



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

**MINUTES OF REGULAR MEETING OF
THE CIVIL SERVICE COMMISSION
FEBRUARY 20, 2013**

**Robert M. Czech, Chairperson
Robert E. Brenner
Richard E. Williams**

February 20, 2013

A regular meeting of the Civil Service Commission was held on Wednesday, February 20, 2013, in Trenton, New Jersey.

PRESENT: Robert M. Czech, Chairperson, Members Robert E. Brenner and Richard E. Williams; Pamela Ullman, Deputy Attorney General; Henry Maurer, Director, Division of Appeals and Regulatory Affairs.

In accordance with L.1975, c.231, the Secretary to the Civil Service Commission 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 30, 2012, and posted at the Civil Service Commission, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

DISMISSAL FOR FAILURE TO APPEAR

The Civil Service Commission dismissed the following cases without prejudice for failure to appear at the scheduled hearing before the Office of Administrative Law:

Khaiesh Culler, Custodial Worker, Newark School District, removal and resignation not in good standing.

Michael Negron, Emergency Medical Technician, Department of Public Safety, removal.

Alma E. Reyes-Rosario, Supervising Family Service Specialist 2, Department of Children and Families, release at the end of the working test period.

Miguel Rosario, Senior Correction Officer, Edna Mahan Correctional Facility, Department of Corrections, indefinite suspension.

Michael Sardo, Food Service Worker, Passaic County, Preakness Hospital, removal.

ACTION: The Civil Service Commission noted the failures to appear.

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

Tiffany Accor, Security Guard, City of Irvington, Public Library, removal.

John C. Bartholomew, Jr., Carpenter, Military and Veterans' Affairs – Sea Girt Training Center, suspension.

Joseph Brewster, III, County Correction Officer, Mercer County, Department of Corrections, removal.

Daniel Chirino, Police Officer, City of Hoboken, Department of Public Safety, suspension.

James Heatley, Laborer, Township of Long Beach, Department of Public Works, removal.

Jonathan McGrath, Practical Nurse, Cape May County, Department of Crest Haven, removal.

Thomas O'Mally, Construction Official, Town of West New York, Department of Public Works, removal.

Robert Reiss, Police Sergeant, Township of Union, Department of Public Safety, bypass.

Vanetta Rivera, Parking Enforcement Officer, Department of Transportation and Parking, resignation not in good standing.

Carlos Rodriguez, Jr., Library Assistant, Passaic Public Library, removal.

Dyshea Upshaw, Senior Correction Officer, New Jersey State Prison, Department of Corrections, removal.

ACTION: The Civil Service Commission noted the withdrawal of appeals.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Kevin Aekins
Military and Veterans' Affairs
Menlo Park
Release at the end of the working test period

In the Matter of Sadiyyah Brooks
Newark School District
Removal and Resignation not in good standing

In the Matter of Ronald Calascibetta, Jr.
Sussex County
Department of Engineering and Planning
Removal

In the Matter of Walter Craig
Monmouth County
Department of Parks
Removal

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| VOTE: | Robert M. Czech | (Abstained) |
| | Robert E. Brenner | (Yes) |
| | Richard E. Williams | (Yes) |

In the Matter of Anthony Hammonds
Ancora Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Alberto Hernandez
Middlesex County Board of Social Services
Suspension

In the Matter of Alisha Robertson
Newark School District
Suspension

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

ACTION: The Civil Service Commission acknowledged the settlements.

A-2 DANIEL CAETANO

Daniel Caetano, Police Officer, City of Newark, Police Department, 30-day suspension on charges of conduct unbecoming a public employee, neglect of duty, violation of Department rules and regulations, disobedience of orders, acts or omissions, other sufficient cause and false statement.

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

ACTION: The Civil Service Commission modified the recommendation of the Administrative Law Judge and imposed an official written reprimand.

A-3 RALPH WEST

Ralph West, County Correction Officer, Burlington County, County Jail, seven working day suspension on charges of other sufficient cause and violations of County time and attendance policy.

Recommendation of the Administrative Law Judge – Uphold the seven working day suspension.

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

A-4 ROBERT BAYARD

Robert Bayard, Police Officer, City of Camden, Police Department, two removals effective February 13, 2012, on charges of conduct unbecoming a public employee, violation of City rules and regulations and insubordination.

