



JON S. CORZINE
GOVERNOR

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION

HOPE L. COOPER
Chair/Chief Executive Officer

**MINUTES OF REGULAR MEETING OF
THE CIVIL SERVICE COMMISSION
SEPTEMBER 2, 2009**

Hope L. Cooper, Chairperson
John Currie
Margaret E. L. Howard

September 2, 2009

A regular meeting of the Civil Service Commission was held on Wednesday, September 2, 2009, in Trenton, New Jersey.

PRESENT: Hope L. Cooper, Chairperson, Members John Currie and Margaret E. L. Howard; Pamela Ullman, Deputy Attorney General; Henry Maurer, Director, Division of Merit System Practices and Labor Relations.

In accordance with L.1975, c.231, Hope L. Cooper, Chairperson, opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on November 21, 2008, and posted at the Civil Service Commission, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Benita Brayboy
Bergen County Board of Social Services
Removal and Resignation not in good standing

In the Matter of James Jackson
Burlington County
County Jail
Suspension

In the Matter of Jermaine McKinley
Passaic County
Sheriff's Department
Suspension and Removal

In the Matter of Troy Mickens
East State Prison
Department of Corrections
Removal

RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE ABOVE CASES – SETTLEMENTS

ACTION: The Civil Service Commission acknowledged the settlements.

A-2 SAYGBEH FLUMO

Saygbeh Flumo, Human Services Assistant, New Lisbon Developmental Center, Department of Human Services, 30-working day suspension on charges of neglect of duty and sleeping while on duty.

Recommendation of the Administrative Law Judge - Reverse the 30-working day suspension.

ACTION: The Civil Service Commission directed that this matter be held over.

A-3 GENIA HALL

Genia Hall, Residential Living Specialist, Vineland Developmental Center, Department of Human Services, 10-working day suspension on charges of conduct unbecoming a public employee and threatening, intimidating, coercing or interfering with fellow employees on State property.

Recommendation of the Administrative Law Judge – Modify the 10-working day suspension to a reprimand.

ACTION: The Civil Service Commission modified the recommendation of the Administrative Law Judge to a 5-working day suspension.

A-4 SUZANNE STARR

Suzanne Starr, Public Safety Telecommunicator, Camden County, Department of Public Safety and Juvenile Justice, 90-working day suspension on charges of incompetency, inefficiency or failure to perform duties, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the 90-working day suspension to a sixty-day suspension.

ACTION: The Civil Service Commission modified the recommendation of the Administrative Law Judge to uphold the 90-working day suspension.

A-5 VALERIE BRADBURY

Valerie Bradbury, Police Officer, City of Newark, Police Department, 1) removal effective February 13, 2008, on charges of neglect of duty, and violation of Police Department rules regarding absence from duty for five continuous days, absence without leave, and obedience to orders, 2) removal effective February 13, 2008, on charges of inability to perform duties and other sufficient cause, 3) 30-day suspension on charges of incompetency or inefficiency, insubordination, and violation of Police Department rules regarding punctuality, and disobedience of orders, and 4) three-day suspension on the charges of conduct unbecoming a public employee and violation of Police Department rules regarding conduct.

Recommendation of the Administrative Law Judge – 1) Reverse the removal, 2) reverse the removal, 3) Modify the 30-day suspension to a 6-month suspension, and 4) reverse the three-day suspension.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge to reverse the two (2) removals and three-day suspension. The Civil Service Commission modified the recommendation of the Administrative Law Judge to uphold the 30-day suspension and awarded 75% of counsel fees.

A-6 HELEN FORD (REMAND)

Helen Ford, County Correction Sergeant, Hudson County, Department of Corrections, immediate suspension effective March 29, 2006 and removal effective May 5, 2006, on charges of incompetency, inefficiency or failure to perform duties, insubordination, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Reverse the immediate suspension and removal.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge.

SECTION B – MISCELLANEOUS MATTERS

B-1 JAMES FEDERICO

James Federico, a Senior Correction Officer with Southern State Correctional Facility, Department of Corrections, represented by Shirley Naylor, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Civil Service Commission directed that this appeal be granted.

B-2 JERRY HEAD

Jerry Head, a Senior Correction Officer with Northern State Prison, Department of Corrections, represented by Daniel Geddes, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Civil Service Commission directed that this matter be held over.

B-3 DONNA JOHNSON

Donna Johnson, a Supervising Family Service Specialist 2 with the Department of Children and Families, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-4 DENISE LANTIERI

Denise Lantieri, an Institutional Trade Instructor 2 (Cooking) with the Juvenile Justice Commission, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-5 HARRY OLIVERAS

Harry Oliveras, a Senior Correction Officer with the Department of Corrections, represented by Daniel Geddes, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-6 GAIL PEMBROKE-GEORGE

Gail Pembroke-George, a Nursing Services Clerk with Greystone Park Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Civil Service Commission directed that this appeal be granted.

