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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. 2015-2437

Request for Reconsideration

ISSUED: APR - 2 2015 (RE)

Benedicta Sasah, a part-time Human Services Assistant with the Department of Human Services, petitions the Civil Service Commission for reconsideration of the decision rendered on February 4, 2015, which found that her layoff title rights were correctly applied. A copy of that decision, entitled *In the Matter of Benedicta Sasah, Department of Human Services* (Civil Service Commission, decided February 4, 2015), is attached hereto and incorporated herein.

By way of background, the petitioner was bumped from her part-time Human Services Assistant position as a result of layoff on January 9, 2015, and she laterally displaced another Human Services Assistant at New Lisbon Developmental Center. The petitioner argued that the choice made by her proxy would result in a hardship to her and her family, and she submitted medical documentation. The Civil Service Commission determined that the layoff procedure was carried out exactly as described it would be, and her failure to communicate her preferences to her proxy was 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 Commission also found that the rules do not allow for hardship in the determination of layoff options, she never had the option of returning to Woodbridge Developmental Center, and she did not indicate the remedy she was seeking.

In the present matter, the petitioner argues that the layoff team lied to her proxy when they stated that they could not contact her, and she has a medical condition preventing her from driving more than one hour. She requests a layoff or

transfer to another place, and that the Commission review the recorded layoff interview.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) provides that a petition for reconsideration must show the following:

1. New evidence or additional information not presented at the original proceeding which would change the outcome and the reasons that such evidence was not presented at the original proceeding; or
2. That a clear material error has occurred.

Applying this standard to the instant matter, the petitioner has not demonstrated that reconsideration should be granted. The petitioner's concerns were addressed in the decision below and she has not demonstrated that a clear material error has occurred or presented new information which would change the outcome.

The petitioner listed three phone numbers on her Job Declaration Form. When she could not be reached, her proxy was called and he answered. The petitioner has not provided any evidence that she was not called. The layoff team did the best they could within the administrative and time constraints of the layoff process. The layoff team consisted of staff from the personnel office of DHS, the Civil Service Commission and a union representative. The union representative and the Civil Service Commission representative were present to ensure that proper procedures were followed. The team would have been aware of the calls being made. Given that there were individuals representing three independent groups listening to the interview and double-checking that it was proceeding according to fair and objective standards, if DHS staff had skipped the petitioner and called only her proxy, one of the other members of the team would have spoken up. There is no recording of the calls, nor other documentation provided, to support the petitioner's assertion that the layoff team lied in this matter.

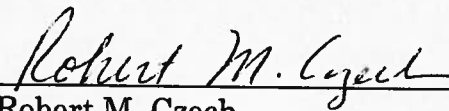
The petitioner has failed to present a basis for reconsideration of this matter since she failed to establish that a clear material error occurred in the original determination or that new evidence presented would change the outcome of the appeal.

ORDER

Therefore, it is ordered that this request 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
THE 1st DAY OF APRIL, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
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Henry Maurer
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Attachment

c: Benedicta Sasah
Barbara Maticic
Christina Mongon
Kenneth Connolly
Joseph Gambino



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.

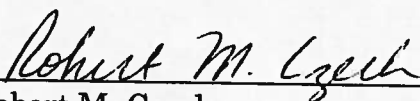
Thus, a review of the record fails to establish an error in layoff process and the appellant has not met her burden of proof in this matter.

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 4th DAY OF FEBRUARY, 2015



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Chairperson
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