

B-50



STATE OF NEW JERSEY

In the Matter of Aditi Khadkikar,  
Department of Human Services

FINAL ADMINISTRATIVE  
ACTION OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-2843

Administrative Appeal

ISSUED: JUN 19 2015 (RE)

Aditi Khadkikar, a Principal Physical Therapist, requests placement on Special Reemployment Lists (SRLs) for Supervisor of Physical Therapy for locations not originally selected by her in the layoff resulting from the closure of the North Jersey Developmental Center, effective June 27, 2014.

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 in the Division of Developmental Disabilities, due to the closure of the North Jersey Developmental Center, effective June 27, 2014. Numerous positions in various titles at several institutions were affected. A review of official records indicates that Ms. Khadkikar was laterally bumped from her Supervisor of Physical Therapy position at Woodbridge Developmental Center to a Principal Physical Therapist position. It is noted that another reduction in force was administered due to the closure of the Woodbridge Developmental Center, effective January 9, 2015, and the appellant laterally displaced a less senior Principal Physical Therapist at New Lisbon Developmental Center.

In her appeal letter postmarked April 17, 2015, the appellant argued that during the first layoff, while filling out the Declaration form in March, she was guided by the Human Resources department to only check off counties for reemployment that she was certain to accept at any time. She states that she was told not to check off any counties that she was not willing to work in, for if she refused the position, her name would be taken off from the reemployment list for all

counties. She states that she was guided by this misinformation and checked off certain counties, but not others. As a result, she states that she now realizes that she limited her options. She states that she is willing to relocate if offered a position in her original title, and requests to be placed on the SRLs for all counties.

## CONCLUSION

*N.J.A.C. 4A:8-2.3(a)* states, "a permanent employee shall be granted special reemployment rights based on the permanent title from which or he she has been laid off, demoted or displaced by job location. In addition, the employee shall be entitled to special reemployment rights to his or her previously held lateral or demotional title (see *N.J.A.C. 4A:8-2.2(f)*). These rights are subject to the following limitations:

1. In State service, an employee who is displaced from the municipality in which his or her facility or office was located shall, at the employee's option, be granted special reemployment rights to that municipality in addition to job locations selected by the employee.

Pursuant to *N.J.A.C. 4A:8-2.6(b)*, appeals of layoff issues shall be filed within 20 days of receipt of the final notice of status required by *N.J.A.C. 4A:8-1.6(f)*. Appeals must specify what determination is being appealed, the reason for the appeal, and the relief requested. Other appeals must, by regulation, be filed within 20 days after a party has notice or should reasonably have notice of the action or decision being appealed. See *N.J.A.C. 4A:2-1.1(b)* and *N.J.A.C. 4A:2-1.7(b)*.

Initially, it is noted that under the rules cited above, the appellant's appeal was clearly untimely filed. Nevertheless, the Commission, in the interest of fairness, will address the appellant's contentions.

In this case, the appellant faults the Human Resource office for providing incorrect information about her layoff rights. In that regard, it is highly unlikely that the events occurred as the appellant has contended. Impacted employees were required to attend a general employee briefing, which was also attended by union representatives, 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 right, preference in location, number of working hours and re-employment rights. 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. Thus, the appellant was advised of the layoff and final interview processes and provided with resources to

answer questions before the layoff was administered. Additionally, there was a union representative in attendance when employees were filling out their Declaration Forms.

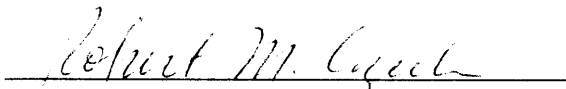
There are 21 counties in New Jersey, and the appellant indicated that she was willing to work in 11 of them. These were checked off on section 2 of the Reduction in Force Final Notice, along with her home municipality. The notice includes instructions that employees have 30 days from the effective date of the layoff to amend this section and submit any changes. Instead of filing an amendment by July 27, 2014, the appellant appealed this issue in a letter postmarked April 17, 2015. Although this is very untimely, a review of the records for the counties for which she did not indicate interest<sup>1</sup> reveals that no SRLs are in existence for the Supervisor of Physical Therapy title in those locations. As no other employee will be affected, it is permissible to relax the provisions of *N.J.A.C.* 4A:8-2.3(a)1 to allow the appellant's name to be placed on the SRLs for the remaining counties. This is not to be used a precedent in any other matter.

### ORDER

Therefore, it is ordered that this request be granted.

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 17<sup>th</sup> DAY OF JUNE, 2015

  
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<sup>1</sup> Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, Salem, Sussex and Warren.

c: Aditi Khadkikar  
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