



**STATE OF NEW JERSEY**

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

In the Matter of Ronald Persaud,  
Plainfield Housing Authority

Administrative Appeal

CSC Docket No. 2020-2137

**ISSUED: JULY 31, 2020 (HS)**

Ronald Persaud, a Laborer 1 with the Plainfield Housing Authority, represented by Arnold Shep Cohen, Esq., requests relief related to the involuntary reduction in his workweek.

By way of background, the appellant's name was placed on a special reemployment list (SRL) for the title of Laborer 1. His name was certified to the appointing authority from the SRL on January 12, 2018 (OL180045) for a full-time position, and the appellant received a permanent appointment, effective March 5, 2018. According to the County and Municipal Personnel System, the appellant is a full-time employee.

In the instant matter, the appellant states that beginning on his date of appointment, he regularly worked more than 35 hours per week, which made him a full-time employee under the collective negotiations agreement (CNA) between the appointing authority and his union. He was not offered benefits, however, although full-time employees are entitled to health and other benefits. The appellant states that his union grieved to management for him to receive benefits, including health benefits. Rather than providing benefits, the appointing authority reduced his hours to six hours per day, or 30 hours per week. As a result, according to the appellant, he was no longer eligible for health benefits under the CNA. The appellant maintains that he was permanent in his position when his hours were unilaterally reduced. He thus argues that in order for him to be moved to a part-time position, there had to be a layoff notice issued and approval of the partial layoff by this agency. However, the appointing authority has not notified this agency of his reduction in hours. The

appellant also states that the reduction was undertaken without communication with his union.

The appointing authority was provided the opportunity to submit argument and documentation. However, no such information was received.

## CONCLUSION


In the instant matter, it is not disputed that the involuntary reduction in the appellant's workweek constituted a layoff action. *See e.g., State of New Jersey (Department of Environmental Protection) v. Communications Workers of America, AFL-CIO*, 285 N.J. Super. 541 (App. Div. 1995), *cert. denied*, 143 N.J. 519 (1996). *See also 27 N.J.R.* 1968. By involuntarily reducing the appellant's workweek, the appointing authority, in effect, has imposed a five hour per week involuntary furlough on the appellant. As such, the appointing authority was required to observe the formal procedural requirements set forth in *N.J.S.A. 11A:8-1 et seq.* and *N.J.A.C. 4A:8-1.1 et seq.* There is no dispute in the instant matter that the appointing authority failed to adhere to these statutory and regulatory requirements in imposing the instant layoff. Specifically, among other violations, the appointing authority failed to consider the appellant's level of seniority prior to targeting him for the instant layoff, as opposed to other employees in the layoff unit. *See N.J.A.C. 4A:8-1.1(b).* The appointing authority failed to file a formal layoff plan with this agency, delineating the reason for the layoff, the projected date of the layoff, the number of positions to be affected, the names of employees to be affected, and an explanation of all alternative and pre-layoff actions that had been taken and considered. *See N.J.A.C. 4A:8-1.4.* Finally, the appointing authority failed to serve the appellant with a final written notice of his status, including a statement of appeal rights. *See N.J.A.C. 4A:8-1.6(f).* In light of these violations, the Civil Service Commission finds that the appellant is entitled to relief for the time period during which his workweek is reduced. *See e.g., In the Matter of Joseph Bonner* (Commissioner of Personnel, December 15, 1989). Specifically, the appellant is entitled to be returned to full-time status and receive differential back pay from the time his workweek was reduced until he is returned to full-time status, if these actions have not already occurred. If the appointing authority wishes to involuntarily reduce the appellant's workweek, it must, to reiterate, observe the formal procedural requirements set forth in *N.J.S.A. 11A:8-1 et seq.* and *N.J.A.C. 4A:8-1.1 et seq.*

## ORDER

Therefore, it is ordered that the Plainfield Housing Authority return Ronald Persaud to full-time status and pay him differential back pay consistent with this decision, if these actions have not already occurred, within 30 days of receipt of the decision.

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 29<sup>TH</sup> DAY OF JULY, 2020



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