

CHRISTOPHER A. GRAY, Esq. 01468-2007  
SCIARRA & CATRAMBONE, LLC  
100 Horizon Center Blvd.  
Hamilton, NJ 08691  
Phone: (856) 888-7066  
Fax: (973) 242-3118  
*Attorneys for Sheerece Holder*

DEC 28 '15 R

RECEIVED & FILED

DEC 23 2015

SUPERIOR COURT OF NEW JERSEY  
SALEM COUNTY CIVIL PART

IN THE MATTER OF  
CORRECTIONS OFFICER  
SHERREECE HOLDER  
and the COUNTY OF  
SALEM

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - SALEM COUNTY

DOCKET NO. L-230-15

COMPLAINT IN LIEU of  
PREROGATIVE WRIT

Plaintiff/Appellant Corrections Officer Sherreece  
Holder ("Holder" or "Officer Holder") brings this matter as an  
appeal of a decision by her employer, Salem County (the "County" or  
"Salem"), located in the County of Salem, State of New Jersey,  
wherein Officer Holder alleges and says as follows:

PRELIMINARY STATEMENT

Officer Holder brings this Preoperative Writ challenging the  
imposition of a 3 day suspension issued for alleged violations of  
the internal rules and regulations of the Salem County Correctional  
Facility. Salem County has improperly disciplined Officer Holder in  
violation of department rules and regulations without just cause.

COUNT ONE  
R. 4:69-1 Prerogative Writ Challenge via  
N.J.S.A. 11A:2-16 for  
REVIEW OF MINOR DISCIPLINARY CONVICTION IN  
CIVIL SERVICE JURISDICTION

1. At all material times, Officer Holder, was employed by the County as a Corrections Officer for the Salem County Sheriff's Department.
2. Salem County is a Civil Service jurisdiction.
3. Pursuant to N.J.S.A. 11A:2-16 and the Salem County Disciplinary Policy, appeals of Minor Discipline are to be filed in the Superior Court.
4. The union representing the corrections officer attempted to negotiate with the County to have minor discipline appeals go to the arbitration venue.
5. The County refused to agree to allow arbitration for minor disciplinary matters.
6. Officer Holder was served with a preliminary notice of disciplinary action on November 4, 2015.
7. The preliminary notice of disciplinary action alleges that Officer Holder was asleep duty on at 1942 hours on October 3, 2015.
8. Officer Holder was working her post that evening and reading the bible.
9. On November 18, 2015 a minor disciplinary hearing committee convened and reviewed the Holder matter.

10. The Committee did not determine that Officer Holder was sleeping and the Warden amended the allegation to inattentiveness to duty.
11. This was Officer Holder's first alleged violation which the policy calls for a written reprimand.
12. The Warden imposed a two day suspension for the alleged inattentiveness to duty.
13. Officer Holder seeks reversal of the County's findings.
14. Salem violated N.J.S.A. 11A:2-21 in imposing discipline without just cause and burden shifting.

**WHEREFORE,** Officer Holder demands judgment against Salem County as follows:

- a. For an Order of the Court, reversing and vacating the 2 day suspension of Officer Holder, immediately rescinding the finding of guilt on the Charges against her, rescission of his suspension, reinstatement of forfeited time, awarding Officer Holder back pay, and all other requisite benefits, attorney's fees and costs allowed by law, and seniority lost due to her suspension.
- b. For such other, further, additional and different

relief as this Court deems just and proper.

COUNT TWO

R. 4:69-1 Prerogative Writ Challenge via

N.J.S.A. 11A:2-16 for

**REVIEW OF MINOR DISCIPLINARY CONVICTION IN  
CIVIL SERVICE JURISDICTION**

15. Officer Holder Hereby reiterates and includes by reference all previously stated paragraphs.
16. Salem County is a Civil Service jurisdiction.
17. Pursuant to N.J.S.A. 11A:2-16 and the Salem County Disciplinary Policy, appeals of Minor Discipline are to be filed in the Superior Court.
18. The union representing the corrections officer attempted to negotiate with the County to have minor discipline appeals go to the arbitration venue.
19. The County refused to agree to allow arbitration for minor disciplinary matters.
20. Officer Holder was served with a preliminary notice of disciplinary action on November 4, 2015.
21. The preliminary notice of disciplinary action alleges that Officer Holder was eating on duty on at 1942 hours on October

3, 2015.

22. On November 18, 2015 a minor disciplinary hearing committee convened and reviewed the Holder matter.
23. The Committee determined that Officer Holder has eaten on duty and recommended a written reprimand.
24. The Warden imposed a one day suspension for the alleged eating on duty to duty.
25. Officer Holder seeks reversal of the County's penalty as it violated the disciplinary manual and notice of discipline.
26. Salem violated N.J.S.A. 11A:2-21 in imposing discipline without just cause and burden shifting to the Plaintiff.

**WHEREFORE,** Officer Holder demands judgment against Salem County as follows:

- a. For an Order of the Court, reversing and vacating the 2 day suspension of Officer Holder, immediately rescinding the finding of guilt on the Charges against her, rescission of his suspension, reinstatement of forfeited time, awarding Officer Holder back pay, and all other requisite benefits, attorney's fees and costs allowed by law, and seniority lost due to her suspension.

- b. For such other, further, additional and different relief as this Court deems just and proper.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, the Court is advised that Christopher A. Gray, Esq., is hereby designated as counsel.

Respectfully submitted,

**Sciarra & Catrambone, LLC**

*Attorney for Sheerece Holder*

By: \_\_\_\_\_

Christopher A. Gray, Esq.

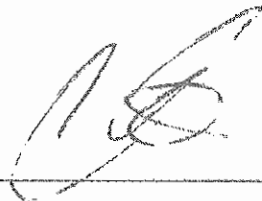
Dated: December 22, 2015

CERTIFICATION PURSUANT TO R. 4:5-1

The undersigned, of full age, hereby certifies as follows:

1. The matter in controversy is not the subject of any other pending action before the Superior Court of New Jersey.
2. No other action or arbitration proceeding is contemplated.
3. There are no other parties to be joined in this action at the present time.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the said statements made by me are willfully false, I am subject to punishment.



Dated: December 22, 2015

\_\_\_\_\_  
Christopher A. Gray, Esq.

CERTIFICATION OF VERIFICATION AND NON-COLLUSION

I am the attorney for the Plaintiff in the foregoing Complaint. The allegations of the Complaint are true to the best of my knowledge, information and belief. The said Complaint is made in truth and good faith and without collusion for the causes set forth herein.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

By: \_\_\_\_\_



Christopher A. Gray, Esq.

Dated: December 22, 2015



CERTIFICATION REGARDING RECORD

I hereby certify that the Defendant is in possession of the complete record in this matter. They are in sole possession of the verbatim recording of the disciplinary matter. Demand is hereby made for production of the recording to Plaintiff so that a transcript may be ordered.

By: \_\_\_\_\_



Christopher A. Gray, Esq.

Dated: December 22, 2015