



STATE OF NEW JERSEY

In the Matter of Sean Vaccaro, Union
County, Sheriff's Department

CSC Docket No. 2024-2626
OAL Docket No. CSV 13773-24

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

ISSUED: NOVEMBER 26, 2025

The appeal of Sean Vaccaro, County Correctional Police Officer, Union County, Sheriff's Department, layoff, effective June 30, 2024, for reasons of economy or efficiency, was before Administrative Law Judge Julio C. Morejon (ALJ), who rendered his initial summary decision on November 6, 2025, granting the appointing authority's motion to uphold the layoff. No exceptions were filed.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, the Civil Service Commission (Commission), at its meeting on November 26, 2025, affirmed the ALJ's determination granting summary decision.

ORDER

The Civil Service Commission finds that the action of the appointing authority in laying off the appellant was justified. The Commission therefore upholds that action and dismisses the appeal of Sean Vaccaro.

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 26TH DAY OF NOVEMBER, 2025

A handwritten signature in cursive script that reads "Allison Chris Myers".

Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

MOTION SUMMARY DECISION

OAL DKT. NO. CSV 13773-24

AGENCY DKT. NO. 2024-2626

SEAN VACCARO,

Appellant,

v.

UNION COUNTY SHERIFF'S DEPARTMENT,

Respondent.

Sean Vaccaro, *pro se* Appellant

Kathryn V. Hatfield, Esq., (Hatfield, Schwartz Law Group, LLC, attorneys) for
Respondent, Union County Sheriff's Department

Record Closed: October 2, 2025

Decided: November 6, 2025

BEFORE: **JULIO C. MOREJON**, ALJ:

STATEMENT OF THE CASE

Appellant, Sean Vaccaro, appeals the decision of respondent, Union County Sheriff's Department of June 20, 2024, to layoff appellant pursuant to N.J.S.A. 11A:8-1 et seq.

PROCEDURAL HISTORY

On April 15, 2024, in accordance with N.J.A.C. 4A:8-1.1, et seq. and N.J.S.A. 40A:65-11, the County of Union (Union County) and Respondent, Union County Sheriff's Department (Sheriff's Department) (collectively, the County), submitted a Layoff Plan to the New Jersey Civil Service Commission (Civil Service).

The Layoff Plan stated that the County proposed the elimination of the "Third Shift" in the Union County Jail, warranted a reduction of nine (9) Correctional Police Officers. Appellant Sean Vaccaro (Vaccaro) was one of the Correctional Police Officers affected by the elimination of the third shift and subsequent Layoff.

On May 7, 2024, Civil Service approved the Layoff Plan. On May 14, 2024, the Sheriff's Department issued a 45-day notice of proposed layoff (45-day Notice of Layoff to Vaccaro. On June 20, 2024, the Sheriff's Department issued a formal layoff notice (the Layoff Notice) to Vaccaro effectively terminating his employment as a Corrections Officer on June 30, 2024.

Vaccaro appealed his layoff to the Civil Service Commission, asserting that the layoff by the Sheriff's Department was not done in good faith. Said appeal was postmarked June 12, 2024, and filed with the Civil Service on June 19, 2024. Specifically, Vaccaro's appeal stated:

I am appealing the layoff of 9 Union County Sheriff Correctional Police Officers that is to take effect 7/1/2024. This layoff is not being done in good faith, and we are intentionally being discriminated against.

As per NJ Admin code 52:17B-68.3 (attached), (e.) "... An officer eligible for a transfer or a lateral title change pursuant to the provision of this section shall not be denied a transfer or title change to an available position without good cause."

The Union County Sheriff is also actively hiring 15 Sheriff Officers, claiming his promise to these potential recruits is the good cause for denying our transfer to these open positions.

I strongly encourage you to enforce the law as it is written, there is no good cause for this layoff when the waiver to transfer was created specifically for this reason.