B-7 GEORGETTA RODGERS

Georgetta Rodgers, a Senior Cottage Training Technician with Green Brook Regional Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-8 GEORGETTA RODGERS

Georgetta Rodgers, a Senior Cottage Training Technician with Green Brook Regional Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-9 DUANE THOMPSON

Duane Thompson, a former Senior Correction Officer with South Woods State Prison, Department of Corrections, represented by Gary W. Boguski, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-10 JOSEPH VADINO

Joseph Vadino, a Heavy Equipment Operator with South Woods State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-11 ROBERT WOODS

Robert Woods, a Youth Worker Supervisor with the Department of Children and Families, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Civil Service Commission directed that this appeal be granted.

B-12 CAMILLA WORTHEY

Camilla Worthey, a Principal Clerk Typist with Trenton Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Civil Service Commission directed that this appeal be granted.

B-13 PRISCILLA NOEL

Priscilla Noel appeals the decision of the Division of Local Human Resource Management which found that the appointing authority had presented a sufficient basis to remove her name from the eligible list for Police Officer (S9999H), Atlantic City based on an unsatisfactory background report.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-14 DANIEL M. RICHARDSON

Daniel M. Richardson, represented by Eric M. Winston, Esq., appeals the decision of the former Division of State Human Resource Management, which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the Correction Officer Recruit (S9999H), Department of Corrections, eligible list due to an unsatisfactory employment record.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-15 CHRISTOPHER RIVERA

The Department of Corrections appeals the decision of the Division of State Human Resource Management which found that it had not presented a sufficient basis to remove Christopher Rivera's name from the Correction Officer Recruit (S9999H), eligible list, based on an unsatisfactory criminal record.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-16 ADVOCATE VICTIM WITNESS PROGRAM (C0173K)

The appointing authority's failure to dispose of the certification for Advocate Victim Witness Program (C0173K), Hudson County, while a provisional is serving in the title, has been referred to the Civil Service Commission for enforcement.

ACTION: The Civil Service Commission ordered the appointing authority to properly dispose of the certification, remove the provisional appointment and pay compliance costs.

B-17 BUILDING SUBCODE OFFICIAL (M0055K), ELMWOOD PARK

Elmwood Park requests permission not to make an appointment from the April 21, 2008 certification for Building Subcode Official (M0055K).

ACTION: The Civil Service Commission granted the request for an appointment waiver and assessed selection costs in the amount of \$2,048.

B-18 EXECUTIVE ASSISTANT 2 (PS8858F), DEPARTMENT OF EDUCATION

The Department of Education requests permission not to make an appointment from the December 2, 2008 certification for Executive Assistant 2 (PS8858F).

ACTION: The Civil Service Commission granted the request for an appointment waiver and assessed no selection costs at this time.

B-19 FIELD REPRESENTATIVE, HOUSING INSPECTION (M0316K), PARK RIDGE

Park Ridge requests permission not to make an appointment from the August 25, 2008 certification for Field Representative, Housing Inspection (M0316K).

ACTION: The Civil Service Commission granted the request for an appointment waiver and assessed selection costs in the amount of \$2,048.

B-20 PARKING ENFORCEMENT OFFICER (M0410K), TOWNSHIP OF RIVERSIDE

The Township of Riverside requests permission not to make an appointment from the October 17, 2008 certification for Parking Enforcement Officer (M0410K).

ACTION: The Civil Service Commission granted the request for an appointment waiver and assessed no selection costs at this time.

B-21 PERSONNEL ASSISTANT 2, EMPLOYEE RELATIONS (S0487G), STATEWIDE

In In the Matter of Personnel Assistant 2, Employee Relations (S0487G), Statewide (MSB, decided March 28, 2007), the Merit System Board granted the request of the Department of State for an appointment waiver for the May 8, 2006 certification and ordered that no selection costs would be assessed at the time since there was a possibility that the list could be utilized prior to its expiration. However, the Department of State did not utilize the subject eligible list and the matter of the assessment of costs is now before the Civil Service Commission.

ACTION: The Civil Service Commission assessed selection costs in the amount of \$8,285.

B-22 RECEPTIONIST TYPING (M0058K), NEWARK SCHOOL DISTRICT

The Newark School District requests permission not to make an appointment from the December 29, 2008 certification for Receptionist Typing (M0058K).

