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**STATE OF NEW JERSEY**

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

In the Matter of Benedicta Sasah,  
Department of Human Services

CSC Docket No. 2015-1398

Layoff Appeal

**ISSUED: FEB -9 2015 (RE)**

Benedicta Sasah, a part-time Human Services Assistant with the Department of Human Services, Woodbridge Developmental Center, appeals her lateral displacement in lieu of layoff to the same title at New Lisbon Developmental Center.

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. Sasah was bumped, and she laterally displaced a Human Services Assistant at New Lisbon Developmental Center.

On appeal, the appellant contends that the choice made by her proxy would result in a hardship to her and her family, and she submits medical documentation.

Commission staff responded by letter that, on her Declaration Form, the appellant indicated that she would exercise her layoff rights rather than accept the layoff or retire in lieu of layoff. She also indicated that she would accept employment in six lateral choices, and she made this decision before the interview date for her own reasons. The appellant's proxy selected a full-time position in her sixth choice, Burlington County. The appellant was informed that the layoff procedure was carried out exactly as described it would be, and that if she had preferred to be laid off or to retire instead of taking a lateral position, she could

have communicated this to her proxy. She was told that her failure to communicate her preferences to her proxy is not evidence of a violation of her title rights. Once she could not be contacted, the layoff team did the best they could with the information she provided.

The appellant was also told that, 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.

In response, the appellant contacted Commission staff to request that the matter be decided by the Commission.

### 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 in deciding the appellant's placement in lieu of layoff. The appellant was advised of the layoff and final interview processes and provided with resources to answer questions before the layoff was administered. Her Declaration Form has six lateral choices listed, and her proxy accepted a position in Burlington. 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 never had the option of returning to Woodbridge Developmental Center, and she does not indicate the remedy she is seeking. No error or evidence of misapplication of the pertinent uniform regulatory criteria in determining layoff rights has been established.

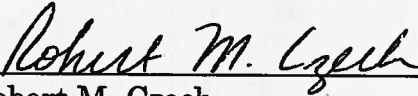
Thus, a review of the record fails to establish an error in layoff process and the appellant has not met her burden of proof in this matter.

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



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