



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Doreen Conteh, Department of Human Services

Administrative Appeal

CSC Docket No. 2015-1317

ISSUED: NOV 3 0 2016 (EG)

Doreen Conteh, a Practical Nurse with the Department of Human Services (DHS), requests that the Civil Service Commission (Commission) reinstate her good faith appeal of a layoff action, which was dismissed based on her failure to appear at a scheduled settlement conference.

By way of background, Conteh received a Reduction in Force Final Notice indicating that she was being reassigned to her second choice location of Cumberland County. Conteh appealed the good faith of the layoff and the location of her reassignment to the Commission, which transmitted the matter to the Office of Administrative Law (OAL) for a hearing as a contested case. Conteh was to be represented at OAL by Robert C. Little, Assistant to the Director, AFSCME, Council 1. The OAL scheduled the matter for a settlement conference on April 1, 2015. The record indicates that Conteh and Little did not participate at the appointed time and based on their absences, the OAL issued a "Failure to Appear" notice that indicated that Conteh and her representative failed to appear at the scheduled proceeding. On April 9, 2015, this matter was returned to the Commission for a final decision, with a notice giving the appellant 13 days to present any excuse for failure to appear to this agency.

In support of Conteh's April 7, 2015¹ request to reinstate her appeal, Little explains that on April 1, 2015, the Deputy Attorney General (DAG) for DHS

¹ The letter was originally sent to OAL. The letter was revised and resubmitted to the Commission on April 21, 2015.

telephoned his office at 2:40 p.m. and left a reminder that a telephone settlement conference was scheduled for 3:00 p.m. Little indicates that he was informed by his office of the upcoming telephone conference, and that he made arrangements for a colleague to cover the call as he would not return to the office in time. Additionally, Little explains that when he returned to the office after a holiday weekend on April 6, 2015, he inquired as to the outcome of the settlement conference. After being informed by his co-worker that no call had come in about the conference, Little discovered in his file a Notice of Status of Conference dated February 23, 2015 indicating that he had been expected to initiate the telephone conference. Upon calling the DAG and OAL he discovered that a Failure to Appear decision had been entered. Little contends that Conteh should not be penalized because of his error.

CONCLUSION

In this matter, the Commission finds that Conteh has not sustained her burden of proof. Specifically, Little indicated that he received a Notice of Status of Conference dated February 23, 2015 indicating that a telephone conference was scheduled for April 1, 2015, and was to be initiated by Little. Further, Little acknowledges that the DHS's DAG reminded his office about the telephone conference 20 minutes prior to when the conference was to take place. The failure to properly schedule the conference and to follow the directions on the Notice of Status of Conference are not adequate reasons for reinstating the present appeal. Accordingly, the appeal is dismissed based on the appellant's and his representative's failure to appear at the April 1, 2015 settlement conference.

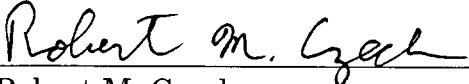
Further, it is noted that Conteh's appeal letter does not present any specific "good faith" issue other than the location of her reassignment, which is a title rights issue. A review of Conteh's title rights in the instant matter reveals that there were no vacancies available at her first choice location of Camden. Accordingly, the Commission finds that Conteh's title rights were correctly determined and that she was properly assigned to her second choice location.

ORDER

Therefore, it is ordered that Doreen Conteh's request to reinstate her appeal be denied and her appeal be dismissed.

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 23RD DAY OF NOVEMBER, 2016



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