



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
APRIL 4, 2012**

**Robert M. Czech, Chairperson
Thomas J. Perna
Richard E. Williams**

April 4, 2012

A regular meeting of the Civil Service Commission was held on Wednesday, April 4, 2012, in Trenton, New Jersey.

PRESENT: Robert M. Czech, Chairperson, Members Thomas J. Perna and Richard E. Williams; Pamela Ullman, Deputy Attorney General; Henry Maurer, Director, Division of Merit System Practices and Labor Relations.

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 28, 2011, 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 Jesse Barnes
New Jersey State Prison
Department of Corrections
Removal

In the Matter of Carlos Barnwell
Burlington County
County Jail
Suspension

In the Matter of Robert Burfeind
Township of West Orange
Fire Department
Removal

In the Matter of Joseph Charles
Department of Children and Families
Removal

In the Matter of William Croskey
Hudson County
Department of Roads and Public Property
Removal

In the Matter of Brande Davis
Jersey City School District
Removal

In the Matter of Nashyrah Day
Mid-State Correctional Facility
Department of Corrections
Removal

In the Matter of William Doran
Greystone Park Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Joshua Fife
Trenton Psychiatric Hospital
Department of Human Services
Release at the end of the working test period

In the Matter of Dwayne Gandy
Woodbine Developmental Center
Department of Human Services
Removal

In the Matter of Joyce Hall
New Jersey Home for Disabled Soldiers - Paramus
Department of Military and Veterans Affairs
Removal

In the Matter of Christopher Haring
Hunterdon Developmental Center
Department of Human Services
Removal

In the Matter of Ronald A. Harvey, Jr.
City of Millville
Police Department
Removal

In the Matter of Alusine Jalloh
Ancora Psychiatric Hospital
Department of Human Services
Suspension

In the Matter of Jeffrey Johnson
East Orange
Police Department
Removal

In the Matter of Steven Vereen-Jones
Trenton Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Connie Keyes
Middlesex County Board of Social Services
Suspension

In the Matter of Keith Markwis
North Jersey Developmental Center
Department of Human Services
Removal

In the Matter of Shawn L. Matos, *et al.*
Cumberland County
Department of Aging
Layoff

In the Matter of Ruth McAndrew
Morris County
Department of Human Services
Suspension

In the Matter of Richard Moore
Phillipsburg Housing Authority
Suspension

In the Matter of John Mulholland
Borough of Ringwood
Department of Public Works
Suspension

In the Matter of Veronica Parent
Ocean County
Board of Health Department
Removal

In the Matter of Viola Phillips
Ancora Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Linda Rosa
Morris County
Department of Human Services
Suspensions (2)

In the Matter of Joseph E. Stives, Jr.
Department of Environmental Protection
Suspension and Removal

In the Matter of Craig Volious
Hagedorn Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Kim White
New Jersey State Prison
Department of Corrections
Suspension

In the Matter of Keith Williams
Mercer County
Department of Public Safety
Release at the end of the working test period

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

ACTION: The Civil Service Commission acknowledged the settlements with the exception of John Mulholland, which was held over for clarification.

A-2 TAMIKA BROWN (CONSOLIDATION)

Tamika Brown, County Correction Officer, Burlington County, County Jail, a 10 working day suspension and a 20 working day suspension on charges of other sufficient cause, violation of Department time and attendance policy and chronic or excessive absenteeism or lateness.

Recommendation of the Administrative Law Judge – Uphold the 10 working day suspension and the 20 working day suspension.

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

A-3 JANINA LOVE

Janina Love, Senior Correction Officer, Adult Diagnostic and Treatment Center, Department of Corrections, 120 working day suspension on charges of neglect of duty, other sufficient cause and violation of administrative procedures and/or regulations involving safety and security.

Recommendation of the Administrative Law Judge – Reverse the 120 working day suspension.

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

A-4 VERONICA TUCKER

Veronica Tucker, Senior Correction Officer, Central Office, Department of Corrections, 15 working day suspension on charges of other sufficient cause, insubordination, conduct unbecoming a public employee and violation of a rule, regulation, policy, procedure, order or administrative decision.

Recommendation of the Administrative Law Judge – Modify the 15 working day suspension to a five working day suspension.

