the conflicts between his religious beliefs and job requirements; and appellant was terminated by Newark because of this conflict.

Appellant asserts he satisfies the prima facie claim, and thus, as per Shelton, it is Newark’s burden to “show it made a good-faith effort to reasonably accommodate the religious belief, or [that] such an accommodation would work an undue hardship upon the employer and its business.” Ibid. Appellant states that an employer satisfies its Title VII religious accommodation obligation when it offers any reasonable accommodation. Ansonia Bd. of Educ. v. Philbrook, 479 U.S. 60, 68-69 (1986) (finding that an employer violates the Title VII statute unless it demonstrates that it cannot reasonably accommodate without undue hardship). He distinguishes Philbrook from Miller v. Port Authority of N.Y. and N.J., 351 F. Supp. 3d 762 (D.N.J. 2018), where the employer offered several options to accommodate a Jewish employee for Sabbath observance. The court held that the employer went “above and beyond what was required by the collective bargaining agreement” and allowed the employee unlimited shift swaps and use of vacation, personal, and compensatory time. Id. at 783.

Appellant stresses that an accommodation would not have imposed more than a de minimis burden on the city. Appellant argues that he was not offered any accommodation other than neglecting Sabbath observance. He suggests that Newark could have allowed him to use vacation or sick time, or alternatively, could have put him on a probationary period to assess the practicality of the requested accommodation. He contends that rather than explore possible compromises, Newark denied accommodations based on conjecture of both personnel shortages and that the accommodations would cause an undue hardship on its ability to hold officers.

In response, Newark argues that appellant violated its rules and regulations and that the religious accommodation he requested would cause undue hardship and therefore, Newark was not required to grant it. TWA v. Hardison, 432 U.S. 63 (1977). In Hardison, the employee was subject to a seniority system in a collective bargaining agreement (CBA) between his employer and the union. This CBA stipulated that most senior employees had preference for job and shift assignments and junior employees must work at times and jobs to fill the employer's needs. The employee observed Sabbath, and accommodations were successful as he had enough seniority; however, he sought and received a transfer to another job where his low seniority caused issues with accommodating his observance. Essentially, the employer allowed the union to seek a change of work assignment, but the union was unwilling to violate the seniority system. The employee's insufficient seniority prevented him from bidding on a shift having Saturdays off. The employer rejected a proposal that permitted the employee to work four days citing that it would impair critical functions in the company's operations. The Court reasoned that to facilitate a four-day-work schedule would result in "costs to the [employer] either in the form of lost efficiency in other jobs or higher wages" Id. at 84. An accommodation could not be reached, and the employee was terminated. The Supreme Court found that "without a clear and express indication from Congress, we cannot agree . . . that an agreed-upon seniority system must give way when necessary to accommodate religious observances." Id. at 79. Moreover, it would be "anomalous to conclude that by 'reasonable accommodation' Congress meant that an employer must deny the shift and job preference of some employees . . . in order to accommodate or prefer the religious needs of others Title VII does not require an employer to go that far." Id. at 81. The Supreme Court found that "to require [the employer] to bear more than a de minimis cost in order to give [the employee] Saturdays off is an undue hardship." Id. at 84.

Newark emphasizes that it is not required to provide accommodations if it requires the Department to violate a seniority system or the provisions of a CBA. Newark additionally looks to Sides v. NYS Division of State Police, 2005 U.S. Dist. LEXIS 12635 (N.D. NY June 28, 2005), where an applicant's employment process to the State Police was terminated because he could not work on the Sabbath or Jewish holidays. The court in Sides found that accommodations would violate the CBA and

