



STATE OF NEW JERSEY

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

In the Matter of Amanda Wright,
City of Newark

CSC Docket No. 2021-106

Administrative Appeal

ISSUED: JANUARY 22, 2021 (HS)

Amanda Wright, a Supervisor of Collection Representatives, appeals the decision of the City of Newark (Newark) to reassign her.

As background, in a memorandum dated Wednesday, June 10, 2020 authored by the Tax Collector, the appellant was advised as follows:

Due to your negligence and continued dereliction of duties as the Supervisor of the Cashiers Unit, which has caused unnecessary delays with the revenue not being reported timely to the Finance Department, as well as your persistent violation of the Statutes in making timely deposits, **effective Monday, June 15, 2020** you are re-assigned and will report to:

[P.W.], Assistant Tax Collector
Supervisor, Customer Service

It is unfortunate, and I take no pleasure in having to make this decision, however, I have had numerous conversations and meetings with you in regards to your performance as it relates to the mandated requirements of the Cashiers Unit, all to no avail. Therefore, I am left with no other alternative but to remove you from the position.

On appeal to the Civil Service Commission (Commission), the appellant states that at one point prior to the issuance of the above memorandum, deposits that were

to be posted by her were collected and given to her assistant. However, the deposits were not processed and sat for over a week. The appellant states that she was questioned as to why this and other work was not completed. According to the appellant, she was given the above memorandum on Friday, June 12, 2020. The appellant maintains that she could only do so much in so little time as she is only one person and that her reassignment was unjust. She asserts that she made herself available and worked hard to perform a multitude of tasks for herself and others.¹

Despite the opportunity, Newark did not submit any information or arguments.

CONCLUSION

N.J.A.C. 4A:4-7.2 provides that a reassignment is the in-title movement of an employee to a new job function, shift, location or supervisor within the organizational unit. Reassignments shall be made at the discretion of the head of the organizational unit. Further, *N.J.A.C.* 4A:4-7.7 provides that when an employee challenges the good faith of a reassignment, the burden of proof shall be on the employee. That section also provides that such an action shall not be utilized as part of a disciplinary action, “except when disciplinary procedures have been utilized.” *See also, N.J.S.A.* 11A:4-16.

An appointing authority has the discretion to reassign employees, but such reassignments may not be utilized as discipline without using the appropriate disciplinary procedures. In this matter, the Tax Collector’s memorandum indicates that the appellant’s reassignment was due to issues with her performance. The memorandum speaks of the appellant’s “negligence,” “dereliction of duties,” and “violation of the Statutes.” There is, then, no doubt that the appellant’s reassignment was disciplinary in nature. One of the main purposes of Civil Service law and rules is to ensure certain protections to career service employees. One of the protections provided to career service employees is that prior to being disciplined, an employee has an opportunity to review the charges and an opportunity to dispute those charges. There is no evidence in the record that the appellant was provided with that opportunity prior to being reassigned. Therefore, within 20 days of the issuance of this decision, Newark shall issue a Preliminary Notice of Disciplinary Action (PNDA). If Newark does not issue a PNDA within 20 days of this decision, then the appellant is to be returned to her prior assignment.

¹ In her appeal, the appellant also mentions being demoted. However, the record does not appear to bear this out. In this regard, the Tax Collector’s memorandum does not indicate that the appellant was being demoted, and the County and Municipal Personnel System indicates that the appellant continues to serve in the title of Supervisor of Collection Representatives.

The Commission is specifically given the power to assess compliance costs and fines against an appointing authority, including all administrative costs and charges, as well as fines of not more than \$10,000, for noncompliance or violation of Civil Service law or rules or any order of the Commission. *N.J.S.A. 11A:10-3; N.J.A.C. 4A:10-2.1(a)2. See In the Matter of Fiscal Analyst (M1351H), Jersey City, Docket No. A-4347-87T3 (App. Div. February 2, 1989).* As noted above, Newark has been ordered to issue a PNDA to the appellant within 20 days of the issuance of this decision or return her to her prior assignment. If, at any time, Newark does not adhere to this timeframe without an approved extension of time, it shall be assessed a fine of \$100 per day for each day of continued violation up to a maximum of \$10,000.

ORDER

Therefore, the Commission orders that Newark either initiate disciplinary procedures and issue Amanda Wright a PNDA or return her to her prior assignment within 20 days of the issuance of this decision. If Newark does not take one of the aforementioned actions within 20 days of the issuance of this decision, it shall be assessed a fine of \$100 per day for each day of continued violation up to a maximum of \$10,000.

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 20^H DAY OF JANUARY 2021

Deirdre' L. Webster Cobb

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Chairperson
Civil Service Commission

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