

B-14



**STATE OF NEW JERSEY**

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

In the Matter of Anthony Obidigbo,  
Department of Human Services

CSC Docket No. 2014-2954

Layoff Appeal

**ISSUED: SEP - 4 2014**

(RE)

Anthony Obidigbo, a former Human Services Technician with the Department of Human Services, Greystone Park Psychiatric Hospital, appeals his demotion in lieu of layoff to Human Services Assistant.

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 Greystone Park Psychiatric Hospital, due to the closure of the North Jersey Developmental Center, effective June 27, 2014. Numerous positions in various titles at several institutions were affected. As a result, a review of official records indicates that, as a result of the layoff of Nancy Rolon from her permanent title of Cottage Training Technician at the North Jersey Developmental Center, the appellant was demoted from his permanent title of Human Services Technician at Greystone Park Psychiatric Hospital to Human Services Assistant at Woodbridge Developmental Center.

On appeal, the appellant argues that this demotion has resulted in a family hardship. He states that other employees have continued employment at Greystone Park Psychiatric Hospital, and he requests to be allowed to remain there.

## 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.

All employees were advised of the layoff and final interview processes and provided with resources to answer questions before the layoff was administered. Each received a 45-day Layoff Notice. Impacted employees were required to attend a general employee briefing, and union representatives were invited to attend, at which the layoff procedure was explained. Next, employees attended a Declaration Form session, which may or may not have occurred at the same time as the general briefing. Each employee received a Declaration Form, which provided information such as what the employee would accept as a layoff option. They were provided with instructions on how to fill out the Declaration form, which included preferences, and they were shown maps of the State indicating agency locations. They were told to review geographical locations, travel distances, transportation options, and lowest salary requirements. When they were given the information regarding their specific title rights, they expressed their choices in priority order of most desirable to least desirable.

On his declaration form, the appellant indicated that he would accept a lateral position in Morris, Somerset, Hunterdon, and Middlesex counties, in that order, and a demotional position in Morris, Middlesex, Somerset and Hunterdon counties, in that order. During the interview, his selections were reviewed for availability, and it was found that no lateral positions were available, and no demotional positions in Morris County were available. As such, the appellant accepted a demotion to Human Services Assistant in Middlesex County. On appeal, the appellant states that there are long-time employees still at Greystone Park Psychiatric Hospital.

In reply, all of the employees at the Department of Human Services were included in the layoff process. Layoff rights are based on an employee's permanent title at the time of layoff, and an employee is entitled to displace another individual if the individual is serving in a title to which the employee has rights. The Human Services Technician title has lateral rights to Cottage Training Technician and demotional rights to Human Services Assistant. The appellant did not identify who the claimed individuals are who continued employment at Greystone Park Psychiatric Hospital and had greater seniority than himself. It is possible that the appellant is referring to employees in titles other than Human Services Technician, Cottage Training Technician and Human Services Assistant; or the appellant is

referring to employees who work part-time. Nonetheless, the appellant was provided the same opportunity as every other employee. In Section E of the Declaration form the appellant indicated that he was not willing to accept a part-time position, and the appellant selected the first available full-time position. While his hardship is regrettable, the appellant cannot remain at Greystone Park Psychiatric Hospital when he has no title rights to positions in that facility and opted at the interview not to be part-time. In the present matter, the appellant has not established any error or evidence of misapplication of the pertinent uniform regulatory criteria in determining layoff rights.

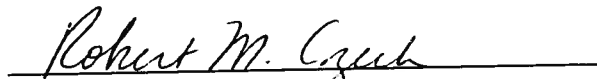
Thus, a review of the record fails to establish an error in layoff process and the appellant has not met his burden of proof in this matter.

### 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 3<sup>rd</sup> DAY OF SEPTEMBER, 2014

  
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