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DEC 23 2015

SUPERIOR COURT OF NEW JERSEY
SALEM COUNTY CIVIL PART

IN THE MATTER OF
CORRECTIONS OFFICER
JOSEPH MASSEY
and the COUNTY OF
SALEM

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - SALEM COUNTY

DOCKET NO.: L-229-15

COMPLAINT IN LIEU OF
PREROGATIVE WRIT

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

PRELIMINARY STATEMENT

Officer Massey brings this Preoperative Writ challenging the imposition of a 1 day suspension issued for alleged violations of the internal rules and regulations of the Salem County Correctional Facility. Salem County has improperly disciplined Officer Massey 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 Massey, 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 Massey was served with a preliminary notice of disciplinary action on August 19, 2015.
7. The preliminary notice of disciplinary action alleges that Officer Massey failed to follow call in procedures to utilize sick time on August 7, 2015.
8. Officer Massey overslept due to taking cold medication and reported for duty at 2300.
9. On November 10, 2015 a minor disciplinary hearing committee convened and reviewed the Massey matter.

10. The Committee determined that Officer Massey should receive a written reprimand for failing to follow call in procedure..
11. This was Officer Massey's first alleged violation which the policy calls for a written reprimand.
12. The Warden imposed a one day suspension and changed the allegations without notice to Plaintiff.
13. Officer Massey seeks reversal of the imposition of a suspension.
14. Salem violated N.J.S.A. 11A:2-21 in imposing discipline without just cause and burden shifting to the Plaintiff.

WHEREFORE, Officer Massey demands judgment against Salem County as follows:

- a. For an Order of the Court, reversing and vacating the 1 day suspension of Officer Massey, immediately rescinding the finding of guilt on the Charges against him, rescission of his suspension, reinstatement of forfeited time, awarding Officer Massey back pay, and all other requisite benefits, attorney's fees and costs allowed by law, and seniority lost due to his 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 Joseph Massey

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