



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE
ACTION OF THE
CIVIL SERVICE COMMISSION

In the Matter of Tanaya Tukes,
et al., Department of Human Services

CSC Docket No. 2015-1457

Layoff Appeals

ISSUED: FEB - 9 2015

(RE)

Tanaya Tukes, Tina Mucherson, Tyesha Cuff, Sarah Patterson, Jaynet Peterson, Erica Henderson, Nicole Butler, Tamara Peyton, Tracy Bailey, Andrea Jones, Elizabeth Dunkle, Delores McShan, Frances Williams, Milinda Banks, Torrie King-Bryant, Angela Pluta, Patricia Sheppard, Jacqueline Sanders, Lisa Sadler, Sondra Crook, Vera Swan, Agatha Drummond, Marylin Parker, Eunice Bennett, Ronnette Satterfield, Nancy Flores, Cleopatra Hibbert, Whitney Tull, Xenia Rivera, Kimona Anderson, Carolyn Rawls, Lydia Rahn, Frydae Williams, Donna Luckey, Kyra Hartzog, Christine Baird, Trenita Betterson, Tonya Green, Kathleen Thompson, Marsha Bailey, Malvine Trent, Lanesha Jones, Maryann Wood, Catherin Lewis, Kenthy Street, Frances Williams, Roberta Travis, Dawn Wroniuk, Jonelle Copes, Brian Beachamp, Nicholas Gruff, Mary Fifth, Wendy Fifth, Brenda Brown, John Pelechaty, Tiffany Smith, Christopher Rodriguez, Barry Johnson, Joseph Egbeh, Latoya Holland, Milton White, Susan Rivera, Brian Morrow, represented by Jeremiah Atkins, Esq., and Dewayne Kent appeal the determination of their layoff rights by the Division of Classification and Personnel Management (CPM). These appeals have been consolidated due to common issues.

By way of background, the Department of Human Services submitted a layoff plan to CPM to lay off employees in various titles, including employees of Vineland Developmental Center and Woodbine Developmental Center, due to the closure of the Woodbridge Developmental Center, and the privatization of the operations of the State-staffed Parents and Friends Association (PAFA/PAFACOM) homes, effective January 9, 2015. Various positions in various titles at various institutions were affected. In the current matter, the appellants have all been laid off, demoted

or laterally displaced by the layoff taking place. Consistent with this reduction in force, the following appellants were laid off or displaced from their titles:

Tanaya Tukes, Tina Mucherson, Tyesha Cuff, Sarah Patterson, Jaynet Peterson, Erica Henderson, Nicole Butler, Tamara Peyton, Tracy Bailey, Kyra Hartzog, Malvine Trent, Brian Beachaump, Nicholas Gruff, Mary Fifth, Wendy Fifth, Brenda Brown, John Pelechaty, Tiffany Smith, Christopher Rodriguez, Barry Johnson, Joseph Egbeh, Latoya Holland, Milton White, Susan Rivera, Brian Morrow and Dewayne Kent were bumped from their Cottage Training Supervisor positions by Residential Living Specialists or Cottage Training Supervisors with more seniority.

Andrea Jones, Elizabeth Dunkle, Delores McShan, Frances Williams, Milinda Banks, Torrie King-Bryant, Angela Pluta, Patricia Sheppard, Jacqueline Sanders, Lisa Sadler, Sondra Crook, Vera Swan, Agatha Drummond, Marilyn Parker, Eunice Bennett, Ronnette Satterfield, Kathleen Thompson, Kenthy Street, Frances Williams, Dawn Wroniuk, and Jonelle Copes were bumped from their Senior Cottage Training Technician positions.

Christine Baird, Trenita Betterson, Tonya Green, Marsha Bailey, Lanesha Jones, Maryann Wood, Catherin Lewis, and Roberta Travis were bumped from their Cottage Training Technician positions.

Nancy Flores, Cleopatra Hibbert, Whitney Tull, Xenia Rivera, Kimona Anderson, Carolyn Rawls, Lydia Rahn, Frydae Williams, and Donna Luckey were bumped from their Human Services Assistant positions.

