

**4A:2-1.6 Reconsideration of decisions**

(a) Within 45 days of receipt of a decision, a party to the appeal may petition the Commissioner or Board for reconsideration.

(b) A petition for reconsideration shall be in writing signed by the petitioner or his or her representative and must show the following:

1. The new evidence or additional information not presented at the original proceeding which would change the outcome and the reasons that such evidence was not presented at the original proceeding; or
2. That a clear material error has occurred.

(c) Each party must serve copies of all materials submitted on all other parties.

Amended by R.2006 d.271, effective July 17, 2006.

See: 37 N.J.R. 4345(a), 38 N.J.R. 3016(b).

In (a), substituted "Within 45 days of" for "Upon the".

**Case Notes**

A motion for reconsideration of a final administrative decision must be made within the period provided for the taking of an appeal. *Matter of Hill*, 241 N.J.Super. 367, 575 A.2d 42 (A.D.1990).

Senior corrections officer was an employee on date when complaint which formed basis of harassment conviction was filed, for purposes of forfeiture statute. *Moore v. Youth Correctional Institute at Annandale*, 230 N.J.Super. 374, 553 A.2d 830 (A.D.1989), affirmed 119 N.J. 256, 574 A.2d 983.

Senior corrections officer's criminal conviction for harassing his immediate superior was one "involving or touching" his employment. *Moore v. Youth Correctional Institute at Annandale*, 230 N.J.Super. 374, 553 A.2d 830 (App.Div.1989) affirmed 119 N.J. 256, 574 A.2d 983.

**4A:2-1.7 Specific appeals**

(a) For specific appeal procedures see:

1. Awards in State service (N.J.A.C. 4A:6-6.10);
2. Classification (N.J.A.C. 4A:3-3.9);
3. Discipline, major (N.J.A.C. 4A:2-2);
4. Discipline, minor (N.J.A.C. 4A:2-3);
5. Discrimination in State service (N.J.A.C. 4A:7-3.2 and 3.3);
6. Employment list removal for medical reasons (N.J.A.C. 4A:4-6.5);
7. Employment list removal for psychological reasons (N.J.A.C. 4A:4-6.5);
8. Examinations (N.J.A.C. 4A:4-6);
9. Grievances (N.J.A.C. 4A:2-3);
10. Layoffs (N.J.A.C. 4A:8-2.6);
11. Overtime in State service (N.J.A.C. 4A:3-5.10);

12. Performance Assessment Review in State service (N.J.A.C. 4A:6-5.3);

13. Reprisals (N.J.A.C. 4A:2-5);

14. Resignations (N.J.A.C. 4A:2-6);

15. Salary (job reevaluation) in state service (N.J.A.C. 4A:3-4.3);

16. Sick leave injury in State service (N.J.A.C. 4A:6-1.7); and

17. Supplemental compensation on retirement in State service (N.J.A.C. 4A:6-3.4).

(b) Any appeal not listed above must be filed in accordance with N.J.A.C. 4A:2-1.1.

Administrative correction to (a), with deletion of (a)11 and renumbering of old (a)12-18 to new (a)11-17.

See: 22 N.J.R. 165(a).

Amended by R.2006 d.271, effective July 17, 2006.

See: 37 N.J.R. 4345(a), 38 N.J.R. 3016(b).

Deleted "1 et seq." following N.J.A.C. references throughout; in (a)5, substituted "and 3.3" for "through 4A:7-3.4"; and in (a)11, deleted "et seq." following N.J.A.C. reference.

**Case Notes**

Appeals to Department of Personnel (DOP) and Merit System Board by police officer were timely. *Matter of Allen*, 262 N.J.Super. 438, 621 A.2d 87 (A.D.1993).

**SUBCHAPTER 2. MAJOR DISCIPLINE**

**Cross References**

Applicability of this subchapter to SES members, see N.J.A.C. 4A:3-2.9.

**4A:2-2.1 Employees covered**

(a) This subchapter applies only to permanent employees in the career service or a person serving a working test period.

(b) Appointing authorities may establish major discipline procedures for other employees.

