



STATE OF NEW JERSEY

**DECISION OF THE
CIVIL SERVICE COMMISSION**

In the Matters of Lydia Rosario and
Jennifer Hirschmanner, Paterson

CSC Docket Nos. 2025-1640 and
2025-1641

Administrative Appeals
Hearings Granted

ISSUED: July 23, 2025 (HS)

Lydia Rosario and Jennifer Hirschmanner appeal their reassignments. These matters have been consolidated due to similar issues presented.

As background, agency records indicate that the appellants, Assistant Business Administrators (ABAs) with Paterson, are employees of the Department of Administration. Rosario and Hirschmanner were permanently appointed to the title effective January 8, 2019 and January 22, 2019, respectively. In early 2025, former Business Administrator (BA) Kathleen M. Long temporarily assigned Rosario to directly support the Fire Division and temporarily assigned Hirschmanner to directly support the Economic Development Department.

On appeal to the Civil Service Commission (Commission), Rosario claims that her reassignment was retaliatory. Specifically, she contends that the duties assigned to her in the Fire Division do not align with the ABA job specification. Per Rosario, these duties had historically been performed by sworn fire personnel, which suggests a deviation from established Civil Service standards. The reassignment removed her from her longstanding position in the Business Administrator's Office and assigned her duties outside her expertise. Rosario alleges that the Fire Division was surprised by this decision, particularly the abrupt relocation of her office to the Fire Division headquarters. The City Council and their Personnel Committee were also unaware of the reassignment and expressed concern, raising questions about the retaliatory nature of the reassignment. Rosario further maintains that the reassignment is part of a larger pattern of retaliatory actions by Long in response to grievances and

complaints she has filed including an affirmative action complaint and union grievances regarding workplace harassment and retaliation. Rosario relates that Long advised staff on January 6, 2025 that she had accepted a position with the New Jersey Department of Community Affairs (DCA). The very next day, January 7, 2025, Long petitioned the Public Employment Relations Commission (PERC) to remove the entire office staff, including Rosario, from the union so that they no longer have any union rights or union protections. Additionally, Rosario asserts that on January 28, 2025, she applied for the BA position, which was vacant. She claims that this application triggered retaliatory actions to include the reassignment and significant reduction in her job description. In support, Rosario submits a number of documents:

- On January 19, 2022, Rosario filed a grievance seeking compensation for performing Budget Officer duties. Long initially denied the grievance, but a PERC arbitrator later sustained it.
- On September 26, 2023, Rosario, Hirschmanner, and another employee filed a grievance seeking compensation for performing the work of looking over and approving overtime and payroll. They argued that the work was previously handled by payroll clerks and the payroll supervisor. Long denied the grievance.
- On February 8, 2024, Rosario filed a complaint alleging workplace harassment against Long.
- On January 8, 2025, Paterson, with Long as its representative, filed the earlier-referenced clarification of unit petition with PERC.
- On January 29, 2025, Rosario, Hirschmanner, and two other employees filed a complaint alleging workplace harassment against Long.
- A news article describes Councilman Luis Velez saying the timing of the reassignments of the ABAs was “troubling,” since January 31, 2025 would be Long’s last day. “We have no people left with any experience there,” Velez said, questioning why Long would make the moves. “If you’re leaving the city, go in peace. Don’t do damage.” Joe Malinconico, *Paterson Council Miffed at Staff Transfers Just as Business Administrator Leaves*, Paterson Press, January 31, 2025, updated February 2, 2025.
- A news article describes Councilwoman Maritza Davila saying that the reassignments by Long on her way out the door created the perception of retaliation against her subordinates. “It was not a good look, and I didn’t like it,” Davila said of the reassignments. “But I

don't get involved in the day-to-day operations and personnel decisions.” Joe Malinconico, *Paterson Mayor Taps Woman with 4 Decades of Experience to Head Daily Operations*, Paterson Press, February 11, 2025.

Hirschmanner challenges her reassignment to the Economic Development Department on the basis of substantially similar arguments.

In response, Paterson, represented by Marlin G. Townes, III, Esq., explains that prior to Long's departure, she conducted an assessment of the work being done in her department to identify critical projects and workflows in anticipation of her transition and a new BA assuming the role. It was her goal to maximize efficiencies and to set the stage for a smooth transition. She also was following the general directive from Paterson's fiscal monitor from DCA to: 1) plan for how Paterson could make progress on joint (administration and DCA) priority items during this transition; and 2) use existing staff to perform needed duties and projects within the purview of their titles as opposed to always hiring more personnel when possible, especially due to anticipated financial constraints this fiscal year. In other words, Paterson had to stay focused on priorities while doing more with less as a transitional aid recipient. As a part of the assessment, Long had the appellants outline the duties they believed they were responsible for performing. Long then responded to their assertions by clarifying their duties and changing some assignments temporarily.

