

Despite being provided with the opportunity, the appointing authority did not provide a response.

CONCLUSION

Initially, *N.J.A.C.* 4A:1-1.2(b) provides that Civil Service rules shall apply only to career service employees unless otherwise specified. In this matter, the record reflects that Kidd was not a career service employee. Rather, the record shows that she was employed as a Direct Care (CWA) employee. Direct Care (CWA) employees are not career service employees. In this regard, Direct Care (CWA) positions are categorized by this agency as Temporary Employment Services (TES) positions, which are not career service titles. Therefore, since Kidd was not employed in a career service Civil Service title, the Commission does not now have jurisdiction to review her petition. Regarding Kidd's argument that she was terminated without a hearing, since she was a temporary non-Civil Service employee, she was not entitled to a hearing prior to her termination under Civil Service law and rules. In other words, Kidd was serving at the pleasure of the appointing authority and it was free to terminate her employment at its discretion.

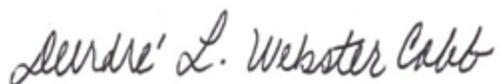
With respect to her discrimination claims, the Commission cannot address such issues within the context of this appeal. The Commission does not have jurisdiction to address her discrimination claims pertaining to CEPA and the LAD. The Commission can only review matters implicating its law and rules. It is not the proper forum to review claims under CEPA or the LAD. However, *N.J.A.C.* 4A:7-3.1, the State Policy Prohibiting Discrimination in the Workplace (State Policy), applies to all employees. Thus, as several of Kidd's claims implicate the State Policy, the appointing authority is directed to initiate an investigation pursuant to *N.J.A.C.* 4A:7-3.2. In this regard, a copy of this decision will be provided to the appointing authority's Equal Employment Opportunity Division.

ORDER

Therefore, it is ordered that this petition 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 27th DAY OF MARCH, 2018



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