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## STATE OF NEW JERSEY

In the Matter of Richard Sazon, Camden County Health Services Center

CSC Docket No. 2014-1707

DECISION
OF THE
CIVIL SERVICE COMMISSION

Hearing Granted

ISSUED: MOV 2 0 2014 (CSM)

Richard Sazon, a former Graduate Nurse with Camden County Health Services Center, requests a hearing regarding his removal effective June 13, 2013.

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By way of background, in a Final Notice of Disciplinary Action (FNDA) dated August 2, 2013, the appellant was removed effective June 13, 2013. The appellant timely appealed the matter of his removal to the Civil Service Commission (Commission). However, the appellant's County and Municipal Personnel System (CAMPS) record indicated that he did not have underlying permanent status in a career service title and that he had only received a temporary appointment to Graduate Nurse in September 2003 and May 2006. Therefore, as the right to appeal in disciplinary matters is limited to employees in the career service with underlying permanent status or persons serving in a working test period, the appellant was advised by Division of Appeals and Regulatory Affairs (DARA) staff that there was no basis on which the Commission could review his appeal.

In response, the appellant requested that he be permitted to continue in the appeal process, asserting that the appointing authority incorrectly identified a number of its employees as temporary or provisional employees. In this regard, the appellant provides a copy of his CAMPS record, asserting that he was permanently appointed as a Graduate Nurse effective March 8, 2004 and that his record incorrectly reflects that he was temporarily appointed.

Although provided the opportunity, the appointing authority did not provide any additional information or argument for the Commission to review in this matter.

It is noted that a review of the appellant's imaged personnel record on file with this agency reveals that he received a temporary appointment to the title of Graduate Nurse effective September 8, 2003. Subsequently, a CAMPS "Static Job Information Change Form" (Change Form) signed by the appointing authority on June 14, 2004, indicates that the appointing authority was "making employee permanent" effective March 3, 2004. In Change Forms dated August 28, 2005 and May 21, 2006, the appointing authority increased the appellant's work hours as a Graduate Nurse from 20 hours per week to 24 hours per week and then from 24 hours per week to 40 hours per week. It is further noted that the Graduate Nurse title is allocated to the non-competitive division of the career service. As a non-competitive title, appointees must meet the minimum requirements for the title and veterans preference applies, but applicants are not required to take a competitive examination or be appointed through certification procedures administered by this agency.

## CONCLUSION

N.J.S.A. 11A:2-6(a) and N.J.A.C. 4A:2-2.1(a) provide the right to appeal and a hearing to permanent career service employees in the matter of their removal.

N.J.S.A. 11A:4-13(c) and N.J.A.C. 4A:4-1.7(a) provide, in pertinent part, that a temporary appointment may be made for a period of not more than six months in a 12-month period and positions established as a result of a short-term grant may be established for a maximum of 12 months. N.J.A.C. 4A:4-1.7(d) states that consecutive temporary appointments in excess of the periods set forth in N.J.A.C. 4A:4-1.7(a) are prohibited.

In the present matter, the appellant is entitled to a hearing concerning his removal. As noted above, the appellant's title, Graduate Nurse, is allocated to the non-competitive division of the career service. Thus, there would be no record of his having taken a competitive examination or being permanently appointed from an eligible list through certification procedures. However, a review of the appellant's imaged personnel record on file with this agency contains a Change Form signed by the appointing authority indicating that it permanently appointed him to the noncompetitive title of Graduate Nurse effective March 8, 2004. Although the last entry in the appellant's CAMPS record reflects a temporary appointment effective May 21, 2006, this is clearly incorrect as the accompanying Change Form of that same date indicates that his hours of work increased from 24 to 40 hours per week. Moreover, at its maximum duration, a temporary appointment could only last 12 months as consecutive temporary appointments are not permitted. Therefore, it would have been impossible for the appellant to be serving a temporary appointment for almost 10 years. Therefore, given that the appointing authority has not rebutted the appellant's assertions, the record indicates that he was appointed to the non-competitive title of Graduate Nurse effective March 8, 2004.

Accordingly, the appellant's CAMPS record is to be corrected consistent with this decision and he is entitled to a hearing regarding the matter of his removal.

Therefore, the Commission refers this matter to the Office of Administrative Law for a hearing concerning the appellant's removal effective June 13, 2013.

## **ORDER**

The Civil Service Commission orders that this matter be referred to the Office of Administrative Law for a hearing as set forth above. It is also ordered that the appellant's CAMPS record be corrected to reflect his permanent appointment to the non-competitive title of Graduate Nurse effective March 8, 2004.

**DECISION RENDERED BY** 

THE CIVIL SERVICE COMMISSION ON

THE 19<sup>TH</sup> DAY OF NOVEMBER, 2014

Robert M. Czech

Chairperson

Civil Service Commission

Inquiries

and

Correspondence

Henry Maurer

Director

Division of Appeals

and Regulatory Affairs

Civil Service Commission

Written Record Appeals Unit

P.O. Box 312

Trenton, New Jersey 08625-0312

c: Richard Sazon Sunil Marwaha Kenneth Connolly

Joseph Gambino