



## STATE OF NEW JERSEY

In the Matter of Marie Dieujuste, Department of Human Services

CSC Docket No. 2015-1728

FINAL ADMINISTRATIVE
ACTION OF THE
CIVIL SERVICE COMMISSION

Layoff Appeal

ISSUED: APR - 2 2015

(RE)

Marie Dieujuste, a Human Services Assistant with the Department of Human Services, Greystone Park Psychiatric Hospital, appeals her lateral displacement in lieu of layoff to the same title, part-time, at Trenton Psychiatric Hospital.

:

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 due to the closure of the Woodbridge Developmental Center, effective January 9, 2015. Numerous positions in various titles at several institutions were affected. A review of official records indicates that Ms. Dieujuste was bumped from her full-time position as a Human Services Assistant at Greystone Park Psychiatric Hospital, and she laterally moved to a vacant part-time position as a Human Services Assistant at Trenton Psychiatric Hospital.

On appeal, the appellant contends that this is a hardship for medical reasons, and she submits a doctor's note stating that she cannot drive long distances on a highway or parkway.

Commission staff responded by letter that, as indicated in the decision In the Matter of Aaron Arungwa, Department of Human Services (CSC, decided September 17, 2104), 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. Also, she did not request a specific remedy.

In response, the appellant submits the crash investigation report documenting an incident which resulted in a condition which now prevents her from driving long distances. She also submits additional medical documentation.

## **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. Her Declaration Form had five lateral choices listed, with Mercer County written in as a sixth choice. When no positions were available in her five selected counties, she accepted a position in Mercer County in lieu of layoff. Her dissatisfaction with this decision is not evidence of violation of her title rights.

In addition, 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. Lastly, the appellant does not indicate the remedy she is seeking. 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 the layoff process and the appellant has not met her 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 1st DAY OF APRIL, 2015

Robert M. Czech Chairperson

Civil Service Commission

Inquiries and

Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Marie Dieujuste James Frey Christina Mongon Kenneth Connolly Joseph Gambino