The Head Cottage Training Supervisor (class code 15) has title rights as follows:

Title	Class	Title	
Right Type	Code	Code	Title Name
Demotional	13	04144	Cottage Training Supervisor
Demotional	13	04138	Residential Living Specialist
Demotional	13	04138c	Residential Living Specialist Mental Health
Demotional	12	10083	Senior Cottage Training Technician
Demotional	12	10084	Senior Human Services Technician
Demotional	11	04116	Human Services Technician
Demotional	11	04143	Cottage Training Technician
Demotional	07	04112	Human Services Assistant

Additionally, the Assistant Supervisor of Resident Living, Mental Health (04213C, class code 21) and Assistant Supervisor of Resident Living, Developmental Disabilities (04213D, class code 21) titles have lateral rights to each other and demotional rights to Head Cottage Training Supervisor and its demotional title rights. So it follows that the Residential Living Specialist, Residential Living

Specialist Mental Health, and Cottage Training Supervisor titles have lateral rights to each other, and the same demotional rights.

On appeal, each appellant states that the Residential Living Specialist title should not be allowed lateral title rights to Cottage Training Supervisor, or demotional rights as above. The appellants supplied comparable appeals in several versions. In one version of the appeal, the appellants state that they have been demoted, and they argue that Residential Living Specialists are in a non-competitive title, and that they should only be given prior held title rights. Specifically, they state, "It appears the State of New Jersey Civil Service Commission incorrectly applied Layoff Rights and Determination of Rights. The Department of Human Service denied RLS to The Department of Human Service explains they're not contravention to movement adding RLS must have held title prior." They quote the New Jersey Register from 1982, where demotional rights are discussed at 14 *N.J.R.* 186 and layoff rights of titles allocated to the non-competitive and labor divisions of the classified service are discussed at 14 *N.J.R.* 189. They cite these as "4:1-24.8 (Demotion Rights)" and "4:2-16.2," respectively, and refer to them as "acts." They state that "This act is conflicting to non-competitive employees with Residential Living Specialists title that has not held a previous permanent title. The determination constitutes benefits rather than subjective standard. The appeal granting will allow The Department of Human Service to remain under the direction of rules and regulations. I am requesting the appeal be granted to prevent an unfair and unjust decision that has impacted my life emotionally, financially and inconvenienced my daily way of living. I'm losing my shift, my days off will be affected to convenience a title that don't not have rights to the title. 'Position with supporting details' Sr. Cottage Training Technician position requires an exam, to be permanent with one year experience as Cottage Training Technician title. Residential Living Specialist is not granted nor exercise movement to Sr. Cottage Training Technician titles unless she's held either title previously or permanent."

The Cottage Training Supervisors add another description. They state that they were demoted and appeal "a decision giving Residential Living Specialists title rights to the title I am currently working in. This decision was rendered after rejecting a proposal from the collective bargaining AFSCME local union #2215 requesting that Residential Living Specialist title held employees be allowed to remain with the title throughout cottages at Vineland Developmental Center. The Department of Human Services denies movement between Cottage Training Supervisors, Residential Living Specialists and Senior Therapy Program Assistants. The Department of Human Service explained that they are not contravention to lateral movement even though the titles share the same class code; adding Cottage Training Supervisor title is a demotional movement to Residential Living Specialist title." They state that, pursuant to *N.J.A.C.* 4A:8-2.1, titles shall have substantially similar duties and responsibilities and the same class code, and demotional titles shall have lower but substantially similar duties and responsibilities and where

applicable a lower class code. Some quote *N.J.A.C.* 4A:3-3.4 which prohibits out-of-title work, and *N.J.A.C.* 4A:3-3.5 which refers to classification reviews. They state that Cottage Training Supervisors are managers that oversee staff that are providing care to consumers, ensuring all needs are met and taking initiative to eliminate accident and safety hazards to consumers and employees. They indicate that the Cottage Training Supervisor functions in the absence of the Head Cottage Training Supervisor. They argue that the Cottage Training Supervisor's and Resident Living Specialist's job responsibilities are non-comparable; they share no similar duties, and have no equivalence that grants Residential Living Specialist title rights during this layoff process. They state that replacing Cottage Training Supervisors with unskilled, unknowledgeable, inexperienced individuals will create a safety concern for the most vulnerable people who they are supposed to protect and serve. They explain that Residential Living Specialists should not have title rights to Cottage Training Supervisor as "it has been determined not to be lateral movement." They state that in the past a Residential Living Specialist tried to laterally transfer to the Cottage Training Supervisor title and lost at an arbitration hearing. They state that other Residential Living Specialists tried to return to the Cottage Training Supervisor title and were told that once they transferred they could not return.

