

B-10



**STATE OF NEW JERSEY**

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

In the Matter of Peter Stevens,  
Department of Human Services

CSC Docket No. 2015-1820

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Layoff Appeal

**ISSUED: MAR 10 2015 (RE)**

Peter Stevens, a Human Services Assistant with the Department of Human Services, Greystone Park Psychiatric Hospital, appeals his lateral displacement in lieu of layoff to Green Brook Regional 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. As a result, a review of official records indicates that Mr. Stevens was bumped from his position by a more senior Human Services Assistant whose position had been targeted, and he bumped a less senior Human Services Assistant at Green Brook Regional Center.

On appeal, the appellant argued that he was told during the interview process that there were no available part-time positions in Greystone Park Psychiatric Hospital, but he believes there were.

Commission staff informed the appellant by letter that his seniority on the layoff date was 10 years, 9 months and 12 days. On his Declaration Form, he indicated that he would accept lateral positions in two locations, Morris and Somerset Counties. He accepted a part-time position in Somerset County after being told that there were no part-time positions available in Greystone Park Psychiatric Hospital. A review of the seniority listing indicated that all full- and part-time positions at Greystone Park Psychiatric Hospital of individuals with less

seniority than Mr. Stevens had been filled by individuals in higher class codes or with more seniority. There were part-time employees who were not affected by the layoff in Greystone Park Psychiatric Hospital, but they had more seniority than the appellant. As such, he was told that he does not have rights to those positions.

In reply, the appellant contends that he has more seniority than three individuals who are still employed at Greystone Park Psychiatric Hospital. He requests to be able to bump into one of those positions. In a supplemental letter, he includes a fourth person. He states that he was in a part-time position, which was referred to as a permanent position.

### 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). An employee is entitled to displace another individual if the individual is serving in a title to which the employee has rights. Layoff rights are determined first by class code, and then by seniority. In this case, the appellant was permanent in a title in class code 07, and the four individuals named by the appellant are Human Services Technicians, in class code 11. The part-time employees who were not affected by the layoff in Greystone Park Psychiatric Hospital who had more seniority than the appellant were other individuals. The appellant does not have rights to positions which are in a higher class code than his title, and their seniority in relation to his is irrelevant. Lastly, the appellant's part-time position was a permanent position, not a provisional, temporary or other type of position. No error or evidence of misapplication of the pertinent uniform regulatory criteria in determining layoff rights has been established.

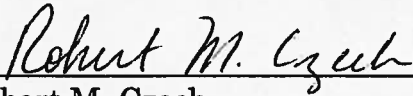
Thus, a review of the record fails to establish an error in the layoff process and the appellant has not met his burden of proof in this matter.

### 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 MARCH, 2015



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