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STATE OF NEW JERSEY

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

In the Matter of Aaron Arungwa,
Department of Human Services

CSC Docket No. 2014-3237

Layoff Appeal

ISSUED: SEP 18 2014

(RE)

Aaron Arungwa, a Human Services Assistant with the Department of Human Services, Greystone Park Psychiatric Hospital, appeals his lateral displacement in lieu of layoff to the same title at Woodbridge Developmental Center.

By way of background, the Department of Human Services submitted a layoff plan to the Division of Classification and Personnel Management (CPM) to lay off employees in various titles, including employees of Division of Developmental Disabilities, due to the closure of the North Jersey Developmental Center, effective June 27, 2014. Numerous positions in various titles at several institutions were affected. A review of official records indicates that Mr. Arungwa was bumped, and he laterally displaced a Human Services Assistant at Woodbridge Developmental Center.

On appeal, the appellant requested to be allowed to stay at Greystone Park Psychiatric Hospital for a few years due to hardship in the family.

Commission staff responded that, on his Declaration form, the appellant indicated that he would accept employment in Morris and Middlesex counties, in that order. Based on these selections, he listed acceptable lateral titles on section F of the declaration form. During the interview, his selections were reviewed for availability, and the only available choice were positions as a Human Services Assistant in Middlesex County. A review of the record indicates that his seniority was 10 years, 4 months and 20 days. All incumbent Human Services Assistants at Greystone Park Psychiatric Hospital with less seniority were bumped by employees

in higher class codes. As such, there was no position available for him at Greystone Park Psychiatric Hospital.

In response, the appellant argues that he only listed Morris County on his Declaration form, and that a commute to Middlesex County presents a hardship for him and his family.

CONCLUSION

In an appeal of this nature, it must be determined whether CPM properly applied the uniform regulatory criteria found in *N.J.A.C. 4A:8-2.1 et seq.*, in determining layoff rights. It is an appellant's burden to provide evidence of misapplication of these regulatory criteria in determining layoff rights and the appellant must specify a remedy. A thorough review of the record establishes that the appellant's layoff rights were properly determined.

At the heart of the title rights determination is the underlying policy to ensure that employees are afforded fair, uniform, and objective title rights without resulting in harm to the public. *See Malone v. Fender*, 80 N.J. 129 (1979). In this case, proper procedures were followed in deciding the appellant's placement in lieu of layoff. The appellant was advised of the layoff and final interview processes and provided with resources to answer questions before the layoff was administered. His Declaration form has two Counties listed, Morris and Middlesex in that order. The appellant may have initially listed only one county. However, at his interview he was faced with a decision, accept a layoff or a position in Middlesex. Once he accepted a position in Middlesex, that option may have been added to his form. Be that as it may, this is not an error or violation of title rights. A displacement which results in a hardship to the employee or his or her family does not constitute a violation of title rights, and the rules do not allow for hardship in the determination of layoff options. The appellant never had the option of returning to Greystone Park Psychiatric Hospital, and his only other option outside of a position in a county not listed on his Declaration form was unemployment. No error or evidence of misapplication of the pertinent uniform regulatory criteria in determining layoff rights has been established.

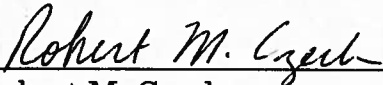
Thus, a review of the record fails to establish an error in layoff process and the appellant has not met his burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied.

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 17th DAY OF SEPTEMBER, 2014


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