



B-79

**STATE OF NEW JERSEY**

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

In the Matter of Vandora Randolph,  
Department of Human Services

CSC Docket No. 2015-1453

Layoff Appeal

**ISSUED: FEB -9 2015**

**(RE)**

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Vandora Randolph, a Human Services Assistant with the Department of Human Services, Woodbridge Developmental Center, appeals her layoff.

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 due to the closure of the Woodbridge Developmental Center, effective January 9, 2015. Numerous positions in various titles at several institutions were affected. A review of official records indicates that Ms. Randolph was laid off.

On appeal, the appellant stated that she would rather take a position near to her residence than be laid off. She argued that, at the time of her interview, her daughter was sick and she was confused.

Commission staff responded in a letter that, on her Declaration Form, the appellant indicated that she would accept a lateral position in four locations, and that she had made this decision before the interview date for her own reasons. She declined the opportunity to accept an available part-time position in her first, third and fourth choices at the time of the interview, and accepted the layoff. She was reminded that the layoff team specifically asked each employee accepting the layoff if they are sure that that is what they want to do, and at the time, she said yes. She was also informed that the final interview was not the time to deliberate preferences, but was the time to make a decision based on preferences and the available opportunities under the circumstances. Employees were told that they

could change their mind at the interview stage, but that once the employee made their final decision, he or she could not change it unless they decided to retire. She was advised that to request a position at another location at this time is, in effect, a change of mind, which is not an option or evidence of a violation of title rights.

In response, the appellant states that her daughter has since died. She would like to be re-employed in Trenton, Greenbrook or Hunterdon as she is not able to collect unemployment.

### 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, proper procedures were followed. The appellant was advised of the layoff and final interview processes and provided with resources to answer questions before the layoff was administered. She was told to make her choices well before the actual interview. The appellant states that her daughter's medical condition influenced her decision during the interview, but this is not evidence of a violation of her title rights. To request not to be laid off at this time is, in effect, a change of mind, which is not an option or evidence of a violation of title rights. No error or evidence of misapplication of the pertinent uniform regulatory criteria in determining layoff rights has been established.

Further, as 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. The appellant should be eligible for unemployment benefits, and should contact the Department of Labor and Workforce Development.

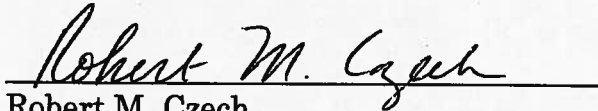
Thus, a review of the record fails to establish an error in layoff process and the appellant has not met her burden of proof in this matter.

### 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 4<sup>th</sup> DAY OF FEBRUARY, 2015



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