

shift continued. Moreover, mere allegations that the appellant was laid off based on protected characteristics such as race, gender, and age are insufficient.

In her exceptions, the appellant continues to rely on the appointing authority's denial of her participation in the GAP Program. However, that argument was well addressed by the ALJ:

[The appellant] also makes allegations suggesting that the Department acted in bad faith by denying her access to the State's GAP Program under *N.J.S.A. 52:17B-68.3*. However, this argument is a red herring as [the appellant] fails to establish how her denial of the program contributes to the Department's bad faith. In 2021, the New Jersey Legislature established the GAP Program, requiring the Police Training Commission to revise the basic training program for county correctional police officers to "provide the additional training necessary for an eligible county correctional police officer to be certified as detective or investigator in the county prosecutor's office or a county or municipal police officer." *N.J.S.A. 52:17B-68.3a*. Any allegations that stem from her denial of this program as it relates to her layoff is not a matter of bad faith, but rather a matter of layoff rights. As stated above, layoff rights appeals are reviewed on [the] written record by the Commission, and as such this matter is not at issue in this good faith appeal. Even so, the Commission has held in another matter regarding the GAP Program that, "[t]he Commission discerns nothing in the statute that would authorize it to mandate that the Sheriff's Office GAP train employees." *In the Matters of Jordan Zorrer, et. al., Union County* (CSC, decided January 18, 2023).

Notably, the ALJ made specific factual findings that the appellant had filed a complaint with Union County alleging that the appointing authority discriminated against her based on age, race, or gender by not transferring her to a Sheriff's Officer position under the GAP Program and that Union County subsequently informed the appellant after investigation that her allegations were unfounded. Similarly, in this matter, the appellant stated that, "I am the only Black female officer who was laid off, and I believe this, along with my age and job title, played a role, as Sheriff Corvelli mentioned these factors in our first meeting." However, the ALJ noted that the appellant has not provided any factual evidence to support this inference of bad faith beyond her own allegations. In her exceptions, the appellant states that she was informed during discussions regarding potential transfer opportunities that the appointing authority could not allow existing County Correctional Police Officers to transition into Sheriff's Officer positions because commitments had already been made to incoming recruits. The Commission does not find such argument to rise to the level of creating a genuine issue on the good faith of the layoff. Further, as the appointing authority aptly notes in its reply, the appellant offered no evidence that

she was wrongly denied access to the GAP Program or a Sheriff's Officer position over another individual. Merely because individuals who were eligible to become Sheriff's Officers were hired for other roles is irrelevant as the appellant was a County Correctional Police Officer, not a Sheriff's Officer. Additionally, while the appellant expresses concerns with the structure of the GAP Program, dissatisfaction with the manner in which the Legislature chose to structure the program in the statute is not appropriately raised in this forum.

Therefore, the Commission finds nothing in the record or the exceptions demonstrating that the ALJ's determination granting summary decision was arbitrary, capricious, or unreasonable. Accordingly, the Commission dismisses the appellant's appeal.

ORDER

The Civil Service Commission finds that the action of the appointing authority in laying off the appellant was justified. The Commission therefore upholds that action and dismisses the appeal of Gina Lewis.

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 8TH DAY OF APRIL, 2026



Mary Cruz
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Dulce A. Sulit-Villamor
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SUMMARY DECISION

OAL DKT. NO. CSV 10709-24

AGENCY DKT. NO 2024-2622

GINA LEWIS,

Appella

nt, v.

UNION COUNTY SHERIFF'S DEPARTMENT,

Respondent.

Gina Lewis, petitioner, pro se

Kathryn V. Hatfield, Esq., for respondent (Hatfield Schwartz Law Group, LLC,
attorneys)

Record Closed: May 5, 2025

Decided: March 5, 2026

BEFORE **WILLIAM COURTNEY**, ALJ:

STATEMENT OF THE CASE

Appellant Gina Lewis (Lewis), a former Union County Correctional Officer, has filed a good faith appeal under N.J.A.C. 4A:8-2.6(a)(1), alleging that respondent Union County Sheriff's Department (Department) laid her off for reasons other than economy and efficiency. Lewis, who is black, claims the Department discriminated against her by laying

her off instead of transferring her to a Sheriff's Officer position through the "GAP Program" under N.J.S.A. 52:17B-68.3. The Department denies her allegation and has moved for summary decision, asserting that the Department laid off Lewis in good faith and that Lewis cannot show otherwise.

