

Bond Case Briefs

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EMPLOYMENT - NEW JERSEY

Doyle v. Lakewood Tp.

Superior Court of New Jersey, Appellate Division - March 27, 2013 - Not Reported in A.3d - 2013 WL 1222679

Tax collector not entitled to employment protections that apply only to municipal chief financial officers.

Plaintiff was appointed tax collector for the township. The township served plaintiff with a preliminary notice of disciplinary action. She was suspended at the time the notice was served. Plaintiff demanded a hearing, which was held. The township's municipal manager, who had appointed plaintiff, acted as hearing officer. He sustained the charges and confirmed plaintiff's removal from the position of tax collector.

Plaintiff appealed the decision to the Civil Service Commission. The Commission declined jurisdiction because plaintiff was a non-tenured employee and was not entitled to civil service protection. She then filed an action seeking judicial review of the decision terminating her employment.

The township moved for dismissal, arguing that the Law Division lacked jurisdiction because plaintiff was an at-will employee without civil service or other statutory job protection.

Plaintiff conceded that she was not a tenured tax collector and, therefore, not entitled to the termination procedures set forth in N.J.S.A. 40A:9-145.8, which concerns the tenure rights of municipal tax collectors. Instead, she argues that she is entitled to judicial review of her termination pursuant to the procedures established by N.J.S.A. 40A:9-140.9, which she contends applies to any municipal employee. The court held that that statute applies only to municipal chief financial officers.