Recommendation of the Administrative Law Judge – Dismiss the appeal based on the appellant's lack of standing. In the alternative, uphold the removals.

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

SECTION B – MISCELLANEOUS MATTERS**B-1 REGINA PIERCE**

Regina Pierce, an Information Technology Analyst 3 with the Judiciary, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Civil Service Commission directed that this appeal be referred to the Medical Examiners Panel.

B-2 CHRISTOPHER DECAMPOS

Christopher DeCampos, represented by Tony F. LaRocca, Esq., appeals the request by the Department of Corrections to remove his name from the Correction Officer Recruit (S9987M) eligible list for medical unfitness to perform effectively the duties of the position.

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

B-3 CHERYL GOINS

Cheryl Goins, a former Senior Purchasing Assistant with Essex County, petitions the Civil Service Commission for relief of her immediate suspension effective June 8, 2012.

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

B-4 MARK LYSZCZAK

Mark Lyszczak, a County Correction Sergeant with Mercer County, represented by Merick H. Linsky, Esq., petitions the Civil Service Commission for a determination with regard to the back pay and counsel fees awarded in the decision *In the Matter of Mark Lyszczak* (CSC, decided October 5, 2011).

ACTION: The Civil Service Commission granted back pay in the amount of \$327,433.27 and counsel fees in the amount of \$60,951.25.

B-5 MARGARET MULLEN

Margaret Mullen, a former Community Service Aide with Bergen County, appeals the determination of her layoff rights by the former Division of State and Local Operations.

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

B-6 KATELYN DILLEY

Katelyn Dilley appeals the determination of the Division of Selection Services denying her request for a make-up examination for Claims Adjudicator Trainee Disability Determinations (S2033N).

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

B-7 STANLEY KABRT

Stanley Kabrt appeals the determination of the Division of Selection Services denying his request for a make-up examination for Correction Sergeant (PS6436I), Department of Corrections.

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

B-8 ANREA DARBY

Anrea Darby appeals the decision of the Division of Classification and Personnel Management which found that the Department of Corrections had presented a sufficient basis to remove the appellant's name from the Correction Officer Recruit (S9987M), DOC, eligible list on the basis that she falsified her employment application.

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

B-9 DANIEL ESTEVES

Daniel Esteves appeals the decision of the former Division of State and Local Operations, which upheld the removal of his name from the Correction Officer Recruit (S9987M), Department of Corrections, eligible list due to an unsatisfactory background report.

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

B-10 DONNA FARINA

Donna Farina, a Professor with New Jersey City University, appeals the determination of the President of New Jersey City University, which found that the appellant failed to present sufficient evidence to support a finding that she had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION: The Civil Service Commission directed that this appeal be denied and the matter of the appellant's "interviews" of other individuals be remanded to the appointing authority for further investigation.

B-11 JILL LEWIS-SPECTOR

Jill Lewis-Spector, a Professor with New Jersey City University, appeals the determination of the President of New Jersey City University, which found that the appellant failed to present sufficient evidence to support a finding that she had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION: The Civil Service Commission directed that this appeal be denied and the matter of the appellant contacting another individual be remanded to the appointing authority for further investigation.

B-12 JOANNE MENNONE

Joanne Mennone, a Technical Assistant 1, Treasury, with the Department of the Treasury, appeals the determination of the Equal Employment Opportunity/Affirmative Action Officer, which found that the appellant failed to support a finding that she 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 granted in part.

B-13 ROBERT ROSE

Robert Rose, a Correction Lieutenant, with the Department of Corrections, represented by Daniel K. Newman, Esq., appeals the determination of the Assistant Director of the Equal Employment Division of the DOC, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

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

B-14 ALEXIS SANTIAGO

Alexis Santiago, a Repairer with Woodbridge Developmental Center, Department of Human Services, appeals the determination of the Assistant Commissioner of DHS, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to additional violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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

B-15 ROLAND BISDA

Roland Bisda appeals the decision of the former Division of State and Local Operations that the proper classification of his position with the Department of Transportation is Principal Engineer, Transportation. The appellant seeks a Project Engineer, Utilities job classification.

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

B-16 GIOSUE DIGIOVANNI

Giosue DiGiovanni appeals the determination of the Division of Classification and Personnel Management that his position with the Department of the Treasury is properly classified as Supply Support Technician 1. The appellant seeks a Supervisor, Central Warehouse job classification.