impose an undue hardship. Similarly, Newark asserts appellant's accommodation request would violate the seniority system and the CBA, in addition to placing an undue hardship on the Department's operations. To start, appellant's ability to use vacation days is restricted by the CBA, where he would only be able to rely on this method five times. Newark also reasons that it would be unable to accommodate appellant's requests for a week off for the Holy Convocation and another week off for Passover if senior officers requested those days off. Next, appellant's proposition to shift swap is unreliable due to provisions set forth in the CBA and the frequency of transfers of the officers. Even if appellant found an officer to consistently swap shifts with, Newark would be burdened to find a replacement if that officer called out sick, took vacation time, or was transferred to another shift. Finally, Newark stresses the "unique dynamics of the City, emphasizing the need for Department manpower for safety, emergencies, and unexpected events." Br. of Newark at 22. Basically, due to these dynamics, Newark argues, every officer counts and the absence of appellant could negatively affect the Department's operations. I agree. An employer is not required to accommodate an employee where such would constitute a "substantial modification" of the "essential functions" of the job. See Harrison v. U.S. Postal Service, 840 F.2d 1139, 1149 (4th Cir. 1988). An accommodation is "not reasonable" if it imposes an "undue financial and administrative burden" on an employer or requires "a fundamental alteration in the nature of [the] program." Sch. Bd. of Nassau Cty. v. Arline, 480 U.S. 273, footnote 17 (1987) (citations omitted).

In an appeal from an employee's termination at the conclusion of a working test period, the employee shoulders the burden of proving that the appointing authority's "action was in bad faith." N.J.A.C. 4A:2-4.3(b). If bad faith is found, the employee is entitled to a new full or shortened working test period and, if appropriate, other remedies. N.J.A.C. 4A:2-4.3(c). The basic test is whether the appointing authority exercised good faith in determining that the employee was not competent to perform satisfactorily the duties of the position. See Briggs v. Dep't of Civil Serv., 64 N.J. Super. 351, 356 (App. Div. 1960); Devine v. Plainfield, 31 N.J. 3 Super. 300, 303-04 (App. Div. 1954); Lingrell v. New Jersey Civil Serv. Comm'n, 131 N.J.L. 461 462 (1944).

Appellant was extremely sincere in his testimony regarding the importance of his religious beliefs to him. Notwithstanding, I am persuaded that the department's policies are reasonable, and that the department has proven, by a preponderance of the credible evidence, that the department will be unable to accommodate Bloomfield based upon his religious beliefs and for the safety of its officers. Accordingly, I **CONCLUDE** the appellant has not met his burden of proving, by a preponderance of the credible evidence, that the Department acted in bad faith when it released him at the end of his working test period or discrimination based upon his religious beliefs.

ORDER

Based on the foregoing, it is **ORDERED** that the Newark City Police Department's release of the appellant at the end of his working test period be and is hereby **AFFIRMED**.

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.

September 27, 2019
DATE

Joann Lasala Candido
JOANN LASALA CANDIDO, ALAJ

Date Received at Agency:

Sept. 27, 2019

Date Mailed to Parties:

Sept. 27, 2019

ljb

WITNESSES

For Appellant:

Clinton Bloomfield
Charesse Forbes
Brian Funchess
Detective James Stewart, Jr.

For Respondent:

Lieutenant James Byrd
Deputy Chief Arthur Jorge

EXHIBITS

- P-3 Photos
- R1. Emergency Recall Card dated July 31, 2017 (Bloomfield v. Newark 1)
- R2. Vacation Application dated November 28, 2017 (Bloomfield v. Newark 2)
- R3. Acknowledgement of Work Schedule, signed by Recruit Bloomfield May 25, 2017 (Bloomfield v. Newark 13)
- R4. Department of Public Safety, Newark Police Division Statement of Understanding signed by Recruit Bloomfield July 26, 2017 (Bloomfield v. Newark 14-16)
- R5. Administrative Submission from Recruit Bloomfield to Captain Robertella, Subject: Request Off re: 2nd Sabbath Day, dated December 3, 2017 (Bloomfield v. Newark 6)
- R6. Administrative Submission from Recruit Bloomfield to Captain Robertella,

Subject: Request Off re: 2nd Religious Holy Days, dated December 3, 2017 (Bloomfield v. Newark 7)