(c) When the State of New Jersey and the majority representative have agreed pursuant to the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-5.3, to a procedure for appointing authority review before a disciplinary action is taken against a permanent employee in the career service or an employee serving a working test period, such procedure shall be the exclusive procedure for review before the appointing authority.

(d) When the State of New Jersey and the majority representative have agreed pursuant to the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-5.3, to a disciplinary review procedure that provides for binding arbitration of disputes involving a disciplinary action which would be otherwise appealable to the Board under N.J.A.C. 4A:2-

2.8, of a permanent employee in the career service or a person serving a working test period, such procedure shall be the exclusive procedure for any appeal of such disciplinary action.

Amended by R.2006 d.271, effective July 17, 2006.

See: 37 N.J.R. 4345(a), 38 N.J.R. 3016(b).

Added (c) and (d).

#### Case Notes

Ordinarily, permanent civil service employees can be discharged or demoted only for cause, and they have pre-termination appeal and hearing rights; however, provisional employees can be terminated at any time at the discretion of the employer. *Melani v. County of Passaic*, 345 A.2d 579.

Department of Energy was not equitably estopped from returning employee to his permanent position as senior engineer when promotional examination was not given between date of his provisional appointment and date of demotion (citing former N.J.A.C. 4:1-16.8). *O'Malley v. Department of Energy*, 109 N.J. 309, 537 A.2d 647 (1987).

Doctrine of equitable estoppel inapplicable to allow provisional employee to retain position (citing former N.J.A.C. 4:1-16.8). *Omrod v. N.J. Dep't of Civil Service*, 151 N.J. Super. 54, 376 A.2d 554 (App.Div.1977) certification denied 75 N.J. 534, 384 A.2d 513.

#### 4A:2-2.2 Types of discipline

(a) Major discipline shall include:

1. Removal;
2. Disciplinary demotion; and
3. Suspension or fine for more than five working days at any one time.

(b) See N.J.A.C. 4A:2-2.9 for minor disciplinary matters that are subject to a hearing, and N.J.A.C. 4A:2-3 for all other minor disciplinary matters.

(c) The length of a suspension in a Final Notice of Disciplinary Action, a Board decision or a settlement, when expressed in "days," shall mean working days, unless otherwise stated.

Amended by R.2006 d.271, effective July 17, 2006.

See: 37 N.J.R. 4345(a), 38 N.J.R. 3016(b).

In (a)2, added "and" at the end; in (a)3, substituted a period for a semi-colon at the end; deleted (a)4 and (a)5; and added (b) and (c).

#### Case Notes

Ordinarily, permanent civil service employees can be discharged or demoted only for cause, and they have pre-termination appeal and hearing rights; however, provisional employees can be terminated at any time at the discretion of the employer. *Melani v. County of Passaic*, 345 A.2d 579.

Employee suspended for 10 days from position as account clerk for failure to deposit money (\$700,000) within 48-hour period required by N.J.S.A. 40A:5-15 and late deposit by mail of \$355,000; 10-day suspension upheld and \$500 fine imposed. *Kennedy v. City of Burlington*, 11 N.J.A.R. 20 (1988).

Employee did not demonstrate that Department of Labor's request to reallocate career position of Director to SES was made in bad faith and

without complying with statutory procedures governing disciplinary proceedings. *Matter of Baykal*, 707 A.2d 467, 309 N.J. Super. 424.

#### 4A:2-2.3 General causes

(a) An employee may be subject to discipline for:

1. Incompetency, inefficiency or failure to perform duties;
2. Insubordination;
3. Inability to perform duties;
4. Chronic or excessive absenteeism or lateness;
5. Conviction of a crime;
6. Conduct unbecoming a public employee;
7. Neglect of duty;
8. Misuse of public property, including motor vehicles;
9. Discrimination that affects equal employment opportunity (as defined in N.J.A.C. 4A:7-1.1), including sexual harassment;
10. Violation of Federal regulations concerning drug and alcohol use by and testing of employees who perform functions related to the operation of commercial motor vehicles, and State and local policies issued thereunder; and
11. Other sufficient cause.

Amended by R.1990 d.308, effective June 18, 1990.

See: 22 N.J.R. 1015(b), 22 N.J.R. 1915(a).

