



**STATE OF NEW JERSEY**

**DECISION OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Michael Williams,  
Stratford Borough

CSC Docket No. 2025-226

Hearing Granted

**ISSUED: March 19, 2025 (EG)**

Michael Williams appeals his resignation in good standing as a Laborer 1 with Stratford Borough.

By way of background, the appellant was hired as a Laborer 1 by the appointing authority effective December 13, 2021. The appellant subsequently received an unclassified appointment to Municipal Department Head, effective June 13, 2023. Official personnel records indicate that the appellant resigned in good standing from his Laborer 1 position effective June 26, 2024, and had his unclassified appointment discontinued effective June 27, 2024.

On appeal to the Civil Service Commission (Commission), the appellant asserts that he did not tender a resignation or utter a resignation. He contends that the appointing authority neither requested his resignation nor asked him to affirm that he resigned or intended to resign. Additionally, the appellant maintains that during business hours on Thursday June 27, 2024, he in writing affirmatively made it known to four members of the appointing authority he was on a pre-scheduled vacation day and intended to extend leave thru Monday July 1, 2024. Further, the appellant argues that after work hours on June 27, 2024, he was served a *de facto* termination letter signed by the Borough Administrator. The appellant contested his termination via email on June 28, 2024, but received an email from the Borough Attorney the same day indicating that the termination stood. He has not received any other correspondence from the appointing authority. The appellant seeks reinstatement with back pay and seniority from the day of his termination.

The appointing authority, despite being provided the opportunity, did not submit any arguments or evidence in response to the present appeal.

## CONCLUSION

Initially, it is noted that the appellant's position in the unclassified title of Municipal Department Head is not a career service title and does not afford him the right to appeal his termination. *See N.J.S.A. 11A:2-6 and N.J.A.C. 4A:2-2.1.* However, his position as a Laborer 1 is a career service position to which he received a permanent appointment and does afford him the right to appeal his separation.<sup>1</sup>

*N.J.A.C. 4A:2-6.1* provides, in pertinent part:

- (a) Any permanent employee in the career service may resign in good standing by giving the appointing authority at least 14 days written or verbal notice, unless the appointing authority consents to a shorter notice.
- (b) The resignation shall be considered accepted by the appointing authority upon receipt of the notice of resignation.
- (c) A request to rescind the resignation prior to its effective date may be consented to by the appointing authority.

Appeals under the above section are generally treated as a review of the written record. *See N.J.S.A. 11A:2-6(b).* Hearings are granted only in those limited instances where the Civil Service Commission (Commission) determines that a material and controlling dispute of fact exists which can only be resolved through a hearing. *See N.J.A.C. 4A:2-1.1(d).*

In the instant matter, the Commission has conducted a review of the record in this matter and finds that there is a dispute of material fact. The appellant flatly denies that he resigned. Official personnel records indicate that the appointing authority recorded the appellant as having resigned in good standing. The appointing authority has not provided any arguments or evidence that the appellant did, indeed, resign. As it stands, the record does not provide a clear picture concerning the appellant's separation from his Laborer 1 position. Accordingly, the matter should be referred to the Office of Administrative Law for a hearing to determine whether

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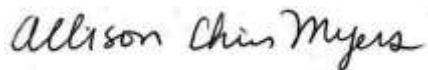
<sup>1</sup> In this matter, as the appointing authority indicated that the appellant had resigned from his career service Labor 1 position prior to its discontinuance of his unclassified appointment, it can be presumed that it had allowed an approved leave of absence from his career service position for the duration of his unclassified appointment. Thus, he retained his rights to that career service position.

the appellant resigned in good standing or was terminated by the appointing authority.<sup>2</sup>

**ORDER**

Therefore, it is ordered that this matter be transmitted to the Office of Administrative Law for a hearing as a contested case.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 19<sup>TH</sup> DAY OF MARCH, 2025



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<sup>2</sup> If terminated, absent legitimate reasons pursuant to *N.J.A.C.* 4A:2-2.3 or *N.J.A.C.* 4A:2-6.2, such a termination would be inappropriate.