Thereafter, on September 27, 2024, Civil Service transmitted this matter to the Office of Administrative Law (OAL) for a hearing as a contested case, pursuant N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13.

On March 10, 2025, respondent, Union County Sheriff's Department (Sheriff's Department or Respondent), filed a motion for summary decision. On April 7, 2025, petitioner, Sean Vaccaro (Vaccaro), filed his opposition to the Sheriff's Department motion. On April 14, 2025, the Sheriff's Department filed a reply brief.

I closed the record on October 2, 2025.

ISSUE PRESENTED

The issue to be resolved is whether the Sheriff's Department's decision to layoff Vaccaro was made in good faith, and if so, whether there are no material issues of fact that warrant granting the Sheriff's Department's motion for summary decision?

FACTUAL DISCUSSION AND FINDINGS

After reviewing the parties' moving papers, along with the exhibits contained therein, I **FIND** the following as **FACT** in this matter:

Vaccaro was employed as a Corrections Police Officer with the Sheriff's Department, a public employer subject to the New Jersey Civil Service Act, N.J.S.A. 11A:1-1 et seq.

On April 15, 2024, the County submitted a proposed Layoff Plan to the New Jersey Civil Service Commission (Civil Service).

The following is derived from the proposed Layoff Plan submitted by the County to the Civil Service, which is comprised of documents attached to the Certification of Kathryn V. Hatfield, at Exhibit A ("the Hatfield Cert.").

By way of background and as outlined in the Layoff Plan, on March 30, 2021, the County submitted to Civil Service a Layoff and Reconciliation Plan (Layoff Plan). Id. Specifically, the Layoff Plan sought to close the County Jail for all but limited purposes. Id. In effectuating this closure, and the resulting layoffs, the County expected to realize a net savings of more than \$20,000,000 annually. Id.

As of the date the Layoff Plan was submitted, the County Jail housed approximately 164 adult inmates and financially supported an additional 179 adult inmates in Essex County pursuant to a shared services agreement. Id. This shared services agreement was terminated on April 22, 2021 and, in its place, the two Counties executed a Memorandum of Agreement (MOA) for the provision of correctional services by Essex County for the term July 1, 2021 through June 30, 2025. Id. The MOA provided for the transfer of all Union County inmates to Essex County effective July 1, 2021. Id. With these inmate transfers, Union County ceased the long-term housing of inmates by the Union County Department of Corrections. Id.

The Layoff Plan stated that because there was still a need for the transportation and temporary holding of individuals awaiting criminal adjudications and court appearances, the County transferred those functions to the Sheriff Office. Id. In order to perform those functions, the Sheriff's Office created a Division of Corrections called "the Hub", which was staffed by a much smaller complement of Correctional Police Officers. Id. Specifically, the County transferred approximately fifty (50) officers from the Sheriff's Office through intra-governmental transfers. Id.

The Layoff Plan stated that over the past three years, the Sheriff's Office has operated the Hub with approximately fifty (50) officers, including both Superior and Rank and File. Id. These officers work three shifts: 6:40 a.m. to 3:00 p.m. ("First Shift"), 2:40 p.m. to 11:00 p.m. ("Second Shift) and 10:40 p.m. to 7:00 a.m. ("Third Shift"). Id. While

the inmate census during the first two shifts varied depending on the day of the week, rarely have there been more than 2-3 inmates housed overnight and supervised by the Third Shift. Id. In fact, the inmate population housed overnight averaged 1.6. Id.

The Layoff Plan stated that given the low census, the County proposed to eliminate the Third Shift. Id. This change had two impacts; it reduced the table of organization and, second, it required municipalities to either house an arrestee in their own police department until they can be transferred to the County in the morning or the municipality had to transport the arrestee to Essex County. Id.

The Layoff Plan stated that with regard to the table of organization, the elimination of the Third Shift warranted a reduction of nine (9) Correctional Police Officers. No Superior Officers were affected by this Layoff. Vaccaro was one of the Correctional Police Officers affected by the elimination of the third shift and subsequent Layoff. Id.