Added misuse of public property, including motor vehicles.

Amended by R.1994 d.618, effective December 19, 1994.

See: 26 N.J.R. 3507(a), 26 N.J.R. 5000(a).

Amended by R.1995 d.415, effective August 7, 1995.

See: 27 N.J.R. 1837(a), 27 N.J.R. 2884(a).

Added (a)10, and recodified former (a)10 as (a)11.

#### Case Notes

Appellate court's reversal of the Merit System Board's (MSB's) decision to remove a public employee from her job was in error as the appellate court impermissibly imposed its own judgment as to the proper penalty when the MSB's penalty was not illegal, unreasonable, nor shocking to any sense of fairness; the MSB's decision to remove the employee for waving a cigarette lighter retrieved from her purse in the face of a five-year-old child in a room containing oxygen tanks recognized legitimate public policy reasons for not retaining the employee since she lost the trust of her employer. In re Herrmann, 192 N.J. 19, 926 A.2d 350, 2007 N.J. LEXIS 721 (2007).

Appellate court erred by treating the principle of progressive discipline as a mandate of law and rejecting a Merit System Board's opinion terminating a police officer for sleeping on the job. In re Carter, 191 N.J. 474, 924 A.2d 525, 2007 N.J. LEXIS 702 (2007).

As a county employee, an accountant, had been proven incompetent, the Merit System Board erred in reversing his termination and in imposing a six-month suspension; an accountant who could not prepare a bank reconciliation was of no value to a county treasurer's office, and a suspension would not make him competent, since he always maintained that he performed his work properly. *Klusaritz v. Cape May County*, 387 N.J. Super. 305, 903 A.2d 1095, 2006 N.J. Super. LEXIS 231 (App.Div. 2006).

In circumstances where an employee cannot competently perform the work required of his position, termination rather than progressive discipline is the appropriate action. *Klusaritz v. Cape May County*, 387 N.J. Super. 305, 903 A.2d 1095, 2006 N.J. Super. LEXIS 231 (App.Div. 2006).

A public employee cannot be dismissed for failure to submit to a procedure violative of his state and federal constitutional rights. *Reames v. Department of Public Works, City of Paterson*, 310 N.J. Super. 71, 707 A.2d 1377 (A.D. 1998).

Off-duty firefighter's utterance of racial epithet at on-duty police officer during traffic stop constituted conduct unbecoming both firefighter and public employee. *Karins v. City of Atlantic City*, 706 A.2d 706, 152 N.J. 532 (N.J. 1998).

Merit System Board of State Department of Personnel did not have exclusive jurisdiction for prosecution of forfeiture action against senior corrections officer. *State v. Lee*, 258 N.J. Super. 313, 609 A.2d 513 (A.D.1992).

Issue of forfeiture of public employment by turnpike utility worker did not have to be first addressed by administrative agency to determine whether there was any relationship between crimes committed and employment duties. *State v. Baber*, 256 N.J. Super. 240, 606 A.2d 891 (L.1992).

Turnpike utility worker's convictions for failure to deliver drugs to police and for simple assault upon two police officers were offenses "involving or touching" his job so as to justify forfeiture of employment. *State v. Baber*, 256 N.J. Super. 240, 606 A.2d 891 (L.1992).

Order directing forfeiture of public employment may be incorporated in sentence of criminal convictions. *State v. Baber*, 256 N.J. Super. 240, 606 A.2d 891 (L.1992).

Forfeiture of public employment, for conviction of failure to file gross income tax return was not a bill of attainder. *Ayars v. New Jersey Dept. of Corrections*, 251 N.J. Super. 223, 597 A.2d 1084 (A.D.1991).

Forfeiture of public employment for conviction for failure to file gross income tax return did not violate double jeopardy. *Ayars v. New Jersey Dept. of Corrections*, 251 N.J. Super. 223, 597 A.2d 1084 (A.D.1991).

Dismissal was appropriate sanction for refusal by correction officers to submit to mandatory drug testing. *Caldwell v. New Jersey Dept. of Corrections*, 250 N.J. Super. 592, 595 A.2d 1118 (A.D.1991), certification denied 127 N.J. 555, 606 A.2d 367.

