



STATE OF NEW JERSEY

In the Matter of the Plainfield
Municipal Utilities Authority

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

CSC Docket No. 2023-2161

Administrative Appeal

ISSUED: June 7, 2023 (DASV)

Plainfield requests that the former employees of the Plainfield Municipal Utilities Authority (PMUA) be recorded as permanent employees with Plainfield, effective July 1, 2022.

By way of background, on June 30, 2022, Plainfield passed an ordinance for the dissolution of the PMUA, a non-Civil Service agency, and the “absorption” of its employees. It thereafter requested permanent appointments for the employees. The Division of Agency Services (Agency Services) conducted a review of the position classification of the PMUA employees and their years of service to determine the proper placement of the employees in Plainfield. As set forth in the attached spreadsheet, Agency Services has proposed appropriate job titles in the career service for each position and presents that all of the PMUA employees have worked for one year or more with the PMUA prior to the July 1, 2022 effective date. Agency Services supports Plainfield’s request to record the employees’ permanent appointment in its Department of Public Works¹ and indicates that the Local Finance Board also granted approval of the movement. Moreover, Agency Services states that there are no applicable special reemployment lists which would prevent the appointment of the employees.

¹ The ordinance also calls for the possible creation of a Sewer and Solid Waste Utility in Plainfield which would house the employees.

CONCLUSION

Initially, the Civil Service Commission (Commission) notes that the Legislature made substantial changes to the laws governing the sharing of services and consolidation of local governments. *See* P.L. 2007, c. 63, P.L. 2013, c.166, and P.L. 2018, c.140. These changes included the repeal of *N.J.S.A. 11A:9-8*, which had stated that “[w]hen the functions of two or more political subdivisions are consolidated, and any one of the political subdivisions shall be operating under [Title 11A, Civil Service Act] at the time of such consolidation, the other political subdivision or subdivisions shall be deemed to have adopted this title with regard to the consolidated functions.” The changes included the enactment of the “Uniform Shared Services and Consolidation Act”(Act), *N.J.S.A. 40A:65-1, et seq.*, which was then supplemented with the “Common Sense Shared Services Pilot Program” (Pilot Program), *N.J.S.A. 40A:65-4.1, et seq.*, that established a pilot program in seven counties to evaluate the efficiencies related to the sharing of services of certain local personnel.

However, the movement of the former PMUA employees would not be the type of arrangement contemplated by the Act or the Pilot Program. Rather, in this case, the PMUA was dissolved, and its employees, in essence, simply ceased to be employed with that entity. Thus, the “absorption” of the PMUA employees into Plainfield constitutes new appointments. Plainfield requests that such appointments be recorded as permanent. In that regard, *N.J.A.C. 4A:4-1.10(c)* provides that “[w]hen a regular appointment has been made, the [Commission] may order a retroactive appointment date due to administrative error, administrative delay or other good cause, on notice to affected parties.” Further, the method by which an individual can achieve permanent appointment in the competitive division is if the individual applies for and passes an examination, is appointed from an eligible list, and satisfactorily completes a working test period. However, in the present case, it would be inequitable and possibly detrimental for the employees who have all worked in the PMUA for more than one year to compete in an open competitive examination situation, and conceivably be displaced, in order to secure a position for which they have already clearly demonstrated their merit and fitness to perform.

In these unique circumstances, while *N.J.S.A. 11A:9-9* does not precisely mirror the present situation, its application is instructive. *N.J.S.A. 11A:9-9* provides that “[a]ny employee of a political subdivision who, at the time of adoption of [Title 11A], was actively employed by the political subdivision continuously for a period of at least one year prior to the adoption of [Title 11A], or any employee who was on an approved leave of absence and had at least one year of continuous service with the political subdivision prior to the adoption of [Title 11A], and who comes within the career service, shall continue to hold such position, and shall not be removed except in accordance with the provisions contained in [Title 11A].” *See also N.J.A.C. 4A:9-1.1(b)*. In the present case, the PMUA employees have come within the career service

by virtue of their agency's dissolution and the utilization of their positions within Plainfield, a jurisdiction that has adopted Title 11A. Accordingly, under these circumstances, good cause has been presented to grant Plainfield's request to record the permanent appointments of the former PMUA employees in its Department of Public Works effective July 1, 2022.

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 7TH DAY OF JUNE, 2023



Allison Chris Myers
Acting Chairperson
Civil Service Commission

Inquiries
and
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Attachment

c: Abby Levenson
Records Center
Division of Agency Services
Division of Human Resource Information Services