The Layoff Plan stated that the reduction in staff complement resulted in a projected savings of approximately \$1,300,000-\$1,500,000. Id. In addition, because of the low census overnight it made no sense to staff an entire shift. Id. On May 7, 2024, Civil Service approved the Layoff Plan in writing. (Hatfield Cert., Exhibit B).

The approved Layoff Plan proposes a layoff date effective end of day, June 30, 2024. As part of the Civil Service approval of the Layoff Plan, the Sheriff's Department was to provide notice to the public employees in the Sheriff's Department who would be negatively impacted by the Layoff Plan in the loss of their job.

In accordance with the Civil Service approval of May, 7, 2024, the Sheriff's Department issued a 45-day Notice of Layoff to Vaccaro dated May 15, 2024, via certified mail to Vaccaro stating that he may be affected by the Layoff on June 30, 2024. Vaccaro received and signed for the 45-day Notice of Layoff on June 14, 2024. Thereafter, on June 20, 2024, the Sheriff's Office issued a formal Layoff Notice to Vaccaro, for reasons of economy and efficiency. (Hatfield Cert., Exhibits B, C, D and F).

Vaccaro appealed his layoff from the Sheriff's Department to the Civil Service Commission, asserting that the layoff was not done in good faith. Said petition of appeal was postmarked June 12, 2024, and filed with the Civil Service Commission on June 19, 2024.

Legal Arguments presented

The Sheriff's Department argues that it followed civil service regulations governing layoff procedures. Specifically, they argue that the Layoff was conducted in accordance with N.J.A.C. 4A:8-2.1 et seq., including proper notification, seniority calculations, and application of demotional rights.

The Sheriff's Department also argues that Vaccaro has failed to meet his burden to show bad faith or improper motive by the Sheriff's Department in laying off Vaccaro and the other eight (8) Corrections Officers. The Sheriff's Department argues that to successfully challenge a layoff, a public employee must show that the action was taken in bad faith or in violation of applicable civil service rules. (citing N.J.A.C. 4A:8-2.6; Borough of Keyport v. International Union of Operating Engineers, 222 N.J. 314, 339 (2015). The Sheriff's Department argues that mere allegations that a layoff was "unfair" or "unjust" are insufficient to warrant a hearing where there is no factual dispute. (citing, In the Matter of Joyce Gregory-Hunt City of Paterson, Department of Community Development, 2017 N.J. CSC LEXIS 50, *11 (holding that a showing that a different administration might have handled a layoff differently did not prove bad faith).

The Sheriff's Department argues that the Supreme Court of New Jersey has elaborated upon these principles concerning bad faith and improper motive in Matter of Bridgewater Twp., 95 N.J. 235, 471 A.2d 1 (1984), explaining that such prohibited intent may be established with: (1) "direct evidence of anti-union motivation for disciplinary action," or (2) "a prima facie case . . . by showing that the employee engaged in protected activity, that the employer knew of this activity, and that the employer was hostile toward the exercise of the protected rights." 95 N.J. at 246. See also In re Hunterdon Cnty. Bd. of Chosen Freeholders,

116 N.J. 322, 335, 561 A.2d 597 (1989) (reiterating and applying these standards). “Once that prima facie case is established, however, the burden shifts to the employer to demonstrate by a preponderance of evidence that the same action would have taken place even in the absence of the protected activity.” Bridgewater, 95 N.J. at 242.

The Sheriff’s Department argues that based on the information set forth in the Layoff Plan, that was approved by Civil Service, the purpose of the Layoff Plan was to save money by eliminating the third shift because operating the third shift was inefficient based on the data. “If [the] presumption [of the employer’s good faith] is not overcome by sufficient proofs, it is of no consequence that there is proof showing that considerations other than economy underlay or played *some part* in that action.” Schnipper v. N. Bergen Tp., 13 N.J. Super. 11, 15, 80 A.2d 118 (App. Div. 1951) (emphasis added). See also Bridgewater, 95 N.J. at 242 (recognizing that under analogous federal labor law principles, “the employee bears the initial burden of showing that [the employee’s protected] activity . . . was a ‘substantial factor’ or a ‘motivating factor’ in the employer’s action”).