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

B-17 TODD KROPILAK

Todd Kropilak appeals the decision of the Division of Classification and Personnel Management which found that his position with the Department of Transportation is properly classified as Principal Engineer, Planning. The appellant seeks a Project Manager, Transportation job classification.

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

B-18 SHARI LEICHTER

Shari Leichter appeals the decision of the Division of Classification and Personnel Management which found that her position with the Department of Transportation is correctly classified as Administrative Analyst 2. The appellant seeks an Administrative Analyst 1, Data Processing classification.

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

B-19 CHERYL PARKER

Cheryl Parker appeals the decision of the Division of Classification and Personnel Management that the proper classification of her position with the Department of Corrections is Administrative Analyst 2, Fiscal Management. The appellant seeks a Section Supervisor, Fiscal Resources job classification.

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

B-20 HENRY RICHARD, ET AL.

Henry Richard and Joseph Nichirco, represented by David Fox, Esq., appeal the decisions of the Division of Classification and Personnel Management that their positions with the Harrison Fire Department are properly classified as Fire Captain. Joseph Scaperotta, David Prina, Henry Zienowicz and Joseph Faugno, also represented by David Fox, Esq., appeal the decisions that their positions are properly classified as Fire Fighter. The appellants seek Classifications of Battalion Fire Chief and Fire Lieutenant.

ACTION: The Civil Service Commission directed that these appeals be denied.

B-21 LAURANCE TOROK

Laurance Torok appeals the decision of the Division of Classification and Personnel Management which found that his position with the Department of Environmental Protection is properly classified as Research Scientist 2. The appellant seeks a Research Scientist 1 job classification.

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

B-22 ANIMAL CONTROL OFFICER (M0094P), PHILLIPSBURG

The Division of Classification and Personnel Management requests that Phillipsburg be ordered to return the November 5, 2012 certification for Animal Control Officer (M0094P) for proper disposition.

ACTION: The Civil Service Commission directed that the eligible list be cancelled and Shannon Maher be reimbursed the examination application fee and notified of the cancellation of the eligible list.

B-23 FIRE CHIEF (PM3610L), CITY OF VINELAND

The City of Vineland requests the revival and extension of the eligible list for Fire Chief (PM3610L), City of Vineland.

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

B-24 POLICE SERGEANT (PM5103N), CARTERET

The Borough of Carteret, represented by Robert J. Bergen, Esq., requests that *N.J.A.C. 4A:4-2.6(a)2* be relaxed to allow the September 30, 2012 closing date for the promotional examination for Police Sergeant (PM5103N), Carteret, to be extended. Alternatively, it requests that John J. Kelly, Jr.'s seniority accrued prior to his intergovernmental transfer be accepted for eligibility purposes.

ACTION: The Civil Service Commission directed that these requests be denied.

B-25 PUBLIC INFORMATION OFFICER (M0007P), VINELAND SCHOOL DISTRICT

Vineland School District requests permission not to make an appointment from the May 10, 2012 certification for Public Information Officer (M0007P).

ACTION: The Civil Service Commission directed that this request be granted but assessed selection costs in the amount of \$2,048.

B-26 KATHLEEN CAIGNON

Kathleen Caignon appeals the determination of the Division of Selection Services and Recruitment which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Assistant Administrative Analyst (PM0301P), Vineland Municipal Utilities.

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

B-27 NOEMI JIMENEZ

Noemi Jimenez appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirements for the promotional examination for Personnel Assistant 4 (PS9849K), Department of Human Services.

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

B-28 COLLEEN KARR

Colleen Karr appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Contract Administrator 1 (PS2111S), Department of State.

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

B-29 LINDA PICARO-COVELLO

Linda Picaro-Covello appeals the determination of the former Division of Selection Services that she did not meet the experience requirement for the open competitive examination for Assistant Municipal Treasurer (M2524N), Lacey Township.

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

B-30 WENDY RAZZOLI

Wendy Razzoli appeals the validity of and her score for the promotional examination for Assistant Municipal Court Director (PM1155N), Jersey City, which was administered via the Management Test Battery.