For the reasons set forth below, I FIND that the Department acted in good faith in laying off Lewis as part of a plan to reduce staff and save money in response to a decline in the inmate population at the county jail. Lewis has failed to raise any genuine issue that the Department discriminated against her, and her argument about her entitlement to a Sheriff's Officer position under the GAP Program is irrelevant to a good faith appeal. Accordingly, I CONCLUDE that the Department is entitled to summary decision.

FACTUAL DISCUSSION FINDINGS OF FACT

I FIND the following as **FACT**:

1. In March 2021, while Lewis worked as a County Correctional Police Officer for the Union County Department of Corrections, Union County started to implement a plan to close the County Jail except for limited purposes. Dep't Mot. Br. Ex. A.
2. As a result of the closure, the County anticipated net annual savings of more than \$20,000,000. Id. On March 30, 2021, the County submitted a Layoff and Relocation Plan to the Civil Service Commission (Commission). Id.
3. On May 12, 2021, the Commission approved this Plan. Id.
4. On April 22, 2021, the County Jail terminated its shared services agreement with Essex County and executed a Memorandum of Agreement seeking to transfer all Union County inmates to Essex County effective July 1, 2021. Id.
5. Thereafter, the County Jail ceased long-term housing of inmates by the Union County Department of Corrections. Id.
6. Because the County Jail still needed to transport and temporarily hold individuals, the County transferred those functions to the Union County Sheriff.

- Id. On or about July 1, 2021, Union County created a Division of Corrections “Hub” under the Union County Sheriff’s Department. Id.
7. About 50 corrections officers were transferred to the Hub, including Lewis who joined the Hub in August 2023. Id. The officers worked in three shifts; the “Third Shift” was the overnight shift. Id.
 8. On April 15, 2024, Edward Oatman, County Manager, sent a layoff plan to the Commission. Oatman explained that due to a low, overnight inmate population at the jail, inmates would no longer be housed overnight at the County Jail; thus, the County sought the elimination of the Hub’s “Third Shift” consisting of nine (9) Correctional Police Officers. Id.
 9. Oatman explained that the layoff was for the reason of economy and efficiency, resulting in a savings of between \$1,050,000 and \$2,360,000 annually. Id. Lewis belonged to the group targeted for the layoff. Id.
 10. On May 7, 2024, the Commission approved the Layoff Plan. Dep’t Mot., Br. Ex. B.
 11. On May 14, 2024, the Department provided a notice of proposed layoff to Lewis. Dep’t Mot. Br., Ex. C.
 12. On May 30, 2024, Lewis inquired about the GAP Program under N.J.S.A. 52:17B-68.3 to train as a Sheriff’s Officer for transfer. Dep’t Mot. Br., Ex. G.
 13. The Department denied Lewis’s request.
 14. On June 20, 2024, the Commission sent a letter to Lewis notifying her that her layoff had been recorded and that she had no displacement rights.¹ Dep’t Mot. Br., Ex. D.

¹ It does not appear that Lewis appealed the Commission’s determination of her displacement rights. Under N.J.A.C. 4A:8-2.6(a)(2), employees may file “[d]etermination of rights appeals, based on a claim that an employee’s layoff rights or seniority were determined and/or applied incorrectly[;] [s]uch appeals shall be subject to a review of the written record by the Civil Service Commission.” Lewis’s appeal and opposition brief makes mention of layoff rights, pursuant to entitlement to the State’s “GAP Program,” but a layoff right claim is part of a “determination of rights” appeal under N.J.A.C. 4A:8-2.6(a)(2), which is separate and distinct from the “good faith” appeal Lewis filed under N.J.A.C. 4A:8-2.6(a)(1). As such, Lewis’s claims regarding the GAP Program will only be addressed so far as it relates to her good faith appeal.

15. On June 21, 2024, Lewis filed with Union County a complaint alleging that Sheriff Corvelli discriminated against her based on age, race, and/or gender by not transferring her to a Sheriff's Officer position under the GAP Program. Lewis Opp. Br., Ex. D.

16. Union County subsequently informed Lewis that her allegations were unfounded. Ibid.

On June 27, 2024, petitioner filed the present good faith appeal with the Commission. In her letter of appeal, Lewis wrote:

I am appealing the layoff of 9 Union County Sheriff Correctional Police Officers that is to take effect 7/1/2024. This layoff is not being done in good faith and we are intentionally being discriminated against.

As per NJ Admin code 52:17B-68.3 (attached), (e.) "... An officer eligible for a transfer or lateral title change pursuant to the provisions of this section shall not be denied a transfer or title change to an available position without good cause."

The Union County Sheriff is also actively hiring 15 Sheriff Officers, claiming his promise to these potential recruits is the good cause reason for denying our transfer to these open positions.