Another version of the appeal also refers to the Residential Living Specialist's job responsibilities as not sharing substantially similar duties or responsibilities as the Cottage Training Supervisor. These appellants state that the Residential Living Specialist "seriously lacks the same knowledge and abilities requirements needed to perform Cottage Training Supervisor duties." They indicate that the duties of a Residential Living Specialist "primarily consist of providing direct care under direction of a supervisory official to residents: housekeeping duties, assist with cooking food, assist with washing clothes, assist with ADLs, and etc. At no point does it state in the RLS job specifications that they are in charge of supervising staff, maintaining order in the cottage, or even training staff."

In a supplement, Ms. Travis adds that Residential Living Specialists are unqualified and should not be allowed to displace employees who have passed promotional examinations and been appointed from eligible lists.

In her supplement, Ms. Tukes adds that all vacant positions in the Head Cottage Training Supervisor and Cottage Training Supervisor titles were not filled prior to the layoff. She believes that this violates *N.J.A.C.* 4A:8-2.2(d)2, which refers to the order in which an employee's selection of job location preferences, lateral and demotional title rights are listed, and which lists positions held by provisional employees after vacancies. She maintains that vacancies in various cottages were in existence prior to the layoff interviews and, regarding a vacancy in Sykes Cottage, "there is a Cottage Training Supervisor permanent employee in that vacancy." She expresses confusion that two Head Cottage Training Supervisors

from a PAFACOM group home were demoted to Cottage Training Supervisor. She explains that giving Residential Living Specialists lateral rights to Cottage Training Supervisor positions is a conflict, is unfair, and is unjust, since Residential Living Specialists are under the supervision of Head Cottage Training Supervisors in group homes. She adds again that the Department of Human Services told employees who left to work in group homes that they did not have the right to return to positions in the facility.

N.J.A.C. 4A:8-2.1(a) states that a lateral title right means the right of a permanent employee to exercise displacement rights as set forth in *N.J.A.C. 4A:8-2.2* against an employee in the layoff unit holding a title determined to be the same or comparable to the affected title of the employee. For a probationary employee, a lateral title right means the right to fill a vacant position or displace a provisional or probationary employee in the same title. Title comparability shall be determined based on the following criteria:

1. The title(s) shall have substantially similar duties and responsibilities and the same class code;
2. The education and experience requirements for the title(s) are the same or similar and the mandatory requirements shall not exceed those of the affected title;
3. There shall be no special skills, licenses, certification or registration requirements which are not also mandatory for the affected title; and
4. Any employee in the affected title with minimal training and orientation could perform the duties of the designated title by virtue of having qualified for the affected title.

CONCLUSION

There are three types of displacement rights, two of which are title rights, lateral and demotional; the third right is a demotional right to a previously held title (or prior held right). Lateral and demotional title rights are determined in accordance with *N.J.A.C. 4A:8-2.1 et seq.* A lateral right is the right of a permanent employee to exercise displacement rights against an employee in the layoff unit holding a title determined to be the same or comparable to the affected title of the employee. A demotional title right means the right of a permanent employee to exercise displacement rights against an employee in the layoff unit holding a title determined to be lower than, but related to, the affected title of the employee. As to prior held rights, a displaced individual only has rights to a prior-held title in a lower class code if they have more seniority than the incumbent does in that position.

In an appeal of this nature, it must be determined whether the 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.

In this case, the appellants claim that Residential Living Specialists and Residential Living Specialists Mental Health should not have lateral bumping rights to Cottage Training Supervisor, and related demotional title rights. As to the *New Jersey Register*, this publication is a periodic bulletin of proposed and adopted rules and notices issued by administrative agencies of the State. It contains public comments made during the adoption of rules, and the responses from the administrative agencies. In 1982, the proposals in the *New Jersey Register* included discussion of many layoff rules, regarding lateral and demotional title rights and appeals. However, these rules were in the former Title 4 of the Administrative Code, which was repealed and replaced by Title 4A. It is noted that the *New Jersey Register* also discussed the readoption of *N.J.A.C. 4A:8* with amendments in February 21, 1995. These discussions need not be repeated herein, except to say that reliance on these discussions without regard to the actual rules is misplaced, as the rules are controlling, and the rules have changed over time. In particular, the current version of *N.J.A.C. 4A:8* does not refer to non-competitive appointments except to say that special reemployment lists shall take priority over noncompetitive appointments. In any event, Residential Living Specialist and Residential Living Specialist Mental Health are titles in the competitive division, not the non-competitive division. However, the Human Services Assistant title, held by some of the appellants, is in the non-competitive division.

