

Final Notice of Disciplinary Action (31-B) Revised 8-27-93

DEPARTMENT OF PERSONNEL - STATE OF NEW JERSEY

INSTRUCTIONS: This notice must be served on a permanent employee or an employee serving a working test period in the career service after a hearing if one of the following types of disciplinary action is taken: (a) suspension or fine of more than five days at one time; (b) suspensions or fines more than three times or for an aggregate of more than fifteen days in one calendar year; (c) disciplinary demotion from a title in which the employee has permanent status or received a regular appointment; (d) removal; or (e) resignation not in good standing. If the employee does not request or does not appear at the hearing, this notice must be served as the final action. A copy of this notice must be sent to the Department of Personnel and served on the employee by personal service or certified or registered mail.

FROM:	JURISDICTION (Local Service)	DEPARTMENT		
	Township of Lawrence	Public Safety		
TO:	DIVISION, INSTITUTION OR AGENCY	STATE PAYROLL NUMBER	ADDRESS	DATE
	Police		2211 Lawrence Road Lawrenceville, NJ 08648	November 17, 2008
TO:	NAME OF EMPLOYEE	TITLE	SOCIAL SECURITY NUMBER	
	Thomas C. Chianese	Police Officer		
		CITY	STATE	

1. On August 25, 2008 you were served with a Preliminary Notice of Disciplinary Action (DPF-31A) and notified of the pending disciplinary action.

- You requested a hearing which was held on October 7, 2008
- You did not request a hearing.
- You requested a hearing and did not appear at the designated time and place.

The following charge(s) was dismissed:

None

If checked, charges are continued on attached page

The following charge(s) was sustained:

See Attached Page(s)

If checked, specifications are continued on attached page

2. The following disciplinary action has been taken against you:

- Suspension for 6 days, beginning Four week of: Nov 18, 2008 and ending Nov 23, 2008
- Removal, effective (date) _____
- Demotion to position of _____ effective (date) _____
- Resignation not in good standing, effective (date) _____
- Fine \$ _____ which is equal to _____ days pay Other disciplinary action: (explain on attached page)

SIGNATURE [Signature] TITLE Municipal Manager

3. Method of Service (Check One)	<input checked="" type="checkbox"/> PERSONAL SERVICE →	NAME AND TITLE OF EMPLOYEE <u>[Signature]</u>	DATE SERVED <u>11/17/08</u>
	<input type="checkbox"/> CERTIFIED OR REGISTERED MAIL →		

Give date of receipt by employee or agent as shown on return receipt postal card and the receipt number:

4. APPEAL PROCEDURE TO THE EMPLOYEE: You have a right to appeal disciplinary actions: (a) suspension or fines of more than five days at one time; (b) suspensions or fines more than three times or for an aggregate of more than fifteen days in one calendar year; (c) disciplinary demotion; (d) removal or (e) resignation not in good standing. Your letter of appeal must be filed with the Merit System Board within 20 days of receipt of this form. Appeals must be sent to: Merit System Board, 3 Station Plaza, 44 S. Clinton Avenue, PO Box 312, Trenton, N.J. 08625-0312. Appeals must be sent directly to the Merit System Board. Do not give your appeal to your Personnel Office for forwarding to the Merit System Board.

NOTICE: Your health insurance coverage may be affected by this action; check with your Personnel Office.

Preliminary Notice of Disciplinary Action
Department of Personnel – State of New Jersey

Re: Police Officer Thomas C. Chianese Badge No. 163

Charges: Violation of the Lawrence Township Rules and Regulations:

- 1) 40.42 Failure to Comply with Orders

Specifications:

On July 4, 2008, Sergeant Brian Caloiaro observed a memo written from Officer Chianese (PBA President) to Officer Caruso (PBA Treasurer). The memo was on an official Lawrence Township Police memorandum and was being used for conducting union business. Sergeant Caloiaro knew this was a violation of memorandum 08-055 which was authored and issued by Chief Daniel Posluszny. Memorandum 08-055 had previously instructed Officer Chianese that PBA business should not be in roll call and the PBA is not to use departmental paper, printers and official memos etc. for PBA business. Sergeant Caloiaro wrote a detailed report indicating how the improper memo came to his attention.

Officer Chianese was spoken to with regard to this investigation. He acknowledged getting the memorandum (08-055) from Chief Posluszny and stated he understood the memorandum. He then stated he "misinterpreted" the order and indicated he only thought it pertained to the PBA using department computers, phone and printer. He acknowledged writing the memo to Caruso and indicated he wrote the memo inadvertently and said it was not a big deal.

Memorandum 08-055 was issued by the Chief of Police on June 5, 2008. Officer Chianese used an official departmental memorandum to write to Officer Caruso on June 28, 2008. Memorandum 08-055 authored by Chief Posluszny specifically states that the official departmental memorandum is not to be used for union correspondence. Officer Chianese failed to follow the Chief's memorandum (08-055) by using an official memo when he corresponded with Officer Caruso. It should also be noted that Officer Chianese was advised in the past (Memo #07-103) that use of Departmental equipment and associated supplies (memos) is strictly prohibited.

Based on the investigation there is sufficient evidence to prove a violation of the Rules and Regulations, specifically Rule and Regulation 40.42 Failure to Comply with Orders.