

STATE OF NEW JERSEY

In the Matter of Henrietta Brask, Department of Human Services

CSC Docket No. 2014-2768

FINAL ADMINISTRATIVE
ACTION OF THE
CIVIL SERVICE COMMISSION

Layoff Appeal

ISSUED: AUG 1 4 2014

(RE)

Henrietta Brask, a Supervisor of Nursing Services with the Department of Human Services, North Jersey Developmental Center, appeals her lateral displacement to the same title at Greystone Park Psychiatric Hospital.

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By way of background, the Department of Human Services submitted a layoff plan to the Division of Classification and Personnel Management (CPM) to lay off employees in various titles, including employees of Division of Developmental Disabilities, due to the closure of the North Jersey Developmental Center, effective June 27, 2014. Numerous positions in various titles at several institutions were affected. As a result, a review of official records indicates that Ms. Brask's position was targeted, and she laterally displaced a provisional Supervisor of Nursing Services at Greystone Park Psychiatric Hospital.

On appeal, the appellant argues that she was told that there were no available positions with her title in Essex County, which was her first location choice, and that she was not given a suitable answer as to why this was. She felt obliged to select her second choice of Morris County. She states that she had 34 years and 6 months of permanent service, and does not believe that there was no available position with her title in Essex County. The appellant's circumstances were reviewed, and she was informed by Commission staff that she was provided with correct information, that there were no available positions with the title Supervisor of Nursing Services in Essex County. The appellant responded that Diana Gray had been transferred from Greystone Park Psychiatric Hospital to the

Commission for the Blind and Visually Impaired in Essex County and was serving as a Supervisor of Nursing Services.

CONCLUSION

In an appeal of this nature, it must be determined whether CPM properly applied the uniform regulatory criteria found in N.J.A.C. 4A:8-2.1 et seq., in determining layoff rights. It is an appellant's burden to provide evidence of misapplication of these regulatory criteria in determining layoff rights and the appellant must specify a remedy. A thorough review of the record establishes that the appellant's layoff rights were properly determined.

At the heart of the title rights determination is the underlying policy to ensure that employees are afforded fair, uniform, and objective title rights without resulting in harm to the public. See Malone v. Fender, 80 N.J. 129 (1979). In this case, there were no available positions in Essex County as a Supervisor of Nursing Services. The appellant believes that Diana Gray holds a position in this title in Essex County, but a review of the records indicates that she is mistaken. Diana Gray held the position of Supervisor of Nursing Services at Greystone Park Psychiatric Hospital and was demoted in the layoff to Charge Nurse 12 Months in the Commission for the Blind and Visually Impaired, in Essex County. If Ms. Gray is serving as a Supervisor of Nursing Services at that location, she is working outof-title, and out-of-title work is not a basis for title rights as defined in Title 4A of the Administrative Code. The job specification is the basis; neither the individual's qualifications, the duties of a particular position, nor the organizational structure, is used in determining layoff rights. No error or evidence of misapplication of the pertinent uniform regulatory criteria in determining layoff rights has been established.

Thus, a review of the record fails to establish an error in layoff process and the appellant has not met her 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 13th DAY OF AUGUST, 2014

Robert M. Czech

Chairperson

Civil Service Commission

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