ACTION: The Civil Service Commission granted the request for an appointment waiver and assessed no selection costs.

B-23 SECRETARIAL ASSISTANT 1, NON-STENOGRAPHIC (PS4319K), DEPARTMENT OF CHILDREN AND FAMILIES

The Department of Children and Families requests permission not to make an appointment from the September 25, 2008 certification for Secretarial Assistant 1, Non-Stenographic (PS4319K).

ACTION: The Civil Service Commission granted the request for an appointment waiver and assessed no selection costs. The Civil Service Commission directed that a certification for unit scope CF60 (Hudson County) be issued from the Secretarial Assistant 1, Non-Stenographic (PS4319K) eligible list and an examination be announced for unit scope CF52 for the title of Secretarial Assistant 1, Non-Stenographic.

VOTE:	Hope L. Cooper	(Yes)
	Margaret E. L. Howard	(Yes)
	John Currie	(Abstained)

B-24 SUPERVISOR 2, MOTOR VEHICLES (PS6358T), MOTOR VEHICLE COMMISSION

The Motor Vehicles Commission requests permission not to make an appointment from the September 26, 2008 certification for Supervisor 2, Motor Vehicles (PS6358T).

ACTION: The Civil Service Commission granted the request for an appointment waiver and assessed no selection costs at this time.

B-25 SUPERVISING CONTRACT ADMINISTRATOR (S3040G), STATEWIDE

In In the Matter of Supervising Contract Administrator (S3040G), Statewide (MSB, decided December 17, 2008), the Merit System Board granted the request of the Department of State for an appointment waiver for the May 21, 2007 certification and ordered that no selection costs would be assessed at that time since there was a possibility that the list could be utilized prior to its expiration. However, the Department of State did not utilize the subject eligible list and the matter of the assessment of costs is now before the Civil Service Commission.

ACTION: The Civil Service Commission assessed selection costs in the amount of \$8,285.

B-26 CHIK CHIN

Chik Chin, a Physician Specialist 1 with Hunterdon Developmental Center, Department of Human Services, represented by Benjamin A. Spivack, Esq., appeals the determination of the Assistant Commissioner, which found that the appellant failed to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-27 TANISHA ROMAN

The Division of State and Local Operations, on behalf of the Middlesex County, requests that the open competitive list for Health Aide (C6106E), be revived in order to effectuate the permanent appointment of Tanisha Roman, effective January 27, 2004.

ACTION: The Civil Service Commission directed that this request be granted.

B-28 STEVEN MCSHAFFRY

The Division of State and Local Operations, on behalf of Wildwood, requests a retroactive permanent appointment date for Steven McShaffry as a Police Sergeant.

ACTION: The Civil Service Commission directed that this request be granted.

B-29 RICKY PORTER

Ricky Porter, represented by Michael T. Carton, Esq., petitions the Civil Service Commission for a determination with regard to the back pay, benefits and seniority, and counsel fees awarded in *In the Matter of Ricky Porter* (MSB, decided February 28, 2007).

ACTION: The Civil Service Commission denied back pay and awarded counsel fees in the amount of \$6,525.

B-30 ELVIS BERNAL

Elvis Bernal, represented by Clayton Giles, Esq., requests reconsideration of the final administrative determination in *In the Matter of Elvis Bernal* (CSC, decided October 22, 2008), in which Bernal's release at the end of his working test period was reversed and he was granted a new working test period but was not awarded back pay and counsel fees.

ACTION: The Civil Service Commission directed that this request be denied.

VOTE:	Hope L. Cooper	(Abstained)
	Margaret E. L. Howard	(Yes)
	John Currie	(Yes)

B-31 PRINCIPAL CLERK TYPIST (M1766J), UNION CITY

Union City requests reconsideration of the decision rendered on August 27, 2008 by the Civil Service Commission in *In the Matter of Principal Clerk Typist (M1766J), Union City*, which ordered it to immediately remove the provisional incumbent Marlene Prieto and to properly dispose of the October 29, 2007 certification within 30 days.

ACTION: The Civil Service Commission directed that this request be granted in part and assessed partial selection costs in the amount of \$1,024.

B-32 PRINCIPAL CLERK TYPIST (PM0690J), UNION TOWNSHIP

Union Township requests reconsideration of the decision rendered on July 16, 2008 by the Civil Service Commission in *In the Matter of Principal Clerk Typist (PM0690J), Union Township*, which ordered it to immediately remove the provisional incumbent Annabelle O'Brien and to properly dispose of the September 10, 2007 certification within 30 days.

ACTION: The Civil Service Commission directed that this request be granted in part and assessed selection costs in the amount of \$1,114.