- R7. Letter from Elder Clement Bloomfield, Church of God and Saints of Christ, dated June 28, 2017 (Bloomfield v. Newark 8)
- R8. Letter from Elder Clement Bloomfield, Church of God and Saints of Christ, dated December 2017 (Bloomfield v. Newark 9)
- R9. Administrative Submission from Captain Robertella to Captain Costa, Subject: Request from Recruit for Religious Exemption re: Recruit Clinton Bloomfield, dated December 5, 2017 (Bloomfield v. Newark 5)
- R10. Administrative Submission, from Captain Robertella to Captain Anthony Costa, Subject: Request from Recruit for Religious Exemption re: Recruit Clinton Bloomfield - Observations and Actions Taken, dated December 5, 2017 (Bloomfield v. Newark 3-4)
- R11. Range Daily Attendance Records 9/10/17; 9/17/17; 9/24/17 (Bloomfield v. Newark 10-12)
- R12. Email from Recruit Bloomfield to Captain Robertella Subject: Recruit Bloomfield, dated December 7, 2017 (Bloomfield v. Newark 70)
- R13. Email from Captain Robertella to Recruit Bloomfield Subject: Request for Excusal, dated December 8, 2017, 4:02 p.m. (Bloomfield v. Newark 71-72)
- R14. Email String:
 - a) from Captain Robertella to Recruit Bloomfield Subject: Request for Excusal, dated December 8, 2017, 4:51 p.m.
 - b) from Recruit Bloomfield to Captain Robertella Subject: Request for Excusal, dated December 8, 2017, 4:28:48 p.m.

- c) from Captain Robertella to Recruit Bloomfield Subject: Request for Excusal, dated December 8, 2017 4:02 p.m.
(Bloomfield v. Newark 73-74)
- R15. Administrative Submission from Recruit Bloomfield to Captain Robertella, Subject: AWOL - Saturday 12/9/17, dated December 11, 2017 (Bloomfield v. Newark 22)
- R16. Newark Police Department Investigation of Personnel Report submitted by Sgt. James Byrd, dated December 11, 2017 (Bloomfield v. Newark 48-49)
- R17. Administrative Submission from Recruit Bloomfield to Captain Robertella, Subject: Work Schedule, dated December 11, 2017 (Bloomfield v. Newark 34-35)
- R18. Preliminary Notice of Disciplinary Action and Specifications CAP 2017-248/IOP 2017-665 dated December 12, 2017 (Bloomfield v. Newark 17-19)
- R19. Department of Public Safety Personnel Order No. 2017-587 Subject: Indefinite Suspension – Without Pay dated December 12, 2017 (Bloomfield v. Newark 21)
- R20. Investigative Submission from Sergeant Byrd to Captain Robertella, dated December 13, 2017 (Bloomfield v. Newark 41-47)
- R21. Email from Lt. Louis Forst to NJSPA and Newark Police Department regarding ballistic-vest fittings attendance, dated October 6, 2017 (Bloomfield v. Newark 67)
- R22. Recruit Interview Summaries, dated December 20, 2017 (Bloomfield v. Newark 57-65A)

- R23. Attendance Sheet dated October 28, 2017 (Bloomfield v. Newark 66)
- R24. Final Notice of Disciplinary Action with specifications dated January 23, 2018 (Bloomfield v. Newark 37-40)
- R25. Department of Public Safety Memorandum, Subject: Field Training Officer Program form Personnel Transferred Effective Wednesday, January 17, 2018, dated January 16, 2018 (Bloomfield v. Newark 76-85)
- R26. Email from Captain Robertella to Major Jeanne Hengemuhle, Subject: Recruit Bloomfield, dated December 13, 2017 (Bloomfield v. Newark 131)
- R27. Email from Captain Robertella to Major Hengemuhle, Subject: Recruit Bloomfield, dated December 15, 2017 (Bloomfield v. Newark 129)
- R28. Email String:
a) from DAG Joseph Walsh to Major Hengemuhle, copying Captain Robertella, Subject: Recruit Bloomfield, dated December 14, 2017 9:52 a.m.
b) from Major Hengemuhle to DAG Walsh, dated December 13, 2017 12:26 p.m.
c) from Capt. Robertella to Major Hengemuhle, dated December 13, 2017 11:49 a.m.
(Bloomfield v. Newark 132-135)
- R29. Captain Gerardo Nieves Request and Denial for Religious Accommodation, dated March 9, 2017, to April 6, 2017 (Bloomfield v. Newark 123-128)
- R30. Agreement Between the City of Newark and Fraternal Order of Police, dated January 1, 2009, through December 31, 2002
- R31. Recruit Bloomfield Notice of Appeal