It is noted that the current system for determining title rights was the result of the policy to automate the determinations consistent with the aforementioned criteria. This policy, which arose out of State layoffs in 1995, was upheld by the Commissioner of Personnel on appeal and reconsideration and affirmed by the Appellate Division, Superior Court. See *In The Matter of State Layoff Title Rights*, (Commissioner of Personnel, decided July 7, 1995), *recon. denied* (Commissioner of Personnel, decided May 24, 1996), *aff'd*, Docket No. A-5847-95T3 (App. Div. December 9, 1997) (*State Layoff Rights*). See also, *In the Matter of Emily Graham-Weber* (Commissioner of Personnel, decided June 30, 2000), *aff'd*, Docket No. A-6681-99T5 (App. Div. December 4, 2001).

In *State Layoff Rights* and *Graham-Weber*, *supra.*, the Appellate Division of Superior Court acknowledged that the use of occupational "categorizations," "divisions," and "groups" as recognized by the United States Department of Labor (USDOT) in its *Dictionary of Occupational Titles, Volume 1, Fourth Addition, Revised 1991, Employment and Training Administration (Dictionary of Occupational Titles)*, was a reasonable and objective method for identification of job similarities as required in *N.J.A.C. 4A:8-2.1* title rights criteria and the same criteria were uniformly applied to all titles in the State Classification Plan. The *Dictionary of Occupational Titles* was used by DAS as a starting point for the

creation of the *Occupational Code Dictionary* which consists of 39 broad occupational groupings to enable the appropriate categorization of State job titles, which were customized to account for the uniqueness found in occupations in the Merit System. Moreover, Civil Service Commission job specifications were used as the basis for the categorization into occupational groups. *See State Layoff Rights, supra.*

In order to categorize functions and duties which are substantially similar, based on the definition and examples of work portions of job specifications, all titles are slotted into one of the 39 occupational groups recognized in the *Dictionary of Occupational Titles*. Titles are further categorized into occupational families within the occupational groups based on the differences in main functions of titles in each group after further review of the job specification language. Thus, occupational groups and families are utilized as a means of categorizing titles based on assigned duties and responsibilities.

In this case, Residential Living Specialist, Residential Living Specialist Mental Health, and Cottage Training Supervisor are in the same class code (13) and occupational group (35 - Direct Care and Related Personal and Health Services). Occupational group 35 includes occupations concerned with attending to the direct treatment, physical comfort, safety, and appearance of individuals placed in government facilities for treatment, rehabilitation, education, or safety. It excludes occupations concerned with criminal incarceration. The titles are also in the same family, Residential Care Services Worker (01).

In *State Layoff Rights, supra*, the court observed that title rights are determined utilizing *N.J.A.C. 4A:8-2.1(a)* and *N.J.A.C. 4A:8-2.1(b)*, in conjunction with the use of the *Dictionary of Occupational Titles* and *Occupational Code Dictionary*. This is necessary in order to ensure the title rights determination process is fair, given the complexity of such an undertaking and the time requirements under which such decisions must be made. To deviate from this established methodology by excluding the use of occupational groups and families as a means of categorizing titles could result in arbitrary title rights determinations that are not rooted in established classification taxonomies.

That said, a review of the job specifications clearly shows that the basic duties and responsibilities of each title are similar, and the experience requirements for the titles are similar. As to experience, the job specification for Cottage Training Supervisor states that incumbents are required to possess two years of experience in the direct care of clients which *may* include training or supervision in an institutional, hospital or residential setting. The Residential Living Specialist requires two years of experience in the direct care of the developmentally disabled in either a residential or community setting, while the Residential Living Specialist Mental Health requires two years of experience in the

direct care of psychiatric or physically disabled clients in either a residential or community setting. The Residential Living Specialist and Residential Living Specialist Mental Health titles, as well as the Senior Cottage Training Technician, are assigned to the "H" bargaining unit, Health, Care, Rehabilitation Services, which is composed of employees who are engaged in para-medical activities and employees who participate in the support functions such as recreational, vocational, and social programs designed to aid in the care, health and rehabilitation of the physically, mentally ill, or handicapped. These titles, and the Cottage Training Supervisor, have in common the direct care of clients as their duty and responsibility.