When public employee is convicted of petty disorderly persons offense, analysis of nexus between crime and employment is required to determine if there is sufficient relationship between the two to warrant harsh penalty of forfeiture. *Moore v. Youth Correctional Institute at Annandale*, 119 N.J. 256, 574 A.2d 983 (1990).

When public employee is convicted of petty disorderly persons offense, connection between conviction and employment will have to be examined initially by governmental department in which employee works, then by appropriate administrative agencies, and employee will retain right to appeal to appellate division. *Moore v. Youth Correctional Institute at Annandale*, 119 N.J. 256, 574 A.2d 983 (1990).

Employees who are convicted of petty disorderly persons offense and recognize that their offense does touch and involve their employment can for good cause request county prosecutor or Attorney General to petition sentencing court for waiver of resultant forfeiture of public employment. *Moore v. Youth Correctional Institute at Annandale*, 119 N.J. 256, 574 A.2d 983 (1990).

Even in cases in which public employee does not obtain formal waiver of forfeiture of public employment resulting from conviction of petty disorderly persons offense, department should consider whether punishment of forfeiture fits crime. *Moore v. Youth Correctional Institute at Annandale*, 119 N.J. 256, 574 A.2d 983 (1990).

Inquiry into whether offense by public employee involves and touches on public employment to extent of meriting forfeiture of employment requires careful examination of facts and evaluation of various factors. *Moore v. Youth Correctional Institute at Annandale*, 119 N.J. 256, 574 A.2d 983 (1990).

Offense committed by public employee would not be considered not to involve or touch employment, so as to support forfeiture of public employment, based on fact that offense does not take place during employment hours or on employment grounds. *Moore v. Youth Correctional Institute at Annandale*, 119 N.J. 256, 574 A.2d 983 (1990).

Evidence supported determination that criminal conviction for harassing immediate superior warranted forfeiture of public employment. *Moore v. Youth Correctional Institute at Annandale*, 119 N.J. 256, 574 A.2d 983 (1990).

Whether public employee's conviction involves or touches employment does not depend upon whether criminally proscribed acts took place within immediate confines of employment's daily routine. *Moore v. Youth Correctional Institute at Annandale*, 230 N.J. Super. 374, 553 A.2d 830 (A.D.1989), affirmed 119 N.J. 256, 574 A.2d 983.

Senior corrections officer's criminal conviction for harassing his immediate superior was one "involving or touching" his employment as a senior corrections officer. *Moore v. Youth Correctional Institute at Annandale*, 230 N.J. Super. 374, 553 A.2d 830 (A.D.1989), affirmed 119 N.J. 256, 574 A.2d 983.

Department of Energy was not equitably estopped from returning employee to his permanent position as senior engineer when promotional examination was not given between date of his provisional appointment and date of demotion (citing former N.J.A.C. 4:1-1.1). *O'Malley v. Department of Energy*, 109 N.J. 309, 537 A.2d 647 (1987).

Tenure of public officer governed by Civil Service Commission; broad discretion conferred upon appointing authority regarding grounds for removal (citing former N.J.A.C. 4:1-6.9). *State v. DeMarco*, 107 N.J. 562, 527 A.2d 417 (1987).

Off-duty police officer, involved in fatal accident which was basis for his conviction of death by auto, disqualified from unemployment compensation effective the date of his suspension pending discharge (citing former N.J.A.C. 4:1-16.9). *Connell v. Board of Review*, 216 N.J. Super. 403, 523 A.2d 1099 (App.Div.1987).

Tax collector's refusal to comply with new business hours; cause for suspension without pay. *Newfield Borough v. Moynihan*, 94 N.J.A.R.2d (CAF) 2.

Incompetence and poor judgement exhibited by Casino Control Commission's Chief of Staff with respect to employee buyouts and meal recompensation merited three-month suspension without pay and demotion. In the Matter of Papp, 96 N.J.A.R.2d (CCC) 1.

Lack of specificity in assignment defeats employer's suspension action for neglect of duty. *Stevenson v. Burlington County Mosquito Control Commission*, 97 N.J.A.R.2d (CSV) 702.