Vaccaro argues the following:

1. Per the public recording of the Union County Commissioners’ meeting on 3/13/25, a current Union County Corrections employee of the jail confirms that the Sheriff is hiring within the Sheriff’s Department; as she has actively witnessed over 30 applicants coming in to drop off their new hire packets.
2. The Sheriff’s Department is actively looking to hire and has yet to reach out to me; showing again how the Sheriff/County is fabricating as they are not trying to hire former correctional officers to work for the Sheriff’s Department.
3. As of this past layoff in 2024, the jail was already short-staffed. Instead of fixing the problem by re-hiring more officers, the County chose to do the opposite and continued to lay off.
4. The officers are being overworked and doing the jobs of multiple officers all to please the County in hopes of keeping their jobs. Yet again, it was all for nothing as 9 more officers, including myself, were laid off.

5. Per Mrs. Hatfields exhibits, approximately 343 Union County inmates were housed between Union County Jail and Essex County Jail; however, to date about 500+ Union County inmates are currently housed at Essex County Jail and Hudson County Jail. How is this saving the County money, as they lay off more officers, when there is a 66% increase in inmate population?
6. Please note per Mrs. Hatfields exhibits, the certified mail receipt was signed and dated 6/14/24, which is approximately 16 days' notice; in which fails to meet the 45-day minimum notice requirement which Union County and Mrs. Hatfield claim they provided.
7. This fabrication of truth is proven within Mrs. Hatfield's own exhibit.

The Sheriff's Department filed a reply to Vaccaro's opposition. The reply argued that in order for Vaccaro to successfully challenge a layoff, he must show that the action was taken in "bad faith or in violation of applicable civil service rules." N.J.A.C. 4A:8-2.6; Borough of Keyport v. International Union of Operating Engineers, 222 N.J. 314, 339 (2015). The Sheriff's Department argued that mere allegations by Vaccaro that a layoff was "unfair" or "unjust" are insufficient to warrant a hearing where there is no factual dispute. In the Matter of Joyce Gregory-Hunt City of Paterson, Department of Community Development, 2017 N.J. CSC LEXIS 50, *11.

The Sheriff's Department claim that none of Vaccaro's allegations, even if true, rise to the level to prove bad faith. They contend that Vaccaro's unsubstantiated allegations, supposedly proven by a video that Vaccaro does not provide, as to present-day hiring within Union County Sheriff's Office has no logical connection to the Sheriff's Department's decision to enter into the Layoff, and does not prove that it was in bad faith. Moreover, the Sheriff's Department states that the rationale and repercussions of Respondent's decision to close the Union County Jail is not at issue, as Vaccaro is challenging the Layoff which affected nine officers working the overnight shift, not the elimination of the Union County Jail as a whole.

Finally, the Sheriff's Department contends that Vaccaro's argument that the Layoff Notice he received on June 14, 2024 was not timely, is contrary to the proofs the Sheriff's

Department submitted with its motion. (Hatfield Cert., at Exhibits C and E). The Sheriff's Department asks this tribunal to disregard Vaccaro's argument that his Layoff was procedurally deficient, as he has never challenged the same, but instead Vaccaro has alleged the Layoff was not undertaken in good faith.

LEGAL ANALYSIS AND CONCLUSION

Standards for summary decision

Under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6, "[a] party may move for summary decision upon all or any of the substantive issues in a contested case." N.J.A.C. 1:1-12.5(a). Such motion "shall be served with briefs and with or without supporting affidavits" and "[t]he decision sought may be rendered if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law." N.J.A.C. 1:1-12.5(b). When the motion "is made and supported, an adverse party in order to prevail must by responding affidavit set forth specific facts showing that there is a genuine issue which can only be determined in an evidentiary proceeding." Id.