Cottage Training Supervisor is not a managerial title, as claimed by the appellants, but is a primary level supervisory title, and this is the difference between the Cottage Training Supervisor and the Residential Living Specialist and Residential Living Specialist Mental Health titles. The Cottage Training Supervisor title is assigned to the "R," or primary level supervisory, bargaining unit, which include titles that *may* be assigned the responsibility for effectively recommending the hiring, firing, promoting, demoting and/or disciplining of employees in non-supervisory titles. As such, this bargaining unit is defined as permissive for supervisory responsibilities. That is, incumbents may or may not supervise subordinates, or they may supervise a program. Incumbent primary level supervisors are not necessarily required to supervise staff, but the job specification does permit this function if so required by the organizational unit. The primary level supervisory titles are the titles in which employees can gain supervisory experience, and they are not required to possess supervisory experience upon appointment. As such, aside from the fact that bargaining units are not factored into title rights, primary level supervisors are not differentiated from non-supervisory titles in the determination of title rights. As direct care is the primary focus of each title, they are functionally similar. Lastly, it is noted that title rights are established based on analysis and a comparison of the titles and not an evaluation and an appraisal of employee qualifications. Whether the appellant *is* performing the duties of a title, or *can* perform the duties of the title, are classification, examination, certification and appointment issues and are not germane to the issue of displacement rights.

Next, the appellants argue that a proposal was rejected from the collective bargaining AFSCME local union #2215 requesting that the Residential Living Specialist title held by employees be allowed to remain with the title throughout cottages at Vineland Developmental Center. They claim that movement between Cottage Training Supervisors, Residential Living Specialists and Senior Therapy Program Assistants is "denied." In this respect, the current layoff included the closure of Woodbridge Developmental Center, and transferred the operations of the State-staffed Parents and Friends Association (PAFA/PAFACOM) homes to a community based provider. The PAFA homes were established as a joint initiative

in which the homes would be operated by PAFA, but staffed by State employees on the Vineland Developmental Center payroll. Pursuant to *N.J.A.C. 4A:8-1.5*, in State service, the layoff unit shall be a department or autonomous agency and include all programs administered by that department or agency. An autonomous agency is one which is in, but not under the supervision of, a principal department. *See also N.J.S.A. 11A:8-1(c)*. The Residential Living Specialist title is the direct care title predominately utilized in the PAFA homes. While there may have been no transferring of employees between PAFA homes and Vineland Developmental Center, the layoff unit includes all employees of the Department of Human Services. The Residential Living Specialist and Cottage Training Supervisor titles have lateral rights to each other in this layoff, and they also had them in the June 28, 2014 layoff as a result of the closure of the North Jersey Developmental Center.

As to the transfer of employees between PAFA homes and Vineland Developmental Center, it must be emphasized that the appointing authority has the right to determine the organizational structure of its operation. As long as there are no improper reporting relationships or misclassifications, how the facility is organized is not under the jurisdiction of the Commission or reviewable in the context of a layoff appeal. Further, promotional scopes are not, nor have they ever been, the basis for title rights since they are based on organizational need and structure and depend on individual qualifications. Title rights do not depend on individual qualifications or abilities, duties of a *particular* position, or organizational structure since these aspects of the job are very dynamic and can change daily. Individual situations are not relevant to the title rights no matter how intuitively pleasing various situations are. Intuitive criteria based on individual situations cannot be consistently applied to all titles, while the current system can be consistently applied to all titles to such an extent that it was automated. Similarly, examination eligibility and content are governed by different rules and criteria and are not relevant to the layoff rights determination process. For example, examination eligibility is dependent upon the qualifications of the applicant whereas displacement rights are determined in accordance with the comparability between an affected title and other titles. One of the reasons that examination eligibility is less restrictive than layoff rights is that appointment opportunities are determined by various examination mechanisms, including a working test period, not applicable layoff circumstances. Conversely, in a layoff situation, employees who assume new job titles must be able to immediately perform required duties in a satisfactory manner without having to prove merit and fitness through normal examination processes. Thus, comparability of job specifications is crucial in layoff circumstances. The record supports that Residential Living Specialist, Residential Living Specialist Mental Health, and Cottage Training Supervisor titles have similar duties and responsibilities, as well as requirements, and narrower title rights are not warranted. As noted above, incumbents in primary level supervisory titles are not required to possess

supervisory experience upon appointment. Since these titles have lateral rights to each other, all demotional title rights also apply.