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

B-31 WAYNE SMITH

Wayne Smith appeals the decision of the Division of Selection Services and Recruitment which found that he did not meet the experience requirements for the “dual” promotional examination for Senior Water Treatment Plant Operator/Senior Water Treatment Plant Repairer (PM0495P), Marlboro.

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

B-32 CHRISTINA TRAPHAGEN

Christina Traphagen appeals the correct answer to several questions, and the test mode, for the multiple choice examination for Claims Examiner Unemployment/Disability Insurance (PS3089K), Department of Labor and Workforce Development.

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

B-33 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of February 6, 2013.

ACTION: The Civil Service Commission adopted the minutes of its meeting of February 6, 2013.

VOTE: **Robert M. Czech** (Yes)
 Robert E. Brenner (Yes)
 Richard E. Williams (Abstained)

B-34 EARLY SETTLEMENTS

In the Matter of Nadine Dufort
Department of Children and Families
Release at the end of the working test period

In the Matter of William Harney
Department of the Treasury
Suspension

ACTION: The Civil Service Commission acknowledged the settlements.

B-35 EDWARD ESPOSITO

Edward Esposito petitions the Civil Service Commission for a stay, pending his appeal to the Superior Court, Appellate Division of *In the Matter of Peter Corbo, et al., Sheriff's Officer Captain (PC0989N) and Sheriff's Officer Lieutenant (PC0993N), Essex County* (CSC, decided December 19, 2012).

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

B-36 MATTHEW MUNIZ

Lakewood Township, on behalf of Matthew Muniz, requests that he be permitted to participate in the intergovernmental transfer program and to complete the remainder of his working test period as a Police Officer, Bilingual in Spanish and English, with Lakewood.

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

B-37 HISHAM SHEIKH

The Bergen County Sheriff's Office, on behalf of Hisham Sheikh, requests that he be permitted to participate in the intergovernmental transfer program and to complete the remainder of his working test period as a Sheriff's Officer with Bergen County.

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

B-38 STEVEN MIGLIACCI

Steven Migliacci, represented by Christopher A. Gray, Esq., appeals the decision of the Division of State and Local Operations which found that the appointing authority presented a sufficient basis to remove his name from the Correction Officer Recruit (S9999K), Department of Corrections eligible list due to an unsatisfactory employment record.

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

B-39 DAWN LINTHICUM

The appeal the Dawn Linthicum, a Senior Correction Officer with Bayside State Prison, Department of Corrections, of her removal, effective July 30, 2012, on charges, was heard by Administrative Law Judge W. Todd Miller (ALJ), who rendered his initial decision on December 24, 2012. At its meeting on February 6, 2013, the Civil Service Commission did not adopt the ALJ's recommendation to modify the removal to a 180 calendar day suspension. Rather, the Commission upheld the appellant's removal. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

VOTE: **Robert M. Czech** **(Yes)**
 Robert E. Brenner **(Yes)**
 Richard E. Williams **(Abstained)**

B-40 KELLI BRAVO

Kelli Bravo appeals the determination of the Division of Selection Services and Recruitment which found that she was below the minimum requirements in experience for the promotional examination for Senior Rehabilitation Counselor, Mental Health (PS7790K), Department of Human Services.

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

B-41 NOEMI JIMENEZ AND ELIZABETH MERCHANT

Noemi Jimenez and Elizabeth Merchant appeal the determinations of the Division of Selection Services, which found that they did not meet the experience requirements for the promotional examination for Personnel Aide 1 (PS8059K), Department of Human Services.

ACTION: The Civil Service Commission directed that these appeals be granted.

B-42 SALARY REGULATIONS FOR FISCAL YEAR 2013

Submitted for the Civil Service Commission's review are the Salary Regulations for Fiscal Year 2013. These include the following: Aligned Salary Regulations, Non-Aligned Salary Regulation, Management Salary Regulation, Attachment A – Management, Exempt, and Deputy Attorney General, Attachment B – Special Provisions, Emergency Conditions Salary Regulation, Special Incentive Salary Regulation, and Miscellaneous Salary Regulations. They have been approved by Robert M. Czech, Chair/CEO, Civil Service Commission, and Charlene M. Holzbaur, Director, Division of Budget and Accounting. It is recommended that the Commission record these salary regulations.

ACTION: The Civil Service Commission recorded the salary regulations.

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Wednesday, March 6, 2013, at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

**Robert M. Czech
Chairperson
Civil Service Commission**