



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Kleber Vera, City of  
Hoboken

CSC Docket No. 2020-2617

Layoff Rights Appeal

**ISSUED: NOVEMBER 27, 2020 (HS)**

Kleber Vera, a former Building Maintenance Worker with the City of Hoboken (Hoboken), appeals the determination of his layoff rights by the Division of Agency Services (Agency Services).

As background, Hoboken presented a layoff plan to Agency Services to be effective May 7, 2020, ultimately proposing the layoffs of 19 employees in seven departments due to economic necessity and budgetary constraints. Hoboken indicated that it anticipated a revenue shortfall for the 2020 spending cycle due to projected increases in employee medical benefits; increased employer pension contributions; and the expiration of all collective negotiations agreements and the non-acceptance of proposed salary increases offered by Hoboken. The appellant's Building Maintenance Worker position in the Department of Environmental Services was among those targeted. Agency Services approved the layoff plan, and notices were sent to affected employees. Agency Services informed the appellant that he would be laid off from his position and that there were no displacement rights available to him. The appellant's name was placed on appropriate special reemployment lists. The appellant was appointed as a Building Maintenance Worker on August 14, 2013 and was the only Building Maintenance Worker in the Department of Environmental Services.

On appeal to the Civil Service Commission, the appellant notes that he previously held the title of Parking Enforcement Officer in the Department of Transportation and Parking from February 2010 to August 2013. He contends that he was not given the opportunity to return to the Department of Transportation and

Parking as he should have been due to his seniority. Specifically, the appellant maintains that he had seniority over J.L. and M.L., two employees serving in the title of Parking Attendant in the Department of Transportation and Parking since 2016.

### CONCLUSION

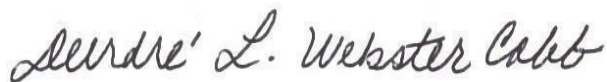
*N.J.A.C.* 4A:8-1.5(c) provides in pertinent part that in local service, the layoff unit shall be a department in a county or municipality. *See also, N.J.S.A.* 11A:8-1c. Additionally, *N.J.A.C.* 4A:8-2.2(c) states that in local service, a permanent employee in a position affected by a layoff action shall be provided title rights within the layoff unit. Moreover, an appellant has the burden of proving that a misapplication of the regulatory criteria occurred in determining layoff rights. *See N.J.A.C.* 4A:8-2.6(c). In this case, the appellant was an employee of the Department of Environmental Services at the time of the layoff and could only have been provided layoff rights within that department. Thus, he had no right to displace J.L. or M.L., employees of the Department of Transportation and Parking. Accordingly, the record does not demonstrate a misapplication of the regulatory criteria in determining layoff rights, and the appellant has not met his burden of proof in this matter.

### ORDER

Therefore, it is ordered that this appeal be denied.

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 24<sup>TH</sup> DAY OF NOVEMBER 2020




---

Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
Director  
Division of Appeals and Regulatory Affairs  
Written Record Appeals Unit  
Civil Service Commission  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c. Kleber Vera  
Marcia J. Mitolo, Esq.  
Jason Freeman  
Division of Agency Services  
Records Center