

reinstated. *See In the Matter of Carolyn Whitehead* (CSC, decided September 4, 2024). Thereafter, Whitehead requested enforcement of the prior decisions which resulted in East Orange being fined \$10,000 and being ordered to immediately reinstate Whitehead. *See In the Matter of Carolyn Whitehead* (CSC, decided September 24, 2025). East Orange requested reconsideration of that decision, which the Commission denied (CSC, decided April 8, 2026).

In the instant matter, Whitehead requests that her back pay award be determined by the Commission. Whitehead states that she returned to work on September 29, 2025.¹ She provides an Affidavit of Income Received and Mitigation Efforts During Separation which includes the following: 2020 Unemployment Benefits of \$13,734; 2021 Unemployment Benefits of \$42,285; June 2022 to May 2023 City HR/Skye Management of \$43,848.92²; 2023 Unemployment Benefits of \$15,470; and October 2024 to September 2025 Walmart of \$27,520.37. Whitehead also provides tax documentation and a statement of earnings for the amounts she has indicated she earned. Further, Whitehead provides a list of over 60 contacts, dates, addresses and positions that she applied for. Moreover, she contends that the unemployment benefits she received in 2023 were from an employer other than East Orange and should not be used to reduce the back pay owed to her.

In response, East Orange, represented by Sean M. Pena, Esq., argues that Whitehead is not entitled to any back pay as it contends she was lawfully terminated. In this regard, it indicates that it has requested appellate review of the matter. However, it states that Whitehead would have earned \$513,376.76 during the period of her termination and reinstatement. Further, it contends that it should receive a “credit” of \$142,867.49 based on Whitehead’s “written documentation” regarding her back pay.

CONCLUSION

N.J.A.C. 4A:2-2.10(d)3 provides that where a removal or suspension has been reversed or modified, or an indefinite suspension pending the disposition of criminal charges has been reversed, the 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. Additionally, *N.J.A.C.* 4A:2-2.10(d)1 states that back pay shall not include items such as overtime pay, holiday premium pay and retroactive clothing, uniform or equipment allowances for periods in which the employee is not working. *N.J.A.C.* 4A:2-2.10(d)2 indicates that the award of back pay

¹ It is noted that the County and Municipal Personnel System (CAMPS) does not reflect Whitehead’s reinstatement. East Orange is directed to ensure that Whitehead’s CAMPS’ record is updated and accurate.

² The supporting documents submitted by Whitehead indicate that she earned \$42,905.64 from June 2022 to May 2023 for work with City HR/Skye Management. However, as Whitehead has certified in an affidavit that she earned \$43,848.92 for that period, that is the amount that the Commission will utilize.

shall be reduced by the amount of taxes, social security payments, dues, pension payments, and any other sums normally withheld. Further, *N.J.A.C.* 4A:2-2.10(d)5 states that an employee shall not be required to mitigate back pay for any period between the issue date of a Commission decision reversing or modifying a removal or reversing an indefinite suspension and the date of actual reinstatement. The award of back pay for this time period shall be reduced only by the amount of money that was actually earned during that period, including any unemployment insurance benefits received.

In this matter, the parties have not disputed the amount Whitehead would have earned during the period of her separation nor has Whitehead's mitigation efforts have been questioned. Whitehead contends that the unemployment benefits she received from an employer other than East Orange should not be deducted from her back pay award. However, she does not cite any law, rule, or case law as to why such earnings should not be deducted. Whitehead would have earned \$513,376.76 from her position with East Orange during the period of her separation. The amount she actually earned and received from unemployment benefits during that period was \$142,858.29.³ Therefore, Whitehead is owed back pay in the amount of \$370,518.47 (\$513,376.76 - \$142,858.29).

ORDER

Therefore, it is ordered that Carolyn Whitehead be awarded gross back pay in the amount of \$370,518.47. East Orange shall submit payment to Carolyn Whitehead, subject to the provisions of *N.J.A.C.* 4A:2-2.10(d)2, within 30 days of issuance of this decision.

In the event that the appointing authority has not made a good faith effort to comply with this decision within 30 days of issuance of this decision, 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.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

³ East Orange states that it should receive a "credit" of \$142,867.49. However, the sum of the income earned and unemployment benefits received as set forth in Whitehead's affidavit is \$142,858.29.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 8TH DAY OF APRIL, 2026



Mary Cruz
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