I strongly encourage you to enforce the law as it is written, there is no good cause for this layoff when the waiver to transfer was created specifically for this reason.

On August 2, 2024, the matter was then transmitted to the Office of Administrative Law. On January 31, 2025, Lewis provided the Department with what has been described as a "discovery statement." Dep't Mot. Br., Ex. G. Therein, Lewis stated that "I am the only Black female officer who was laid off, and I believe this, along with my age and job title, played a role, as Sheriff Corvelli mentioned these factors in our first meeting." Ibid.

On March 28, 2025, the Department filed its motion for summary decision. The Department argues that it acted in good faith, i.e., for reasons of economy and efficiency, in laying off Lewis and that Lewis has failed to raise a genuine issue of material fact suggesting otherwise. According to the Department, Lewis was not eligible for the GAP

Program, and in her discovery statement, she merely makes an allegation, without any support, “that the Sheriff’s referencing her race, sex, age, and job title during a meeting during which she sought information about transfer to another position suggests that those factors were considerations in the Layoff.”

On April 19, 2025, Lewis filed her opposition. In her brief, which is not supported by an affidavit, Lewis argues about her entitlement to a Sheriff’s Officer position under the GAP Program and includes a copy of the discrimination complaint she filed with Union County. On May 5, 2025, the Department replied.

LEGAL ANALYSIS

I. The Summary Decision Standard

N.J.A.C. 1:1-12.5 governs motions for summary decision in administrative matters. “Parties may move for summary decision upon all or any of the substantive issues in a contested case.” N.J.A.C. 1:1-12.5(a). To succeed on summary decision, a moving party must show “that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law.” N.J.A.C. 1:1-12.5(b). To survive summary decision, the opposing party must show by affidavit “that there is a genuine issue which can only be determined in an evidentiary proceeding.” *Ibid*. Determining “whether there exists a ‘genuine issue’ of material fact that precludes summary judgment requires the motion judge to consider whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party, are sufficient to permit a rational factfinder to resolve the alleged disputed issue in favor of the non-moving party.” Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 540 (1995). “[A] non-moving party cannot defeat a motion for summary [decision] merely by pointing to any fact in dispute.” *Id.* at 529.

For the reasons that follow, I grant the Department’s motion for summary decision because the papers support, and I FIND that, the Department laid off Lewis in good faith and that the Department is entitled to prevail as a matter of law. In her opposition, Lewis has not established any genuine issue of material fact that necessitates a hearing on

whether the Department acted in bad faith.

II. Good Faith Layoff Appeal Standards

Under relevant regulations, “[a]n appointing authority may institute layoff actions for economy, efficiency, or other related reasons.” N.J.A.C. 4A:8-1.1(a). In response to a layoff, an affected civil servant may, under N.J.A.C. 4A:8-2.6(a)(1), file a good faith appeal based on allegations that the “appointing authority laid off or demoted the employee in lieu of layoff for reasons other than economy, efficiency, or other related reasons.”

In a good faith appeal, an appellant must prove their claim by a preponderance of the evidence. See In re Victoria Alberto, et al., Bergen Cnty. Sheriff’s Office, CSV 14062-17, Initial Decision (Jun. 3, 2021), adopted, Comm’n (Jul. 21, 2021) <https://njlaw.rutgers.edu/collections/oal/>. In doing so, the appellant must overcome a presumption that the appointing authority acted in good faith. See Greco v. Smith 40 N.J. Super. 182, 189 (App. Div. 1965). A challenge to the economy or efficiency of a layoff must go beyond mere disagreements of how to achieve the savings at the heart of the layoff:

In order to prevail, the former employee must demonstrate illegitimate reasons for the layoff such as spurious justifications, improper political considerations, or personal hostility toward the employee. In short, the appointing authority need not demonstrate good faith. Instead, the former employee must demonstrate bad faith on the part of the appointing authority.

[Alberto, CSV 14062-17 (citations omitted).]

“If the presumption of good faith is not overcome by sufficient proofs, it is of no consequence that there is proof showing that considerations other than economy underlaid or played some part in that action.” In re Margaret Delvin, Borough of S. Plainfield, CSV 10079-09, Initial Decision (Apr. 20, 2010), <https://njlaw.rutgers.edu/collections/oal/> (citing Schnipper v. N. Bergen Twp., 12 N.J. Super. 11, 15 (App. Div. 1951)).

In the context of a good faith appeal, “[a] motion for summary disposition [by the appointing authority] may not be defeated merely by an allegation of the existence of bad faith” and [t]he party opposing the motion must point to factual evidence which would support an inference of the existence of bad faith.” In re Antoniello, No. A-1994-05T3, 2007 N.J. Super. Unpub. LEXIS 2931, **6-7 (App. Div. Jun. 14, 2007).

