



STATE OF NEW JERSEY

DECISION OF THE CIVIL SERVICE COMMISSION

In the Matter of Desiree Jones,
Union County,
Department of the Clerk
CSC Docket No. 2017-1330

Administrative Appeal

ISSUED: NOV 02 2017 (BW)

Desiree Jones, a Keyboarding Clerk 1 with Union County, represented by Corey Sergeant, Esq., requests that the Civil Service Commission (Commission) reinstate the appeal of her eight working day suspension, which was dismissed based on her failure to appear at the scheduled hearing.

By way of background, Jones was suspended following sustained charges of incompetency, inefficiency or failure to perform duties, insubordination, conduct unbecoming a public employee, neglect of duty and other sufficient cause. Jones appealed to the Commission, which transmitted the matter to the Office of Administrative Law (OAL). By letter dated and faxed August 17, 2017, the appointing authority and counsel for Jones jointly requested that the OAL adjourn the scheduled August 21, 2017 hearing due to ongoing settlement discussions. On August 21, 2017, Jones and the appointing authority did not appear at the appointed time and based on her absence, the OAL issued a "Failure to Appear" notice. On August 23, 2017, the matter was returned to the Commission for a final decision, with a notice giving Jones 13 days to present an excuse for her failure to appear at the OAL. By letter dated August 29, 2017, counsel for Jones stated that both parties requested the adjournment to engage in settlement discussions and thus, the mater should be allowed to proceed.

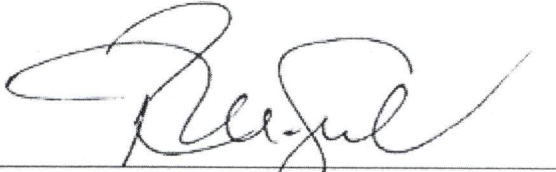
CONCLUSION

Upon a review of this matter, the Commission finds that the matter should be returned to the OAL. Initially, counsel for Jones and Union County sent a joint letter of adjournment to the OAL on August 17, 2017. For reasons unknown in the record, OAL apparently did not receive the August 17, 2017 request. Regardless, neither party appeared for the hearing, clearly indicating their belief that the matter had been adjourned. Given these facts, it would be patently unfair to dismiss Jones' appeal based on such circumstances. Accordingly, this matter should be returned to OAL for further proceedings.

ORDER

Therefore, it is ordered that Desiree Jones' request to reinstate her appeal be granted.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 1st DAY OF NOVEMBER, 2017



Robert M. Czedh, Chairperson
Civil Service Commission

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