This rule is substantially similar to the summary-judgment rule embodied in the New Jersey Court Rules. See Judson v. Peoples Bank & Trust Co. of Westfield, 17 N.J. 67, 74 (1954). In Brill v. Guardian Life Insurance Co., 142 N.J. 520, 540 (1995), the New Jersey Supreme Court addressed the appropriate test to be employed in deciding the motion:

[A] determination whether there exists a "genuine issue" of material fact that precludes summary judgment requires the motion judge to consider whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party, are sufficient to permit a rational factfinder to resolve the alleged disputed issue in favor of the non-moving party. The "judge's function is not . . . to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial." If

there exists a single, unavoidable resolution of the alleged disputed issue of fact, that issue should be considered insufficient to constitute a “genuine” issue of material fact for purposes of Rule 4:46-2.

[Citations omitted.]

In evaluating the merits of the motion, all inferences of doubt are drawn against the movant and in favor of the party against whom the motion is directed. Judson, 17 N.J. at 75. However, “[w]hen a motion for summary decision is made and supported, an adverse party in order to prevail must by responding affidavit set forth specific facts showing that there is a genuine issue which can only be determined in an evidentiary proceeding.” N.J.A.C. 1:1-12.5(b).

After reviewing the motion papers filed herein, along with certifications and exhibits attached thereto, I **CONCLUDE** this matter is ripe for summary decision under N.J.A.C. 1:1-12.5(b).

The Civil Service Act provides that “a permanent employee may be laid off for economy, efficiency or other related reason.” N.J.S.A. 11A:8-1(a). Before doing so, the public employer, must attempt to “lessen the possibility, extent or impact of layoffs by implementing pre-layoff actions” including, but not limited to, initiating temporary hiring or promotion freezes; terminating temporary employees; returning provisional employees to their permanent titles; reassigning employees; and/or assisting potentially affected employees to find other employment. N.J.S.A. 11A:8-2(a); N.J.A.C. 4A:8-1.2. The employer must also meet with the majority representative of the potentially affected employees and obtain the approval of Civil Service before implementing the layoff. N.J.S.A. 11A:8-2(b); N.J.A.C. 4A:8-1.2 to - 1.3.

If the employer deems individual or mass layoffs necessary, it must submit a detailed layoff plan to Civil Service at least thirty days before notifying any potentially affected employees. N.J.A.C. 4A:8-1.4(a). Civil Service will then approve the Layoff Plan or direct the employer to take additional alternative measures, provide additional information, or change the Layoff Plan as necessary. N.J.A.C. 4A:8-1.4(d).

If the Civil Service approves the Layoff Plan, the employer must notify the affected employees at least forty-five days in advance of their termination. N.J.S.A. 11A:8-1(a); N.J.A.C. 4A:8-1.6(a). The employer must also provide Civil Service with “a list of the names and permanent titles of all employees receiving the notice.” N.J.S.A. 11A:8-1(a). Civil Service ensures the list's compliance with N.J.S.A. 11A:8-1(b), which requires that employees in State or local service “shall be laid off in inverse order of seniority.” See also N.J.A.C. 4A:8-1.1(b); N.J.A.C. 4A:8-2.2; N.J.A.C. 4A:8-2.4.

Civil Service also determines whether any listed employee has “lateral [or] demotional title rights” that would allow him or her to remain employed by “bumping” a less senior employee, and/or “reemployment rights” to be placed on a list to be rehired later on. N.J.S.A. 11A:8-1(f), (h); N.J.A.C. 4A:8-1.1(b); N.J.A.C. 4A:8-2.1; N.J.A.C. 4A:8-2.3. These determinations are made prior to the effective date of the layoff, and Civil Service then assumes responsibility for sending its final notices to the affected employees. N.J.A.C. 4A:8-1.1; N.J.A.C. 4A:8-1.6(f).