Here, to defeat a summary decision in a good faith appeal, procedurally, Lewis must be able to substantiate her allegations of bad faith. Because Lewis has not done so she has failed to establish that there is a genuine issue of material fact. For the following reasons her claims also fail as a matter of law.

Lewis’s good-faith appeal is rooted in her allegation that the Department intentionally discriminated against her on the basis of age, sex/gender, and race/color. Lewis also claims that her position as being the “only black female officer who was laid off . . . and along with my age and job title, played a role [in the layoff].” Dep’t Mot. Br., Ex. G at 1. Lewis has not provided any factual evidence to support this inference of bad faith beyond her own allegations.² See id.

There have been several successful good faith appeals by laid off public employees. For example, in In re Newark Hous. Auth. Layoffs, CSV 13507-09, Initial Decision (February 17, 2012), adopted, Comm’n (May 2, 2012), <http://njlaw.rutgers.edu/collections/oal>, the appointing authority, as part of a layoff plan, eliminated seventeen clerk typist positions, twelve of which were held by employees entitled to civil service protections, but hired over thirty employees to perform similar duties under two new titles. That fact, coupled with the absence of a cost-benefit analysis to determine the usefulness of layoffs or any evidence that a layoff plan was designed to reduce payroll costs supported a finding of bad faith, such that the design of the layoff plan was to violate the affected employees’ civil services protections rather than to achieve economy.

² Lewis provided in her opposition as “Exhibit D” the County’s outcome determination of her Affirmative Action Complaint. Her Affirmative Action Complaint, different from this appeal, alleged the same discrimination. Lewis does not describe additional facts regarding the document. Ultimately, the Affirmative Action Officer concluded that her claims were unsustainable. Therefore, this document does not provide sufficient facts to substantiate her good-faith appeal.

And in Greco, 40 N.J. Super. 182, personal animus, “and not true considerations of economy and municipal efficiency, motivated [the] discharge” of a building inspector, whose position was “not abolished,” but rather “[i]ts functions and duties were turned over to and assumed by the town engineer.” Id. at 518. Thus, an appellate panel concluded that the laid off employee “carried the burden of proving bad faith, spelled out from words, conduct and all the surrounding circumstances and facts,” such that “[t]he real objective [stood] exposed to view – to get petitioner out of his building inspector’s position without abolishing it or giving him a hearing on charges.” Id. at 519.

To be successful on a good faith claim based on alleged discrimination, it is important that there are enough substantiated facts to constitute actual discrimination.³ In the case In re Margaret Delvin, Borough of S. Plainfield, a full-time civil service senior clerk typist alleged that her public employer discriminated against her on the basis of age and gender when conducting a layoff. The matter ultimately went to a hearing where the appellant failed to provide testimony to demonstrate that age or gender was a factor considered in the layoff. As a result, the ALJ held that the appellant failed to demonstrate that the reasons for the layoff were other than the economy and efficiency reasons established by the public employer.

More on point is the matter Emps. of Env’t Prot., (Donald Miller) v. Dep’t of Env’t Prot./Layoffs, CSV 8336-97, Initial Decision (Apr. 20, 2001), adopted, Comm’n (Jun. 8, 2001), <https://njlaw.rutgers.edu/collections/oal/>. In this case, an ALJ granted a respondent’s motion for summary decision on a good-faith appeal alleging that a public employer implemented a layoff in bad faith due to age discrimination. The ALJ found that the appellant did not provide a “conclusive showing of ill will or other invidious motive.” In fact, the appellant “failed to respond to the summary judgment with an affidavit setting forth specific facts on the issue of age discrimination.”

Here, the Department has provided evidence of its good faith in support of its motion. As required for the layoff, the Department submitted a layoff plan related to the

³ Actual discrimination as used here, does not only refer to meeting the legal standard of discrimination, but also evidence substantiating that the discrimination actually occurred beyond a mere allegation.

layoff and the closing of the County Jail. Dep't Mot. Br., Ex. A. The stated reasons for the elimination of the Third Shift were for "economy and efficiency" due to the "low census" of inmates during this shift. Ibid. This would result in supporting the originally anticipated \$20,000,000 annual net savings from the closing of the jail, and a new savings of \$1,050,000 and \$2,360,000 annually for the elimination of the nine correctional police officers subject to the third-shift layoff. Ibid. In other words, the Department has supported its motion with evidence that the layoff was due to reasons of economy and efficiency.