Removal of utilities employees due to unbecoming conduct and falsification of records affirmed. *Phillips and Williams v. Deptford Township Municipal Utilities Authority*, 97 N.J.A.R.2d (CSV) 695.

Probationary firefighter removed after testing twice for drug use and signing certifications authenticating testing procedures. *McHugh v. City of East Orange Fire Department*, 97 N.J.A.R.2d (CSV) 692.

Building engineer's appropriate action to solve building's mechanical problems inappropriate subject for removal. *Clark v. Northern State Prison*, 97 N.J.A.R.2d (CSV) 686.

Excessive absences justify classified employee's removal. *Cesaretti v. Atlantic County*, 97 N.J.A.R.2d (CSV) 680.

Corrections officer terminated for over-familiarity with inmate. *Anderson v. East Jersey State Prison*, 97 N.J.A.R.2d (CSV) 675.

Suspension of hospital attendant due to excessive absenteeism modified. *Shapiro v. Burlington County*, 97 N.J.A.R.2d (CSV) 673.

Suspension of correction officer for unbecoming conduct due to falsification of time records affirmed. *Rodriguez v. Cumberland County*, 97 N.J.A.R.2d (CSV) 671.

Removal of juvenile detention officer for excessive absenteeism affirmed. *King v. Cumberland County*, 97 N.J.A.R.2d (CSV) 664.

Demotion of correction sergeant due to failure to follow policies regarding removal of inmate affirmed. *Gianni v. Albert C. Wagner Youth Correctional Facility*, 97 N.J.A.R.2d (CSV) 661.

Termination of human services technician for physical abuse of patient reduced to suspension. *Farmer v. Marlboro Psychiatric Hospital*, 97 N.J.A.R.2d (CSV) 660.

Employee's workload backlog not grounds for suspension if work pace within reasonable levels within agency. *Teel v. Mercer County Board of Social Services*, 97 N.J.A.R.2d (CSV) 657.

Supervisor's threat of assault justifies suspension. *Viteritto v. Northern State Prison*, 97 N.J.A.R.2d (CSV) 655.

Suspension and removal of police officer due to unbecoming conduct, insubordination and assault affirmed. *Schreck v. Township of Woodbridge Police Department*, 97 N.J.A.R.2d (CSV) 645.

Suspension of sergeant for unbecoming conduct due to inappropriate use of force against resident affirmed. *Mullins v. New Jersey Training School for Boys, Jamesburg*, 97 N.J.A.R.2d (CSV) 643.

Excessive absences justify youth worker's removal. *Evans v. Mercer County Youth Detention Center*, 97 N.J.A.R.2d (CSV) 637.

Removal of building maintenance worker for excessive absenteeism due to work-related injury inappropriate. *Allison v. Trenton Housing Authority*, 97 N.J.A.R.2d (CSV) 633.

Suspension of Safety Specialist due to chronic or excessive lateness affirmed. *Williams v. Division of Motor Vehicles*, 97 N.J.A.R.2d (CSV) 632.

Employee's physical abuse of institutional client justifies removal. *Vinson v. Vineland Developmental Center*, 97 N.J.A.R.2d (CSV) 630.

Removal of Maintenance Repairer based on erroneous information not justified. *Peters v. Hackensack Housing Authority*, 97 N.J.A.R.2d (CSV) 628.

Removal due to refusal to cooperate with alcohol testing affirmed. *Parham and Day v. Department of Transportation*, 97 N.J.A.R.2d (CSV) 621.

Removal of laborer due to persistent misconduct affirmed. *O'Brick v. Township of Pennsauken, Department of Public Works*, 97 N.J.A.R.2d (CSV) 617.

Nurse's removal for backdating facility report on client modified. *Milbourne v. Vineland Developmental Center*, 97 N.J.A.R.2d (CSV) 614.

Lack of evidence defeats appointing authority's disciplinary charges. *Jensen v. North Princeton Developmental Center*, 97 N.J.A.R.2d (CSV) 612.

Junior officer's disobedience warrants suspension for unbecoming conduct. *Heigler v. Gloucester County, Office of Sheriff*, 97 N.J.A.R.2d (CSV) 607.