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

A-5 WILLIE ANDERSON

Willie Anderson, Senior Correction Officer, Mountainview Youth Correctional Facility, Department of Corrections, removal effective May 12, 2011, on the charge of inability to perform duties.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-6 MARILYN BOYCE

Marilyn Boyce, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, two removals effective January 6, 2010, on charges of conduct unbecoming a public employee, neglect of duty, other sufficient cause, violation of a policy and insubordination.

Recommendation of the Administrative Law Judge – Modify the removals to a 90-day and a 180 calendar day suspension.

ACTION: The Civil Service Commission modified the recommendation of the Administrative Law Judge and modified the first removal to a 180 calendar day suspension and upheld the second removal.

A-7 DAMAR BRIGGS (CONSOLIDATION)

Damar Briggs, Police Officer, City of Newark, Police Department, a 30-day, 50-day, and 60-day suspension and two removals effective April 19, 2011, on charges of violation of Police Department rules and regulations regarding incompetency, inefficiency or failure to perform duties, disobedience to orders, change of residency notification, neglect of duty, responsibility for own actions, conduct unbecoming a public employee and chronic inefficiency or incompetency.

Recommendation of the Administrative Law Judge – Uphold the 30-day, 50-day and 60-day suspensions and the removals.

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

A-8 GREGORY CLERICO

Gregory Clerico, County Correction Officer, Atlantic County, Department of Corrections, removal, effective July 15, 2011, on charges of violation of Department policy and procedure manual, personnel rules and regulations regarding neglect of duty, obedience to laws, lying to a superior or any member of the Department, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-9 MELISSA FRATELLA (CONSOLIDATION)

Melissa Fratella, County Correction Officer, Morris County Sheriff's Department, 1) 180-day suspension on charges of incompetency, inefficiency, or failure to perform duties, inability to perform duties, neglect of duty, and other sufficient cause, including violations of the County rules and regulations pertaining to truthfulness and conduct and 2) removal effective December 10, 2010, on charges of incompetency, inefficiency, or failure to perform duties, inability to perform duties, neglect of duty, and other sufficient cause, including violations of the County rules and regulations pertaining to sexual harassment, offensive behavior, and discrimination.

Recommendation of the Administrative Law Judge – Reverse the 180 calendar day suspension and modify the removal to a 90-day suspension.

ACTION: The Civil Service Commission modified the recommendation of the Administrative Law Judge and upheld the 180 calendar day suspension and removal.

A-10 MILDRED JAIME

Mildred Jaime, Cottage Training Technician, Hunterdon Developmental Center, Department of Human Services, removal effective December 7, 2010, on charges of physical or mental abuse of a client, verbal abuse of a patient, client, resident or employee, inappropriate physical contact or mistreatment of a client, any improper conduct which violates common decency, discourtesy to public, visitors, patients, residents or clients, failure to perform duties, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION: The Civil Service Commission directed that this matter be held over for a testimony summary.

A-11 SONYA MCKENZIE

Sonya McKenzie, Senior Correction Officer, East Jersey State Prison, Department of Corrections, removal effective April 1, 2010, on charges of chronic or excessive absenteeism or lateness and being absent from work as scheduled without permission and/or without giving proper notice of intended absence.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-12 DURWIN SMALLS

Durwin Smalls, Senior Correction Officer, East Jersey State Prison, Department of Corrections, 1) removal on charges of conduct unbecoming a public employee, neglect of duty, other sufficient cause, improper or unauthorized contact with an inmate, undue familiarity with inmates, parolees, their families, or friends and violation of a rule, regulation, policy, procedure, order, or administrative decision, 2) removal on the charge of insubordination, 3) removal on charges of conduct unbecoming a public employee, other sufficient cause and violation of a rule, regulation, policy, procedure, order or administrative procedure and 4) removal on charges of conduct unbecoming a public employee, other sufficient cause, violation of a rule, regulation, policy, procedure, order or administrative procedure and possession of contraband on State property or in State vehicles.

Recommendation of the Administrative Law Judge – Uphold the removals.

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

A-13 JOSHUA SMITH

Joshua Smith, Senior Correction Officer, South Woods State Prison, Department of Corrections, removal effective August 4, 2010, on charges of other sufficient cause, falsification and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Grant the appointing authority's motion for summary decision and dismiss the appeal pursuant to an order of forfeiture.