Vaccaro’s petition filed with the Civil Service makes broad allegations of “bad faith” by the Sheriff’s Department in implementing the Layoff plan, which resulted in Vaccaro being laid off as a Corrections Officer. The proofs presented by the Sheriff’s Department in the within motion concern the Sheriff’s Department compliance with the procedural requirements for implementing the Layoff. Specifically, the Sheriff’s Department’s moving papers disclose that on April 15, 2024 the Sheriff’s Office submitted a Layoff Plan to Civil Service. Civil Service approved the Layoff Plan on May 7, 2024, effectively confirming that the Layoff included proper notification, seniority calculations, and application of demotional rights, requiring that the Sheriff’s Department provide the necessary notice to those affected by the Layoff.

The approved Layoff Plan proposes a layoff date effective end of day, June 30, 2024. As part of submitting the Layoff Plan, the Sheriff’s Department issued a 45-day Notice of Layoff to Vaccaro dated May 15, 2024, via certified mail to Vaccaro stating that he may be affected by the Layoff on June 30, 2024. Vaccaro received and signed for the

45-day Notice of Layoff on June 14, 2024. Thereafter, on June 20, 2024, the Sheriff's Office issued a formal Layoff Notice to Vaccaro, for reasons of economy and efficiency.

Vaccaro argues for the first time in his opposition that the 45-day notice was defective because the letter was "signed and dated 6/14/24, which is approximately 16 days' notice" and "fails to meet the 45-day minimum notice requirement.

N.J.A.C. 4A:8-1.6(a) provides in part that:

No permanent employee ...shall be separated or demoted as a result of a layoff action without having been served by the appointing authority, at least 45 days prior to the action, with a written notice personally, unless the employee is on a leave of absence or otherwise unavailable, in which case by certified mail. If service is by certified mail, the 45 days shall be counted from the first date of notice by the United States Postal Service to addressee. A notice shall also be conspicuously posted in all affected facilities of the layoff unit. A copy of the notice served on employees shall be provided to [this agency] and affected negotiations representatives.

N.J.S.A. 11A:8-1(a), provides :

A permanent employee may be laid off for economy, efficiency or other related reason. A permanent employee shall receive 45 days' written notice, unless in State government a greater time period is ordered by the commission, which shall be served personally or by certified mail, of impending layoff or demotion and the reasons therefor. The notice shall expire 120 days after service unless extended by the commission for good cause. At the same time the notice is served, the appointing authority shall provide the commission with a list of the names and permanent titles of all employees receiving the notice. The Civil Service Commission shall adopt rules to implement employee layoff rights consistent with the provisions of this section. The commission shall consult with the advisory board representing labor organizations prior to such recommendations.

While it is evident that the 45-day Notice of Layoff, dated May 15, 2024, is 45-days from the proposed layoff date of June 30, 2024, it is undisputed that the same was signed for by Vacarro on June 14, 2024, which is sixteen (16) days from the layoff date of June 30, 2024. The Civil Service's approval of the Layoff Plan and the applicable law, N.J.A.C. 4A:8-1.6(a), N.J.S.A. 11A:8-1(a), and do not define what constitutes service of the layoff notice.

The Civil Service's approval of the Layoff Plan provided in part:

The approved plan proposes a layoff date effective end of day, June 30, 2024. To meet the timeframes Union County has established for the layoff, please be advised that the general and individual 45-Day Notices must be issued no later than May 15, 2024 (at least 45 days prior to the effective date of the layoff). [emphasis provided]

The "Individual 45-Day Notices" must be served personally to the employees whose positions have been initially selected or targeted for abolishment or reduction. If an employee is not available, or is on a leave of absence, notification must be served by certified mail. [emphasis provided]

The "General 45-Day Notices" must be conspicuously posted in all facilities of the affected organizational unit(s) and must be personally served to all employees whose positions may be affected by the layoff.