In opposition, Lewis has not been able to factually substantiate her claim related to discrimination or any other bad faith basis. In her application and opposition Lewis does not even challenge the Department's claims of economy or efficiency. Besides her unsworn allegations, the only substantive proofs that Lewis has provided are copies of the County's equal opportunity employer policy with her original appeal papers, and an outcome of her affirmative action complaint alleging age, sex/gender, and race/color discrimination with her opposition to this motion. While the County's equal opportunity employer policy is informative, it does not provide any more material factual evidence to support her inference of bad faith and discrimination.

Additionally, the only point the outcome of the affirmative action complaint demonstrates is that she filed a separate allegation against the Department as a part of a separate claim presumably under N.J.A.C. 4A:7-3.2. The present matter is procedurally unrelated to the affirmative action complaint. In that complaint, Lewis had the burden "to articulate a sufficient nexus between the alleged conduct to a protected category pursuant to the State Policy." In this complaint, she presented information related to a meeting with Sheriff Corvelli and conversations with the PBA union representative. Ultimately, Union County considered her claims and found her discrimination complaints unsustainable. Here, in a separate good-faith appeal, Lewis does not provide any supported facts to her allegations such as email exchanges, documented meeting notes, or affidavits of witnesses substantiating the claim. No other exhibits or documents were attached to her opposition besides legal statutes and regulations. Ultimately these proofs do little to support her inference of bad faith. On the contrary, the proof provides context and support that the Department took Lewis's concerns seriously, investigated the allegations, and concluded that the allegations could not be sustained.

Lewis also makes allegations suggesting that the Department acted in bad faith by denying her access to the State's GAP Program under N.J.S.A. 52:17B-68.3. However, this argument is a red herring as Lewis fails to establish how her denial of the program contributes to the Department's bad faith. In 2021, the New Jersey Legislature established the GAP Program, requiring the Police Training Commission to revise the basic training program for county correctional police officers to "provide the additional training necessary for an eligible county correctional police officer to be certified as detective or investigator in the county prosecutor's office or a county or municipal police officer." N.J.S.A. 52:17B:68.3(1)(a). Any allegations that stem from her denial of this program as it relates to her layoff is not a matter of bad faith, but rather a matter of layoff rights. As stated above, layoff rights appeals are reviewed on written record by the Commission, and as such this matter is not at issue in this good faith appeal. Even so, the Commission has held in another matter regarding the GAP Program that, "[t]he Commission discerns nothing in the statute that would authorize it to mandate that the Sheriff's Office GAP train employees." In re Jordan Zorrer, et al. v. Union Cnty., 2023.N.J. CSC LEXIS 3 (Jan. 18, 2023).

Because Lewis has not substantiated her unsworn allegations of bad faith, she has also failed to establish an issue of material facts. As such, the above material facts are incontrovertible, and this issue is appropriate for summary decision. As a matter of law, Lewis needed to "point to factual evidence which would support an inference of the existence of bad faith." See In re Antoniello, 2007 N.J. Super. Unpub. LEXIS 2931 at **6-7. Lewis has failed to meet this burden, and therefore, the Department is entitled to a judgment as a matter of law.

CONCLUSION

For the foregoing reasons, summary decision is appropriate regarding Lewis's good-faith appeal. Because there are no genuine issues of material fact that remain, and the law supports the Department's position, the Department's motion for summary decision should be granted.

ORDER

IT IS on this 5th day of March 2026 **ORDERED** that respondent's motion for summary decision is **GRANTED**.

This Order, granting respondent's motion for summary decision, resolves all outstanding issues in this case.

I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make a final decision in this matter. If the Civil Service Commission does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, DIVISION OF APPEALS AND REGULATORY AFFAIRS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, PO Box 312, Trenton, New Jersey 08625-0312**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.



March 5, 2026

DATE

WILLIAM J. COURTNEY, ALJ

Date Received at Agency:

March 5, 2026

Date Mailed to Parties:
Db

March 5, 2026

List of Moving Papers

For Petitioner:

None

For Respondent:

- R-1 March 28, 2025 Certificates of Kathryn Hatfield, Esq.
- Exhibit A Plan to Close County Jail
- Exhibit B Commission's Approval of Layoff Plan
- Exhibit C Notice of Proposed Layoff dated May 14, 2024
- Exhibit D June 20, 2024 Letter Notice from the Commission regarding Layoff
- Exhibit E Confirmation of receipt of Individual Layoff Notice
- Exhibit F Notice of Filing
- Exhibit G May 30, 2024 Correspondence from Lewis concerning the GAP Program.