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

A-14 TANYA STAFFORD

Tanya Stafford, Senior Cottage Training Technician, Hunterdon Developmental Center, Department of Human Services, removal effective November 24, 2010, on charges of physical or mental abuse of a client, verbal abuse of a patient, client, resident or employee, inappropriate physical contact or mistreatment of a client, improper conduct which violates common decency and gross sexual imposition such as touch, fondling, grabbing or assault, failure to perform duties, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-15 THOMAS WHITLEY

Thomas Whitley, Correction Lieutenant, Northern State Prison, Department of Corrections, removal effective September 27, 2011, on charges of conduct unbecoming a public employee, other sufficient cause, falsification and violation of a rule, regulation, policy, procedure, or administrative decision.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

SECTION B – MISCELLANEOUS MATTERS**B-1 ANTONIO COTTO**

Antonio Cotto, 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 appeal be granted.

B-2 WARREN CUBBAGE

Warren Cabbage, a Senior Correction Officer at 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-3 ROBERT FUNDERBURK

Robert Funderburk, a Senior Correction Officer with New Jersey State Prison, Department of Corrections, represented by Donald C. Barbati, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Civil Service Commission referred the appeal to the Medical Examiners Panel.

B-4 CHRISTOPHER PARRELL

Christopher Parrell, a Senior Correction Officer at the Adult Diagnostic and Treatment Center, 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-5 JOSEPH SOMMERS

Joseph Sommers, a Senior Correction Officer at the Adult Diagnostic and Treatment Center, 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 WILLIAM SNYDER

William Snyder, a Senior Parole Officer with the State Parole Board, represented by Joseph A. Carmen, Esq., appeals an order to submit to a psychological evaluation and his separation from duty, pending his compliance with the results of that evaluation.

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

B-7 FRANK BRUNO

Frank Bruno, a Correction Sergeant, appeals an official written reprimand issued by the Department of Corrections.

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

B-8 REBECCA TORNER

Rebecca Torner, a Senior Correction Officer at Edna Mahan Correctional Facility for Women, Department of Corrections, represented by Colin M. Lynch, Esq., appeals the denial of her grievance.

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

B-9 MICHELLE ASPIS

Michelle Aspis, a former Keyboarding Clerk 2 with Holmdel Township, appeals the determination of her layoff rights by the Division of State and Local Operations.

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

B-10 THADDEUS KLEPAC

Thaddeus Klepac, a former Public Information Officer with Upper Township, appeals his layoff, effective May 31, 2011.

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

B-11 TEMPORARY LAYOFFS, JERSEY CITY

The Jersey City Supervisors Association on behalf of its members, represented by Ryan S. Carlson, Esq., requests relief from the Civil Service Commission regarding the temporary layoff of employees of Jersey City which took place on June 20, 2011.

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

B-12 ROLANDO SANTIAGO

Rolando Santiago, a Police Officer with the City of Camden, represented by John P. Morris, Esq., seeks enforcement of the Civil Service Commission decision rendered on April 20, 2011, which awarded him counsel fees.

ACTION: The Civil Service Commission ordered the City of Camden to pay Rolando Santiago \$84,500 in counsel fees and \$6,786.98 for costs.

B-13 SONYA KOPP

Sonya Kopp requests a retroactive effective date of the reclassification of her position from Environmental Specialist 1 to Environmental Specialist 2.

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

B-14 ANTHONY TEZSLA

Anthony Tezsla, a Sergeant with the Division of State Police, Department of Law and Public Safety, requests restoration of prior State service in order for his personnel record to reflect continuous service.

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

B-15 RHYS WORTHY

Ocean County requests that Rhys Worthy's experience be accepted to qualify him for a prospective lateral title change to the title of Supervisor, Roads.

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

B-16 JENNIFER RYAN

The Department of Law and Public Safety requests that the provisions of *N.J.A.C.* 4A:4-1.1(c)2 be relaxed in order to permit it to promote Jennifer Ryan from the non-competitive title of Software Development Specialist Assistant to the competitive title of Accountant 2.

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

B-17 KARI WUDARSKI

The Department of Law and Public Safety requests that the provisions of *N.J.A.C.* 4A:4-1.1(c)2 be relaxed in order to permit it to promote Kari Wudarski from the non-competitive title of Investigator 2 to the competitive title of Accountant 1.

