



STATE OF NEW JERSEY

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

In the Matter of Fatimah Littlejohn,
Department of Health

CSC Docket No. 2018-240

Administrative Appeal

ISSUED: August 20, 2018 (SLD)

Fatimah Littlejohn, a Social Worker 1, Psychiatric, formerly at Trenton Psychiatric Hospital (TPH),¹ Department of Health, appeals the calculation of her salary upon her appointment to the title effective December 14, 2015.

By way of background, the appellant applied for an open-competitive examination for the title of Social Worker 1, Psychiatric (S0814S), which had a closing date of October 2014. The resulting eligible list of 53 names promulgated on June 18, 2015 and expired June 17, 2018. On July 17, 2015 a certification (OS150588) containing 23 names, including the appellant's as the 22nd listed eligible, was issued to TPH. TPH returned the certification appointing several eligibles including the 11th ranked eligible (L.T.) and the appellant, effective November 30, 2015 and December 14, 2015, respectively. L.T. was placed on step 4, salary range P20 (\$56,062.99) and the appellant was placed on step 2, salary range P20 (\$51,529.95), pursuant to *N.J.A.C. 4A:3-4.4(a)*, which provides in pertinent part that a new employee may be placed at a salary step up to and including the fourth step of the salary range for the employee's title.

In her July 2017 appeal to the Civil Service Commission (Commission), the appellant argues that due to her "lack of knowledge and understanding of the salary procedures," she was only hired at step 2 of salary range P20. She asserts that other individuals who were appointed after her to the title of Social Worker 1,

¹ The appellant was initially appointed at the Trenton Psychiatric Hospital. However, she is currently employed at the Ann Klein Forensic Hospital, Department of Health.

Psychiatric, were hired at step 4, even though they had not passed an examination for the title like she did. In particular, she claims that L.T., S.F. and M.G. were all appointed to step 4 without having had to pass an examination. She also claims that those individuals were also unlicensed, yet she possesses a license in social work and a Master's degree. The appellant asserts that TPH either "made a mistake" when it hired her or that "perhaps there may have been some discriminatory issues" within the social work department. The appellant maintains that she did not raise this issue to TPH's attention because she was "unsure [of] the proper channels to take."

In response, TPH notes that individuals appointed to the title of Social Worker 1, Psychiatric are required to possess a Master's degree in Social Work and one year of experience in social case work, involving responsibility for gathering and analyzing social information from clients, the determination of their needs and the planning and administration of treatment plans geared toward the needs of individual clients.² TPH maintains that individuals who are appointed who only possess the afore-mentioned minimum requirements are placed on step 1 of the salary range. If the individual possesses any additional years of experience, their salary is increased, up to the maximum of step 4. Therefore, it asserts that based on the appellant's resume, she possessed sufficient additional experience to warrant her placement on step 2.

In response, the appellant asserts that she believes that she possesses significantly more social work experience than L.T., S.F. and M.G. In particular, she asserts that she worked as an intern at Trinitas Hospital, Behavioral Health/Women Services from September 2012 to May 2013, at Family Service Bureau from June 2013 through August 2013 and Integrity House, Inc., Wise Program from September 2013 to May 2014; and that she was also employed by Integrity House, Inc., from January 2014 to November 2014. The appellant claims that each of those agencies dealt with the mental health populations and substance abuse disorders. Therefore, she maintains that her experience clearly warrants placement on a higher salary step than salary step 2. In support, she submits a current resume.

Agency records indicate that S.F. and M.G. were provisionally appointed, pending an open-competitive examination, effective June 13, 2016 and June 27, 2016 respectively. Upon their appointment, they were placed on step 4. An examination for the subject title was announced with a closing date of October 2016. The resulting eligible list of 59 eligibles, including S.F. and M.G. promulgated on May 11, 2017 and expires on May 10, 2020. On May 11, 2017 a certification

² The job specification for the subject title also indicates that a Master's degree in Social Work including or supplemented by a supervised field placement accredited by the Council on Social Work Education may be substituted for the above stated experience requirements.

(OS170331) containing 30 names was issued to TPH. In disposing of the certification, TPH appointed 11 eligibles, including S.F. and M.G., effective August 9, 2017.

The Salary Schedule for range P20, effective July 12, 2014 is as follows:

	P20
INCREMENT	\$2,266.52
Step 1	\$49,263.43
Step 2	\$51,529.95
Step 3	\$53,796.47
Step 4	\$56,062.99

CONCLUSION

N.J.A.C. 4A:2-1.1(b) provides that unless a different time period is stated, an appeal must be filed within 20 days after either the appellant has notice or should reasonably have known of the decision, situation or action being appealed, and *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause. Although the appellant presents a substantive challenge to the determination of her initial salary, the controlling issue in this matter is the untimely filing of the appeal. However, other than her statement that she “unsure [of] the proper channels to take” the appellant fails to provide any explanation for the approximately year and one-half delay in filing her appeal. The purpose of time limitations is not to eliminate or curtail the rights of appellants, but to establish a threshold of finality. In the instant case, the delay in filing the appeals unreasonably exceeds that threshold of finality. Thus, it is clear that the appellant’s appeal is untimely. Moreover, since the appellant has failed to provide any reasonable explanation for the delay, there is no basis to extend or to relax the time for appeal.

Even though the appellant’s appeal is untimely, the Commission will address the remainder of the appellant’s arguments. *N.J.A.C.* 4A:3-4.4(a) provides, in pertinent part, that an appointing authority *may* place a new employee at a salary step up to and including the fourth step of the salary range for the employee's title (emphasis added). Therefore, *N.J.A.C.* 4A:3-4.4(a) provides an appointing authority with some discretion in determining what salary step, up to step four, to start a new employee on. In the instant matter, the appointing authority maintains that the appellant was placed on step 2, salary range P20, based on the additional experience she possessed over the minimum requirements for the subject position. Although the appellant claims that she “believes” she has more experience than other employees who were placed on a higher step, she provides no evidence or even arguments in support, other than her current resume. Moreover, other than the appellant’s mere claim that there must have been some “discriminatory intent” in the calculation of her salary, she provides no further arguments or evidence.

Consequently, the appellant has failed to support her burden of proof and establish that she is entitled to a higher salary pursuant to *N.J.A.C.* 4A:3-4.4(a).

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 15TH DAY OF AUGUST, 2018



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