Removal of truck driver for causing disturbance on state property affirmed. *Grimaldi v. Vineland Developmental Center*, 97 N.J.A.R.2d (CSV) 604.

Choking institutionalized juvenile justifies technician's removal for client mistreatment. *Fouco v. Woodbine Developmental Center*, 97 N.J.A.R.2d (CSV) 601.

Removal of clerk typist due to excessive absenteeism and unauthorized use of property unwarranted. *Crumidy v. Middlesex County Board of Taxation*, 97 N.J.A.R.2d (CSV) 596.

Removal for neglect of duty due to absence reduced to three month suspension. *Coppola v. Township of Gloucester, Department of Recreation*, 97 N.J.A.R.2d (CSV) 593.

Public employee failing to report for assignment and repeatedly failing to comply with supervisor's directives justifies removal. *Bright v. Arthur Brisbane Child Treatment Center*, 97 N.J.A.R.2d (CSV) 586.

Removal of clerk typist due to absenteeism modified to suspension. *Viereck v. City of Gloucester City, Department of Administration*, 97 N.J.A.R.2d (CSV) 573.

Suspensions and removal of institutional attendant for use of insulting language modified. *Whitehead v. Monmouth County*, 97 N.J.A.R.2d (CSV) 569.

Removal of service officer for neglect of duty remanded. *Avanti v. Department of Military and Veteran's Affairs*, 97 N.J.A.R.2d (CSV) 564.

Failure to seek treatment but continuing to arrive to work while intoxicated justifies removal of security guard. *Joseph v. Jersey City State College*, 97 N.J.A.R.2d (CSV) 561.

Hospital technician's inaction resulting in danger to others justifies removal. *Polansky v. Hunterdon Developmental Center*, 97 N.J.A.R.2d (CSV) 549.

Removal of sheriff's officer for failure to submit to psychological exam appropriate. *Villani v. Passaic County Sheriff's Department*, 97 N.J.A.R.2d (CSV) 533.

Unexplained tardiness insufficient grounds for removal. *Good v. Northern State Prison*, 97 N.J.A.R.2d (CSV) 529.

Suspension of correction officer due to alleged sexual harassment and verbal abuse dismissed. *Hammond v. Monmouth County Sheriff's Office*, 97 N.J.A.R.2d (CSV) 525.

Failure to follow chain of command before releasing test results to personnel agency justifies verbal reprimand over suspension. *Hartmann v. Department of Law and Public Safety, Division of Police*, 97 N.J.A.R.2d (CSV) 519.

Suspension of sheriff's officer for neglect of duty affirmed. *Thomas v. Passaic County Jail*, 97 N.J.A.R.2d (CSV) 517.

Bookkeeper's suspension for conduct unbecoming public employee not justified. *Volpe v. Bureau of Parole*, 97 N.J.A.R.2d (CSV) 448.

Police officer's suspension for insubordination and unbecoming conduct modified. *Thigpen v. City of East Orange Police Department*, 97 N.J.A.R.2d (CSV) 446.

Hearing officer's suspension for neglect of duty and conduct unbecoming public employee affirmed. *Morley v. Department of Labor*, 97 N.J.A.R.2d (CSV) 442.

Suspension of employee not justified when appointing authority fails to establish any misconduct. *Long v. New Lisbon Environmental Center*, 97 N.J.A.R.2d (CSV) 440.

Employee's failure to comply with administrative order warrants removal. *Leftridge v. Ancora Psychiatric Hospital*, 97 N.J.A.R.2d (CSV) 438.

Removal of institutional attendant for abusive absenteeism and lateness justified. *Kralle v. Red Oak Manor*, 97 N.J.A.R.2d (CSV) 435.

Removal of employee for encouraging a patient to strike another patient was justified. *Hill v. Ancora Psychiatric Hospital*, 97 N.J.A.R.2d (CSV) 433.

Suspension for chronic or excessive absenteeism and lateness justified. *Gonzalez v. City of Newark, Department of Water and Sewer Utility, Division of Sewers and Water Supply*, 97 N.J.A.R.2d (CSV) 430.

