



STATE OF NEW JERSEY

In the Matter of Pavel Butrim,
Hudson County, Department of
Corrections

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

CSC Docket No. 2024-583

Request for Enforcement

ISSUED: April 10, 2024 (HS)

Pavel Butrim, a County Correctional Police Officer with Hudson County, Department of Corrections, represented by Arthur J. Murray, Esq., requests enforcement of *In the Matter of Pavel Butrim, Hudson County, Department of Corrections* (CSC, decided August 24, 2022), which granted him back pay, benefits, and seniority pursuant to *N.J.A.C. 4A:2-2.10*.

As background, the appointing authority issued a Final Notice of Disciplinary Action suspending the petitioner for 60 working days, commencing November 9, 2020, on charges of incompetency, inefficiency, or failure to perform duties; insubordination; conduct unbecoming a public employee; neglect of duty; and other sufficient cause. Upon his appeal, the matter was transmitted to the Office of Administrative Law for a hearing. Following a hearing and the Civil Service Commission’s (Commission) *de novo* review, the penalty was modified to a 30 working day suspension and the Commission ordered that the petitioner be awarded mitigated back pay, benefits, and seniority. *See Butrim, supra*. The parties had to inform the Commission, in writing, if there was any dispute as to back pay within 60 days of the August 24, 2022 issuance of the decision. The Commission further noted that in the absence of such notice, it would assume that all outstanding issues have been amicably resolved by the parties.

In the petitioner’s request, the petitioner’s attorney certifies that he communicated with Donald A. Gardner, Assistant County Counsel, who indicated

that he was “working on numbers” and “should go smoothly” but that, to date, the petitioner has not received the back pay.

Despite opportunities to do so, the appointing authority did not submit any information in this matter.

CONCLUSION

Pursuant to *N.J.A.C.* 4A:2-2.10(d), an award of back pay shall include unpaid salary, including regular wages, overlap shift time, increments and across-the-board adjustments. *N.J.A.C.* 4A:2-2.10(d)3 provides that an award of back pay shall be reduced by the amount of money that was actually earned during the period of separation, including any unemployment insurance benefits received, subject to any applicable limitations set forth in *N.J.A.C.* 4A:2-2.10(d)4. *N.J.A.C.* 4A:2-2.10(d)4, in turn, states that where a removal or a suspension for more than 30 working days has been reversed or modified and the employee has been unemployed or underemployed for all or a part of the period of separation, and the employee has failed to make reasonable efforts to find suitable employment during the period of separation, the employee shall not be eligible for back pay for any period during which the employee failed to make such reasonable efforts.

In the prior matter, the Commission ordered that the petitioner was entitled to, in pertinent part, mitigated back pay. It noted that the parties had to inform the Commission, in writing, if there was any dispute as to back pay within 60 days of the August 24, 2022 issuance of the decision. Here, the record reflects that the petitioner received assurances that the appointing authority was “working on numbers” and “should go smoothly” but that he has not received his back pay. The record does not evince an actual dispute between the parties as to the back pay amount. Accordingly, the petitioner is entitled to back pay as ordered in *Butrim, supra*.

ORDER

Therefore, it is ordered that Pavel Butrim be awarded back pay as ordered in *In the Matter of Pavel Butrim, Hudson County, Department of Corrections* (CSC, decided August 24, 2022) within 30 days of the issuance of this decision. In the event that the appointing authority fails to make a good faith effort to comply with this order within the prescribed timeframe, the Commission orders that a fine be assessed against the appointing authority in the amount of \$100 per day, beginning on the 31st day from the issuance of this decision, and continuing for each day of continued violation, up to a maximum of \$10,000, as well as an award of interest on the back pay award pursuant to *N.J.A.C.* 4A:2-2.11.

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 10TH DAY OF APRIL, 2024

Allison Chris Myers

Allison Chris Myers
Chairperson
Civil Service Commission

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