B-33 MATTHEW MAINES

Sussex County, represented by Fredric M. Knapp, Esq., and Matthew Maines petition the Civil Service Commission for acknowledgement of the settlement agreement reached by the parties, which provides for the restoration of Maines' name to the Sheriff's Officer (S9999H), Sussex County, eligible list, and his appointment at the time of the next vacancy for Sheriff's Officer.

ACTION: The Civil Service Commission acknowledged the settlement.

B-34 FIRE CHIEF, FIRE CAPTAIN, AND FIRE LIEUTENANT, TOWNSHIP OF NUTLEY

The Township of Nutley, represented by Kevin P. Harkins, Township Attorney, appeals the decision of the Division of Local Human Resource Management (LHRM) that the proper classification of the position encumbered by Mark Guiliano is Fire Chief. Nutley seeks a Deputy Fire Chief classification of Guiliano. Additionally, the Nutley Firemen's Mutual Benevolent Association Local 44 appeals the decision rendered by LHRM that the position held by the current Fire Lieutenants and Fire Captains are properly classified in their respective titles. Local 44 seeks Battalion Fire Chief, Deputy Fire Chief, or Fire Captain classifications for these positions.

ACTION: The Civil Service Commission referred the matter of the classification of Mark Guiliano to the Division of State and Local Operations for additional review and directed that the appeals regarding the classifications of the Fire Lieutenants and Fire Captains be denied.

B-35 MARLINA ABDULLAH

Marlina Abdullah appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Training Coordinator (PM0873K), Atlantic City.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-36 MARIETTA DI BARTOLOMEO

Marietta Di Bartolomeo appeals the determination of the Division of Selection Services which found that she was not eligible for the promotional examination for Personnel Technician (PC0125L), Burlington County Board of Social Services.

ACTION: The Civil Service Commission directed that this appeal be granted.

B-37 KETURAH JACKSON

Keturah Jackson appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Training Coordinator (PM0873K), Atlantic City.

ACTION: The Civil Service Commission directed that this appeal be granted.

B-38 ANA TORNESSI-JOO

Ana Tornessi-Joo appeals the determination of the Division of Selection Services which found that she was not eligible for the open competitive examination for Human Services Specialist 1, Bilingual in Spanish and English (C0095L), Morris County.

ACTION: The Civil Service Commission directed that this appeal be held over.

B-39 WILFREDO GONZALEZ

Wilfredo Gonzalez appeals the determination of the Division of Selection Services which found him ineligible for the promotional examination for Police Captain (PM3546K), Newark due to an untimely application.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-40 CLEODIS MOBLEY, JR.

Cleodis Mobley, Jr. represented by Robert O. Yeager, Principal Staff Representative, CWA Local 1040, appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Instructor Counselor (PS5054K), Ancora Psychiatric Hospital.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-41 SALVATORE LEONARDI

Salvatore Leonardi appeals the administration of the open competitive examination for the Entry Level Law Enforcement Examination (S9999K).

ACTION: The Civil Service Commission directed that this appeal be denied.

B-42 WENDY POLINSKI

The Division of Selection Services, on behalf of the Department of the Treasury, requests that the provisions *N.J.A.C. 4A:4-1.1(c)* be relaxed in order to allow Wendy Polinski to be provisionally appointed, pending promotional examination procedures, to the competitive title of Senior Data Entry Machine Operator Scanning.

ACTION: The Civil Service Commission directed that this request be granted.

B-43 PETER MAGRAN

Peter Magran requests a make-up examination for the Entry Level Law Enforcement Examination (S9999K).

ACTION: The Civil Service Commission directed that this request be denied.

B-44 SAMUEL LAOYE

Samuel Laoye appeals his rejection as a County Correction Officer candidate by Essex County and its request to remove his name from the eligible list for County Correction Officer (S9999H) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Civil Service Commission referred this matter for an independent psychological evaluation.

B-45 INVESTIGATOR TRAINEE, PUBLIC DEFENDER (S0059K)

The Office of the Public Defender requests that the eligible list for Investigator Trainee, Public Defender (S0059K) be extended for one year beyond its original expiration date.

ACTION: The Civil Service Commission directed that this request be granted.

B-46 CIVIL SERVICE COMMISSION MINUTES

The minutes of the Civil Service Commission meeting of August 19, 2009 are submitted for adoption.

ACTION: The Civil Service Commission adopted the minutes of its meeting of August 19, 2009.

VOTE:	Hope L. Cooper	(Yes)
	Margaret E. L. Howard	(Abstained)
	John Currie	(Yes)

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Wednesday, September 16, 2009, at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

Hope L. Cooper
Chairperson
Civil Service Commission