



STATE OF NEW JERSEY

In the Matter of MARRISA TAYLOR,
Union County Sheriff

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

CSC Docket No. 2024-512

Administrative Appeal

ISSUED: March 20, 2024 (HS)

MARRISA TAYLOR challenges the August 1, 2023 appointment of TAMMY BURRELL to the title of County Correctional Police Sergeant with Union County (County).

As background, a review of agency records, including the County and Municipal Personnel System (CAMPS), reveals the following. Burrell and Jordan ZORRER each received a permanent appointment to the title of County Correctional Police Sergeant, effective August 15, 2016, with the County. The appellant received a permanent appointment to the title of County Correctional Police Sergeant, effective August 28, 2017, with the County. On June 30, 2021, the County implemented a layoff. Burrell, Zorrer, and the appellant, however, were not laid off. Rather, effective July 1, 2021, they voluntarily demoted to the title of County Correctional Police Officer. Zorrer and the appellant, but not Burrell, filed appeals that sought relief regarding their demotions, but the appeals were denied. *See In the Matters of Jordan Zorrer, et al., Union County* (CSC, decided January 18, 2023). Subsequently, the names of Burrell and Zorrer appeared on a regular reemployment list for the title of County Correctional Police Sergeant. A certification, consisting of their names, was issued on July 20, 2023 (OL230932). In disposing of the certification, the County appointed them, effective August 1, 2023.

In her appeal to the Civil Service Commission (Commission), postmarked September 1, 2023, the appellant claims that she, not Burrell, should have received one of the August 1, 2023 appointments to County Correctional Police Sergeant because Burrell never should have been demoted in the first place. She also questions

whether the County is relying on the correct records in order to reemploy employees in the title of County Correctional Police Sergeant.

In response, the County, represented by Kathryn V. Hatfield, Esq., emphasizes that Burrell never contested her demotion. As such, the County argues, the appellant is not in a position to make any such claim. Additionally, the County's records show that any time there was a County Correctional Police Sergeant vacancy, promotions occurred based on the seniority of the demoted County Correctional Police Sergeants. In other words, per the County, Burrell was promoted to the County Correctional Police Sergeant position when there was a vacancy because she, with the use of rank on the appropriate eligible list as a tie-breaker, had the most seniority in that title. The County explains that it has determined that in the event there are additional vacancies in the County Correctional Police Sergeant title, the following, in pertinent part, is the order in which reemployment would occur, again with the use of rank on the appropriate eligible list as a tie-breaker:

Employee	Date of Permanent Appointment to County Correctional Police Sergeant
Joseph Azydzik	August 15, 2016
Joseph Swiderski	August 15, 2016
Pedro Lavrador	August 15, 2016
Matthew Wojak	August 15, 2016
Appellant	August 28, 2017 ¹

In reply, the appellant disputes the above listing of names.

In reply, the County maintains that it does not understand what list the appellant asserts should be used. The County insists that it has been consistent in the manner in which it has reemployed, and this agency has not rejected any reemployment actions thus far.

In reply, the appellant insists that she was wronged and should now be reemployed with back pay.

CONCLUSION

N.J.A.C. 4A:4-7.10(a) provides that a permanent employee who has, in pertinent part, voluntarily demoted may request consideration for reemployment by indicating availability to his or her appointing authority. *N.J.A.C.* 4A:4-7.10(b) provides that upon recommendation of the appointing authority that such reemployment is in the best interest of the service, this agency shall place the

¹ Azydzik, Swiderski, Lavrador, and Wojak were not laid off in 2021. Rather, effective July 1, 2021, they too voluntarily demoted to the title of County Correctional Police Officer. All dates noted in the table are consistent with CAMPS.

employee's name on a reemployment list. A regular reemployment list shall be subject to certification to all appointing authorities in a jurisdiction.

N.J.A.C. 4A:4-3.2(d) provides, in pertinent part, that eligibles on a regular reemployment list shall be ranked in the order of seniority in the permanent title from which they were voluntarily demoted, with the name of the person with the greatest seniority appearing first on the list.

N.J.A.C. 4A:4-3.3(b)2 provides that the name of any employee shall not remain on a regular reemployment list for more than three years from the date of voluntary demotion. *N.J.A.C.* 4A:4-3.3(b)1 provides that an eligible list may, for good cause, be extended by this agency prior to its expiration date, except that no list shall have a duration of more than four years.

The appellant has the burden of proof in this matter. *See N.J.A.C.* 4A:2-1.4(c).

In light of the above Civil Service regulations governing regular reemployment, the Commission has no basis to conclude that the appellant should have received an appointment to the title of County Correctional Police Sergeant on August 1, 2023 in place of Burrell. Per CAMPS, Burrell clearly had comparatively greater seniority in that title at the time of the voluntary demotions. Her permanent appointment to County Correctional Police Sergeant was effective August 15, 2016, while the appellant's was effective August 28, 2017. Per CAMPS, Azydzik, Swiderski, Lavrador, and Wojak each also have comparatively greater seniority in the title as their respective appointments were effective August 15, 2016. Thus, it is appropriate that that group also would be reemployed before the appellant would in the event of future vacancies.²

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

² It is noted that the instant appeal was filed September 1, 2023. As the appeal was filed more than two years after the 2021 layoff and demotions, any claims that the layoff and the appellant's demotion were not properly conducted are untimely and will not be considered at this juncture. *See N.J.A.C.* 4A:2-1.1(b). Moreover, the appellant already had an opportunity to seek relief regarding her demotion. *See Zorner, supra.* Further, the appellant has no standing to argue that Burrell's voluntary demotion was erroneous.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 20TH DAY OF MARCH, 2024

Allison Chris Myers

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Chairperson
Civil Service Commission

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