Paterson indicates that, notably, the changes in assignments include the appellants being assigned to special projects that were of a high priority to DCA and that could be undertaken during this time of transition as a new BA was hired and began in the role. Hirschmanner has been temporarily assigned to directly support the Department of Economic Development and Rosario has been temporarily assigned to directly support the Fire Division by helping to set up new processes and systems. Paterson maintains that setting up new processes and systems is a part of the job specification for the ABA title. Improving the Planning and Zoning escrow process in Economic Development and setting up personnel, payroll, and budget account processes in the Fire Division that could lead to civilianization of positions previously held by sworn personnel were both joint administration and DCA high priorities. The appellants are temporarily not stationed in the Business Administrator's Office but are still employees in the Department of Administration and are still subordinates of the BA. As an item of note, even before the special assignment, Hirschmanner did not work in the Business Administrator's Office but in a separate office on the first floor of City Hall.

Paterson maintains that the assignment of special projects to the appellants was a direct result of an administrative assessment and directives it received from the DCA. While the start of their special projects occurred near Long's departure,

the decision to place them on these projects was made and vetted several months prior.

Paterson also maintains that Rosario's assignment to a special project was unrelated to her application to fill the vacancy in the position of BA. Long has no authority or role in selecting her replacement. Per Paterson, Rosario's assertion is a "red herring at best." No one prevented her from applying for the position, and she had the same rights as any other applicant. Rosario's service as an ABA does not entitle her to a promotion.

Paterson describes the appellants as "serial litigants who are constantly filing actions that are frivolous at best for apparent self-enrichment." It also states that "[i]t is . . . very telling that both employees' [u]nion did not engage in or provide representation for this matter."¹

In support, Paterson submits Long's certification, which includes copies of the appellants' "New Assignment[s]." Specifically, Rosario's new assignment reads in part:

Lydia Rosario
[ABA]
New Assignment – On Loan to Public Safety Department, Fire Division

[ABA] Job Specification
"Assists the [BA] in installing modern management methods and systems for all departments."

Improving the systems within the Public Safety Department is a high priority of Mayor Sayegh and [DCA]. This is true both of the Police Division and the Fire Division, especially when it comes to civilianization and the implementation of shared services. In a special way, [DCA] Division of Local Government Services . . . is currently providing extra support to the Fire Division regarding staffing and operations review by experts in the field, which will continue through 2025 at least.

This assignment for . . . Rosario complements that support, and will range from [six] months to [one] year at a minimum, with potential for an extension. This assignment will help the [BA] decide if an additional civilian position should be created in the Division once systems and processes are successfully up and running.

¹ *N.J.A.C. 4A:2-1.1(e)* provides that a party in an appeal "may" be represented by an attorney, authorized union representative, or authorized appointing authority representative. Thus, a party is not required to be represented by a union in an appeal to the Commission.

Hirschmanner's new assignment reads in part:

Jennifer Hirschmanner

[ABA]

New Assignment – On Loan to Economic Development Department

[ABA] *Job Specification*

“Assists the [BA] in installing modern management methods and systems for all departments.”

Improving the systems within the Economic Development Department is a high priority of Mayor Sayegh and [DCA]. The Administration has made multiple attempts to improve this department from afar, but now chooses to embed one of the [ABAs] to make tangible progress towards this goal, especially as the department is not properly serving the needs of its external constituents. This assignment complements the work of the Innovation Fellow, who is prioritizing improvements within the Construction Office in the Economic Development Department.

Assignment will range from [six] months to [one] year at a minimum, with potential for an extension. This assignment will help the [BA] decide if an additional civilian position should be created in the Division once systems and processes are successfully up and running.

CONCLUSION

N.J.A.C. 4A:4-7.2 provides that a reassignment is the in-title movement of an employee to a new job function, shift, location or supervisor within the organizational unit. Reassignments shall be made at the discretion of the head of the organizational unit. Under *N.J.A.C.* 4A:4-7.1(a)2, in local service, an organizational unit shall mean a department or separate agency within the same county or municipality. Further, *N.J.A.C.* 4A:4-7.7 provides that when an employee challenges the good faith of a reassignment, the burden of proof shall be on the employee. That section also provides that such an action shall not be utilized as part of a disciplinary action except when disciplinary procedures have been utilized. *See also, N.J.S.A.* 11A:4-16.

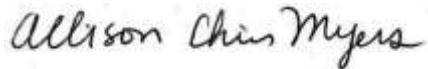
Reassignments are at the discretion of an appointing authority, but they must be made in good faith. The parties here clearly disagree on the issue of good faith. Paterson maintains that the appellants' reassignments furthered legitimate business and operational goals. However, whether these proffered reasons were in fact not legitimate or served as a pretext to allow Paterson to reassign the appellants for some other, bad faith reason cannot be determined on the written record. In this regard, the record reflects that the appellants have a history of filing grievances and complaints; the reassignments occurred in close temporal proximity to Long's

departure from service with Paterson; and Council members expressed concerns over the reassignments and their timing. Based on the foregoing, a material dispute of fact exists in these matters regarding the reasons for the appellants' reassignments. Accordingly, under these circumstances, where it is not possible to determine on the written record whether the reasons for these actions were proper, these matters should be referred to the Office of Administrative Law for hearings.

ORDER

Therefore, it is ordered that these matters be referred to the Office of Administrative Law for hearings as contested cases.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 23RD DAY OF JULY, 2025



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