EMPLOYEE NAME	PMUA Job Title (Old Title)	City of Plainfield Job Title (New Title)
ADAMS, RICHARD M	Transfer Station Laborer	SANITATION WORKER - 03113
ANDERSON, ALLEN	Shared Services Laborer	SANITATION WORKER - 03113
ANDREWS, SAM	Heavy Equipment Operator	RECYCLING OPERATOR - 07719
BARKSDALE, DEAN	Heavy Equipment Operator	RECYCLING OPERATOR - 07719
BOUIE, JAMES	Sewer Technician	SEWER REPAIRER 2 - 03585
BRYANT, ERNEST	Heavy Equipment Operator	RECYCLING OPERATOR - 07719
BURGOS ROJAS, ESMIL	Solid Waste Driver	SANITATION DRIVER - 03108
CAMEY, MANUEL	Solid Waste Driver	SANITATION DRIVER - 03108
CARDEN, LANA	Human Resources Manager	PERSONNEL TECHNICIAN - 02655@
CARTER III, GEORGE	Sewer Technician	SEWER REPAIRER 1 - 03686@
CHAMBERS, LAWRENCE	Superintendent of Solid Waste	SUPERVISOR OF PUBLIC WORKS - 06650
CHANDLER, DONALD R	Solid Waste Laborer	SANITATION WORKER - 03113
CLIFFORD, PATRICK A	Solid Waste Driver	SANITATION DRIVER - 03108
DABNEY, KHARY A	Temporary Seasonal Laborer	SANITATION WORKER - 03113
DARBY, RYAN Camera	Truck Operator	SEWER REPAIRER 2 - 03585
FELTON, JAMES	Asst. Superintendent of Solid Waste Operations	SUPERVISOR OF PUBLIC WORKS - 06650
GIRON ARANA, WALTER	E Temporary Seasonal Laborer	SANITATION WORKER - 03113
GITTENS, TERRY	Facilities Maintenance Manager	SENIOR CUSTODIAN - 03290
GORDON, NATASHA	Human Resources Generalist	ASSISTANT PERSONNEL TECHNICIAN - 00642
GRIFFIN, DARIUS	Sales and Marketing Manager	RADIO DISPATCHER - 02958
GRULLON, ALISANDRA	Billing Supervisor	ACCOUNTING ASST. - 50451
HAMID, AHMAD	Tractor Trailer Driver	TRACTOR TRAILER DRIVER - 04179
HICKMAN, CHRISTOPHER	Sewer Technician	SEWER REPAIRER 1 - 03686@
HILL, MILTON T	Solid Waste Laborer	SANITATION WORKER - 03113
HOWARD, EUGENE Roll	Off Driver	SANITATION DRIVER - 03108
JOHNSON, CHAD	Weigh Scale Operator	WEIGHTMASTER - 04304
JOHNSON JR, NORMAN	Compliance Inspector	SANITATION INSPECTOR - 03110
JONES, MICHAEL D	Security Officer	SECURITY GUARD - 06124
MANSURI, ASIF	Comptroller	Assistant Comptroller - 00433
MINOR, MICHAEL	Fleet Maintenance Manager	GENERAL SUPRV. OF GARAGE SERVICES - 06610
MONSALVE, VICTORIA	Purchasing Assistant	ADMINISTRATIVE SECRETARY - 00112
MORRIS-GILL BEVERLEY J	Interim Executive Director/CFO	DIR. OF FINANCE - 07084

PATEL RAJESH	Chief Information Officer	Public Information Officer - 02927
PERSAUD, LAIKHRAM	Container Repairer	MECHANIC/WELDER - 05096
PLAZA, JUNIOR G	Custodian	CUSTODIAL WORKER - 01453
QUINTEROS, MODESTO	Solid Waste Driver	SANITATION DRIVER - 03108
RODRIGUEZ, YVETTE M	Staff Accountant	ACCOUNTING ASST. - 50451
ROSS, REGINALD	Transfer Station Laborer	SANITATION WORKER - 03113
SAMUELS, TYRONE	Tractor Trailer Driver	TRACTOR TRAILER DRIVER - 04179
SANCHEZ, MIGDALIA	Sales Representative	SECRETARIAL ASSISTANT - 03127
SANDERS, LIONEL	Network Administrator	MEDIA TECH 1 - 81542
SANTIAGO, RICHARD	Compliance Inspector	SANITATION INSPECTOR - 03110
SIERRA, MARIA	Accounts Receivable Rep 1	PRINCIPAL ACCOUNT CLERK - 02755
SOBERS, NEVILLE G	Solid Waste Laborer	SANITATION WORKER - 03113
SORI, ROBERTO	Solid Waste Driver	SANITATION DRIVER - 03108
SPURGEON, PHILLIP	Mechanic	MECHANIC/WELDER - 05096
STANDFIELD, JOHN	Container Repairer	MECHANIC HELPER - 02456@
TRAPP, LEONARD	Sewer Technician	SEWER REPAIRER 1 - 03686@
VANSERTIMA, KENRICK E	Tractor Trailer Driver	TRACTOR TRAILER DRIVER - 04179
VELAZQUEZ, VIRJEN	Call Center Representative	CLERK 1 BILINGUAL - 01248
WALDEN, JEFFREY	Sewer Supervisor	SUPERVISOR OF PUBLIC WORKS - 06650
WATKINS, CLINT	Transfer Station Supervisor	SUPERVISOR OF PUBLIC WORKS - 06650
WASHINGTON JR, BERNARD	Temporary Seasonal Laborer	SANITATION WORKER - 03113
WHITE, SALEEM	Working Foreman	SANITATION DRIVER - 03108
ZAMUDIO, BLANCA	Custodian	CUSTODIAL WORKER - 01453