Next, as the Civil Service Commission indicated in the decision *In the Matter of Aaron Arungwa, Department of Human Services* (CSC, decided September 17, 2104), a displacement which results in a hardship to the employee or his or her family does not constitute a violation of title rights, and the rules do not allow for hardship in the determination of layoff options. As previously mentioned, the titles are functionally similar and there is no error in the determination of layoff rights in this circumstance.

Ms. Travis' argument that Residential Living Specialists should not be allowed to displace employees who have passed promotional examinations, and been appointed from eligible lists, is misplaced. Her reliance on the fact that Cottage Training Supervisors are permanent in their positions is not germane to the issue of title rights. All permanent employees have been appointed from an eligible list and completed a working test period.

Ms. Tukes argues that all vacant positions in the Head Cottage Training Supervisor and Cottage Training Supervisor titles were not filled prior to the layoff. This may be true, but it is not evidence of a violation of title rights. *N.J.A.C. 4A:8-1.3* states that appointing authorities shall lessen the possibility, extent or impact of layoffs by implementing, as appropriate, pre-layoff actions which may include, but are not limited to:

1. Initiating a temporary hiring and/or promotion freeze;
2. Separating non-permanent employees;
3. Returning provisional employees to their permanent titles;
4. Reassigning employees; and
5. Assisting potentially affected employees in securing transfers or other employment.

Even if these vacancies existed as available during the layoff process, *N.J.A.C. 4A:8-2.2* does not require the State to offer vacant positions to employees displaced in a layoff. That regulation provides the order in which title rights shall be provided against other employees; while lateral and demotional title rights may be provided from "a vacant position that the appointing authority has previously indicated it is *willing to fill*," (emphasis added) the State is not required to fill any vacancies. See *In the Matter of Gertrude Remsen, Department of Human Services*, A-1126-96T3 (App. Div. January 17, 1997).

The appellant refers to *N.J.A.C. 4A:8-2.2(d)*, which states that, following the employee's selection of job location preferences, lateral and demotional title rights shall be provided in the following order:

1. A vacant position that the appointing authority has previously indicated it is willing to fill;
2. A position held by a provisional employee who does not have permanent status in another title. Where there are multiple provisional employees at a job location, the specific position shall be determined by the appointing authority;
3. A position held by a provisional employee who has permanent status in another title. Where there are multiple provisionals at a job location, the specific position shall be based on the level of the permanent title held and seniority;
4. The position held by the employee serving in a working test period with the least seniority;
5. In State service, and in local jurisdictions having a performance evaluation program approved by the Chairperson of the Civil Service Commission or designee, the position held by the permanent employee whose most recent (within the last 12 months) performance rating in his or her permanent title was Unsatisfactory or equivalent rating;
6. The position held by the permanent employee with the least seniority (see N.J.A.C. 4A:8-2.4).

It is unclear exactly what Ms. Tukes' point was regarding this rule, and she seems to be implying that a Cottage Training Supervisor held a provisional appointment in Sykes Cottage, although she calls it a vacancy. A vacancy is an unoccupied position. Once a position is occupied, it cannot be a vacancy. Employees in an "acting" capacity are not occupying a position but are working out-of-title. As such, "acting" positions are not recognized in a layoff. See *N.J.A.C. 4A:4-1.1 et seq.* Provisional employees occupy positions, and they are included in layoff actions. Pursuant to *N.J.A.C. 4A:8-2.2(d)2* and 3, provisional positions are filled after vacancies are filled. Also, there is no conflict in having Head Cottage Training Supervisors supervise Residential Living Specialists.

Lastly, the Department of Human Services' procedure of not promoting employees between facilities is unrelated to title rights. Employees in different facilities are in different unit scopes, which are used as factors in determining eligibility for promotional examinations. Further, title rights are determined for the entire Department of Human Services, encompassing every employee in every facility. Any internal policies regarding employee movements between facilities have no bearing on these rights.

