

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 out-of-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.

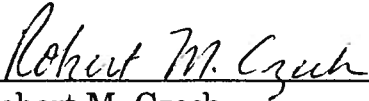
Thus, a review of the record fails to establish an error in layoff process and the appellant has not met her burden of proof in this matter.

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

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: Henrietta Brask
Chanda Curtis
Christina Mongon
Kenneth Connolly
Joseph Gambino