Pursuant to the N.J.A.C. 4A:8-1.6(a), copies of each Individual Notice must be submitted to this office, and to affected negotiation representatives. ...Upon receipt of the individual 45-day notices. this office will determine the seniority, displacement rights and special reemployment rights of the affected employees... The accuracy of this information is the responsibility of the appointing authority. Employees will be notified of these determinations prior to the effective dated of the layoff.

[Hatfield Cert., Exhibit B]

In Amodio v. Civil Service Com. of Dep't of Civil Service, 81 N.J. Super. 22, 194 A.2d 512, 1963 N.J. Super. LEXIS 264 (App.Div. 1963)., the Appellate Division affirmed that former N.J. Stat. Ann. § 11:26D-1 (now N.J. S.A 11A:8-1), which required 45 days' notice

of layoff or separation from service on the ground of economy, began to run from when the notice was mailed by certified mail to appellant. [emphasis supplied].

In applying the Amodio decision and the language contained in the Civil Service approval of the Layoff Plan that "...individual 45-Day Notices must be issued no later than May 15, 2024 (at least 45 days prior to the effective date of the layoff)", [Hatfield Cert., Exhibit B], it is apparent that the Sheriff's Department has complied with the requirements of the N.J.A.C. 4A:8-1.6(a), N.J.S.A. 11A:8-1(a), in providing a 45-day Notice of Layoff. This conclusion is substantiated by the fact that Vacarro did not include a claim in his appeal that he was not served with the Layoff Notice prior to June 16, 2024, the date he signed the certified mail, or that he was not aware of the Layoff Plan.

It is also of interest that while Vacarro signed for the 45-day Notice of Layoff on June 16, 2024, his appeal of the Layoff Plan is postmarked June 12, 2024, creating some doubt as to the reliability of his argument of defective notice. In addition, when factoring in that Vacarro did not raise a claim in his appeal to the Civil Service that the Sheriff's Department did not provide him with the 45-day Notice of Layoff, and he did not make the said claim in his answers to interrogatories, I am led to **CONCLUDE** that Vacarro's late claim in his opposition papers is not enough to overcome the requirements of N.J.A.C. 1:1-12.5(b) that when a motion for summary decision "is made and supported, an adverse party in order to prevail must by responding affidavit set forth specific facts showing that there is a genuine issue which can only be determined in an evidentiary proceeding."

For the reasons set forth above, I **CONCLUDE** that the material facts establishing the Layoff Plan and Vacarro's layoff are undisputed, and the layoff was conducted in accordance with N.J.A.C. 4A:8-1.1; and I further **CONCLUDE** that Vacarro has failed to provide evidence of a statutory or procedural violation that the Sheriff's Department Layoff Plan made was in bad faith in violation of N.J.A.C. 4A:8-2.6.

Based upon the forgoing, I **CONCLUDE** that the Sheriff's Department has presented sufficient proofs to establish there is no genuine issue of material fact challenged, and they

are entitled to prevail as a matter of law under N.J.A.C. 1:1-12.5(b), and the Sheriff's Department's motion for summary decision is **GRANTED**.

ORDER

It is hereby **ORDERED** that the Sheriff's Department motion for summary decision is **GRANTED** as a matter of law under N.J.A.C. 1:1-12.5(b).

I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make a final decision in this matter. If the Civil Service Commission does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, DIVISION OF APPEALS AND REGULATORY AFFAIRS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, PO Box 312, Trenton, New Jersey 08625-0312**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

November 6, 2025

DATE



JULIO C. MOREJON, ALJ

Date Received at Agency:

November 6, 2025

Date E-Mailed to Parties:

November 6, 2025

Ir

APPENDIX

EXHIBITS

For Appellant

Opposition to motion for summary decision with exhibits

For Respondent:

Notice of Motion for Summary Decision, supporting Brief, Certification of Kathryn V. Hatfield Esq. with Exhibits, and reply brief.