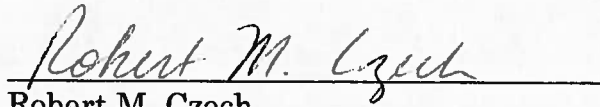
Thus, a review of the merits fails to establish that layoff rights were determined incorrectly and the appellants have not met their burden of proof in this matter.

ORDER

Therefore, it is ordered that these appeals 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 4th DAY OF FEBRUARY, 2015**



**Robert M. Czech
Chairperson
Civil Service Commission**

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and
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c: Tanaya Tukes	(Docket No. 2015-1457)
Tina Mucherson	(Docket No. 2015-1458)
Tyesha Cuff	(Docket No. 2015-1459)
Sarah Patterson	(Docket No. 2015-1460)
Jaynet Peterson	(Docket No. 2015-1461)
Erica Henderson	(Docket No. 2015-1462)
Nicole Butler	(Docket No. 2015-1463)
Tamara Peyton	(Docket No. 2015-1464)
Tracy Bailey	(Docket No. 2015-1465)
Andrea Jones	(Docket No. 2015-1466)
Elizabeth Dunkle	(Docket No. 2015-1467)
Delores McShan	(Docket No. 2015-1468)
Frances Williams	(Docket No. 2015-1469)
Milinda Banks	(Docket No. 2015-1470)
Torrie King-Bryant	(Docket No. 2015-1471)
Angela Pluta	(Docket No. 2015-1472)
Patricia Sheppard	(Docket No. 2015-1473)

Jacqueline Sanders	(Docket No. 2015-1474)
Lisa Sadler	(Docket No. 2015-1475)
Sondra Crook	(Docket No. 2015-1476)
Vera Swan	(Docket No. 2015-1477)
Agatha Drummond	(Docket No. 2015-1478)
Marylin Parker	(Docket No. 2015-1526)
Eunice Bennett	(Docket No. 2015-1527)
Ronnette Satterfield	(Docket No. 2015-1528)
Nancy Flores	(Docket No. 2015-1481)
Cleopatra Hibbert	(Docket No. 2015-1482)
Whitney Tull	(Docket No. 2015-1483)
Xenia Rivera	(Docket No. 2015-1484)
Kimona Anderson	(Docket No. 2015-1488)
Carolyn Rawls	(Docket No. 2015-1490)
Lydia Rahn	(Docket No. 2015-1491)
Frydae Williams	(Docket No. 2015-1492)
Donna Luckey	(Docket No. 2015-1493)
Kyra Hartzog	(Docket No. 2015-1499)
Christine Baird	(Docket No. 2015-1501)
Trenita Betterson	(Docket No. 2015-1510)
Tonya Green	(Docket No. 2015-1511)
Kathleen Thompson	(Docket No. 2015-1513)
Marsha Bailey	(Docket No. 2015-1515)
Malvine Trent	(Docket No. 2015-1516)
Laneshia Jones	(Docket No. 2015-1521)
Maryann Wood	(Docket No. 2015-1522)
Catherin Lewis	(Docket No. 2015-1523)
Kenthy Street	(Docket No. 2015-1396)
Frances Williams	(Docket No. 2015-1297)
Roberta Travis	(Docket No. 2015-1263)
Dawn Wroniuk	(Docket No. 2015-1298)
Jonelle Copes	(Docket No. 2015-1299)
Brian Beachaump	(Docket No. 2015-1545)
Nicholas Gruff	(Docket No. 2015-1542)
Mary Fifth	(Docket No. 2015-1546)
Wendy Fifth	(Docket No. 2015-1547)
Brenda Brown	(Docket No. 2015-1548)
John Pelechaty	(Docket No. 2015-1549)
Tiffany Smith	(Docket No. 2015-1550)
Christopher Rodriguez	(Docket No. 2015-1551)
Barry Johnson	(Docket No. 2015-1552)
Joseph Egbeh	(Docket No. 2015-1377)
Latoya Holland	(Docket No. 2015-1381)
Milton White	(Docket No. 2015-1380)

Susan Rivera (Docket No. 2015-1379)
Brian Morrow (Docket No. 2015-1378)
Jeremiah Atkins, Esq.
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Lois Robinson
Angela Santandrea
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