Removal for conduct unbecoming public employee justified. *Galloza-Orama v. New Lisbon Development Center*, 97 N.J.A.R.2d (CSV) 428.

Removal for conduct unbecoming public employee not justified. *Chandler v. Jersey City State College*, 97 N.J.A.R.2d (CSV) 426.

Release of telephone operator for unsatisfactory services justified. *Bahary v. Department of Buildings and Grounds*, 97 N.J.A.R.2d (CSV) 423.

Corrections employee's misuse of state property justifies removal. *Williams v. COTA-Department of Corrections*, 97 N.J.A.R.2d (CSV) 418.

Employee given authorized absences suffers removal for unauthorized absences after extension denied. *Weil v. Atlantic County Department of Public Safety*, 97 N.J.A.R.2d (CSV) 413.

Removal of corrections officer for undue familiarity and conduct unbecoming an employee affirmed. *Ventola v. Northern State Prison*, 97 N.J.A.R.2d (CSV) 408.

Removal from Aviation Mechanics eligibility list justified. *Tullo v. State Department of Law and Public Safety*, 97 N.J.A.R.2d (CSV) 405.

Male corrections officer's sexual harassment of female officer justifies suspension. *Reed v. Department of Corrections*, 97 N.J.A.R.2d (CSV) 403.

Suspensions modified and removal of correction officer for excessive absenteeism affirmed. *Parks v. Atlantic County Adult Detention Center*, 97 N.J.A.R.2d (CSV) 395.

Insufficient proof defeats charges supporting suspension of security guard for falsification. *Ortiz v. State Department of Transportation*, 97 N.J.A.R.2d (CSV) 393.

Falling asleep on duty justified removal of cottage technician. *Burton v. Woodbine Developmental Center*, 97 N.J.A.R.2d (CSV) 391.

Suspension of employee for failing to follow procedures justified. *Steinmetz v. New Lisbon Developmental Center*, 97 N.J.A.R.2d (CSV) 389.

Teacher's aide violating inmate contact rules while working in prison suffers removal. *Rose v. East Jersey State Prison*, 97 N.J.A.R.2d (CSV) 385.

City driver's refusal to participate in drug testing justifies termination. *Reames v. Department of Public Works, City of Patterson*, 97 N.J.A.R.2d (CSV) 376.

Termination of employee for violating Drug-Free Workplace Policy is justified. *Myers v. Jersey City Housing Authority*, 97 N.J.A.R.2d (CSV) 374.

Employee misstating and falsifying accident injury suffers extended suspension. *Montiero v. Vineland Developmental Center*, 97 N.J.A.R.2d (CSV) 367.

Police officer's suspension for conduct unbecoming justified. *Lewis v. City of East Orange Police Department*, 97 N.J.A.R.2d (CSV) 364.

Intoxicated on-duty police officer terminated. *Robinson v. City of Wildwood Police Department*, 97 N.J.A.R.2d (CSV) 360.

Police officer failing to activate siren upon high speed pursuit suffers suspension. *Ring v. Department of Public Safety of the Township of South Orange*, 97 N.J.A.R.2d (CSV) 351.

Nurse's aide's use of physical force to restrain patient not patient abuse. *King v. Morrisview Nursing Home*, 97 N.J.A.R.2d (CSV) 342.

Final warning notice triggers suspension for previously chronically absent employee lately absent due to accident injuries. *Hoffman v. Hudson County Department of Public Safety*, 97 N.J.A.R.2d (CSV) 337.

Removal of maintenance engineer for unbecoming conduct and neglect of duty modified to suspension. *Gann v. Marlboro Psychiatric Hospital*, 97 N.J.A.R.2d (CSV) 326.

No suspension for assault on state property when employee reasonably responding to being assaulted. *Fritsch v. Forensic Psychiatric Hospital*, 97 N.J.A.R.2d (CSV) 323.

Removal of employee for excessive absenteeism and neglect of duty justified. *DelGrosso v. Atlantic County Adult Detention Center*, 97 N.J.A.R.2d (CSV) 321.

Electrician properly demoted for dangerous wiring. *Brown v. Vineland Developmental Center*, 97 N.J.A.R.2d (CSV) 315.