



STATE OF NEW JERSEY

In the Matter of Brian Beachaump,
Cottage Training Supervisor
(Special), Department of Human
Services

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

CSC Docket No. 2016-3117

List Removal Appeal

ISSUED: JULY 28, 2017 (CSM)

Brian Beachaump appeals the removal of his name from the special reemployment list for Cottage Training Supervisor (Special), Department of Human Services.

By way of background, the appellant served as a Cottage Training Supervisor with the Woodbine Developmental Center (WDC). In January 2015, he exercised his demotional layoff title right to a Senior Cottage Training Technician position at WDC. As a result of the layoff, the appellant's name was placed on the subject special reemployment list. Subsequently, on August 8, 2015, the special reemployment list was certified to the New Lisbon Developmental Center (NLDC) (PS151130). In responding to this certification, the appellant indicated that he was asked to return to his original position as a Cottage Training Supervisor with WDC, but he was declining the offer because he would not be given the same days off that he had as a Senior Cottage Training Technician. Initially, when NLDC returned the certification on December 8, 2015, it indicated that the appellant's name should be retained on the list for future certifications. However, *N.J.A.C. 4A:8-2.3(e)* provides that employees who decline reemployment to a job location will be removed from future certifications to that location for that title and all previously held lateral or lower titles. As such, in correspondence dated February 9, 2016, NLDC advised the appellant he was no longer being considered for the position and it would advise this agency that he was not interested in a position at NLDC. Therefore, when this agency recorded the certification as disposed on April 8, 2016, the appellant's name was removed from the Cottage Training Supervisor special reemployment list for use by NLDC.

Prior to certification PS151130 being recorded as disposed by this agency, by letter postmarked March 3, 2016, the appellant appealed the February 9, 2016 letter advising him that he was no longer being considered for a Cottage Training Supervisor position at NLDC to the Civil Service Commission (Commission). By letter dated March 23, 2016, staff from this agency advised the appellant that agency records indicated that when NLDC returned certification PS151130, it indicated that his name was to be retained on the list for future certifications. However, this correspondence was issued prior to the certification being disposed on April 8, 2016 that recorded the appellant's name as being removed for not being interested in the position at NLDC.

In his appeal postmarked June 21, 2017, the appellant states that he was "recently informed from my employer that my name was removed from the CTS list." In this regard, he notes that he was previously told by his "employer" that his name was removed from the list because he failed to respond to the notice. However, the appellant states that he provided proof that he did provide notice that he was not interested in the Cottage Training Supervisor position being offered at the time because the days off created a conflict for his family. He also states that he requested to remain on the list for future certifications and this agency's March 23, 2016 correspondence indicated that his name had not been removed from the list. Therefore, the appellant requests that his name be restored to the subject special reemployment list.

It is noted on July 24, 2015, the special reemployment list for Cottage Training Supervisor was certified to WDC (PS151050). On August 3, 2015, the appellant responded as interested and by letter dated September 28, 2015, WDC offered him the position effective October 3, 2015. In its offer, WDC indicated that the appellant's assignment would be to Cottage 8, shift 11:15 p.m. to 7:15 a.m., with Fridays and Saturdays as his regular days off. By letter dated October 1, 2015, the appellant declined the position, indicating that he would be losing his preferred days off which allowed him to participate in his children's sporting events and spend time with his wife. The appellant reiterated to WDC that he was declining the position due to not being provided the days off he preferred, claimed that an employee with less seniority was getting those days off, and requested to remain on the list for future certifications. In disposing of PS151050, WDC requested the removal of the appellant's name from the special reemployment list as he declined original layoff title/location. It is also noted that the appellant's original job location and his new job are WDC in Woodbine Borough

CONCLUSION

N.J.A.C. 4A:8-2.3(c)3 states that the removal of names from a special reemployment list may be made in accordance with applicable rules (*see N.J.A.C.* 4A:4-4.7 and 4A:4-6).

N.J.A.C. 4A:8-2.3(e) states that employees who decline reemployment to a job location will be removed from future certifications to that location for that title and all previously held lateral or lower titles. Employees who decline reemployment to their original or substituted job location (other than the original municipality) will be certified only to the original municipality for that title and all lateral or lower titles. Employees who decline reemployment to their original municipality shall be removed from the special reemployment list for that title and all lateral or lower titles.

N.J.A.C. 4A:4-6.3(b), in conjunction with *N.J.A.C.* 4A:4-4.7(d), provides that the appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority's decision to remove his or her name from an eligible list was in error.

In the present matter, the provisions of *N.J.A.C.* 4A:8-2.3(e) were correctly applied. In this regard, in his appeal to the Commission, the appellant provided a copy of the February 9, 2016 letter issued to him by NLDC regarding certification PS151130 and the letter explaining why he was declining the position at WDC due to his concerns over the days off he would receive if he accepted the position. The appellant has not indicated in his appeal that he did not decline the position at NLDC. As such, there was ample basis for NLDC to conclude in its February 9, 2016 correspondence that the appellant was not interested in the position at NLDC. Although he was advised that NLDC initially advised this agency to retain his name on the list for future certifications, this does not provide a basis on which to restore his name to the list as the certification had not yet been recorded as disposed. Therefore, since the appellant declined reemployment to the NLDC job location, his name was properly removed from future certifications to that location.

With respect to WDC, certification PS151050 was recorded as disposed on April 6, 2016, removing the appellant from the list on the basis that he declined his original layoff title/location. However, there is no record of the appellant ever filing an appeal of his removal from PS151050. Regardless, there is no evidence that WDC improperly requested the removal of the appellant's name from that certification. In this regard, the appellant clearly indicated in his October 1, 2015 letter that he was declining the Cottage Training Supervisor position because he would not be given the days off to allow him to participate in his children's sporting events and to spend time with his wife. Therefore, as the appellant declined

reemployment to his original layoff title/location, in compliance with *N.J.A.C.* 4A:8-2.3(e), his name was properly removed from the special reemployment list.

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 26TH DAY OF JULY, 2017



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