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

B-18 VERNON ALLEN

Vernon Allen, a former Motor Vehicle Operator 1 with the New Jersey Veterans Memorial Home, Paramus, Department of Military and Veterans Affairs, requests that the Civil Service Commission reinstate his appeal of his removal effective May 20, 2011, which was dismissed based on his failure to appear at his scheduled settlement conference.

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

B-19 MELISSA BROWN

Montclair State University requests that the Civil Service Commission reinstate the appeal of Melissa Brown, a former Senior Building Maintenance Worker, of her appeal of her release at the end of the working test period effective May 8, 2011, which was dismissed based on Montclair's failure to appear at the scheduled settlement conference.

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

B-20 HENRIQUE A. FERREIRA

Henrique A. Ferreira appeals the removal of his name from the Personnel Technician (M2176N), Jersey City, employment list due to his failure to respond to the Certification Notice.

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

B-21 JANICE FISHBEIN

Janice Fishbein appeals the removal of her name from the Manager 1, Vocational Rehabilitation Counselor (PS9905N), Department of Labor and Workforce Development, eligible list due to her failure to meet the requirements of the position.

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

B-22 CHRISTOPHER HOWLAND

Christopher Howland, represented by Jennifer Heiner Pisano, Esq., appeals the removal of his name from the eligible list for County Correction Officer (S9999K), Essex County, on the basis of an unsatisfactory criminal record.

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

B-23 MARIANE LYCZAK

Mariane Lyczak appeals the removal of her name from the Supervising Auditor, Taxation (PS9876U), Department of the Treasury, employment list due to her failure to respond to the Certification Notice.

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

B-24 MELVIN TORRES, JR.

Melvin Torres, Jr., represented by Carlos Andujar, Esq., appeals the decision of the Division of State and Local Operations which upheld the removal of his name from the Correction Officer Recruit (S9999K), Department of Corrections, eligible list due to his unsatisfactory background report and unsatisfactory employment record.

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

B-25 STEVEN BAYRUNS

Steven Bayruns, represented by Christopher A. Gray Esq., appeals the decision of the Division of State and Local Operations which upheld the bypass of his name on two certifications of the Senior Registered Environmental Health Specialist, Public Health (PC1146K), Camden County eligible list.

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

B-26 ROBIN MCPHAUL

Robin McPhaul appeals the determination of the Division of State and Local Operations that her position with Union County is properly classified as Personnel Assistant. The appellant seeks a Senior Personnel Assistant classification.

ACTION: The Civil Service Commission directed that this appeal be denied, and the matter of the proper classification of Michele Miller's position be referred to the Division of State and Local Operations for further review.

B-27 JUDITH MORROW

Judith Morrow appeals the decision of the Division of State and Local Operations that the proper classification of her position with the Department of Environmental Protection is Principal Environmental Specialist, Site Remediation. The appellant seeks a Supervising Environmental Specialist, Site Remediation classification.

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

B-28 ROSE D. RICHARDSON

Rose D. Richardson appeals the decision of the Division of State and Local Operations that the proper classification of her position with the Department of Law and Public Safety is Building Management Services Specialist 2. The appellant seeks an Executive Assistant 3 classification.

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

B-29 SUSAN RODRIGUEZ

Susan Rodriguez appeals the decision of the Division of State and Local Operations that the proper classification of her position with the Department of Children and Families is Senior Audit Account Clerk. The appellant seeks a Fiscal Analyst classification.

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

B-30 DIANE SEBASTIAN

Diane Sebastian appeals the decision of the Division of State and Local Operations that the proper classification of her position with the Department of Community Affairs is Technical Program Assistant. The appellant seeks an Administrative Analyst 2 or Program Development Specialist 1 classification.

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

B-31 TREVOR MELTON

Trevor Melton, an Education Program Development Specialist 2, Special Education, with the Department of Education, represented by Walter R. Bliss, Jr., Esq., appeals the determination of the Acting Commissioner, which found sufficient evidence that the appellant had violated the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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

B-32 JOSEPH POTENA

Joseph Potena, a Manager 2, Fiscal Resources with the Board of Public Utilities (BPU), appeals the determination of the President, BPU, which found that the appellant violated the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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

B-33 ADMINISTRATIVE CLERK (C2038N), MIDDLESEX COUNTY

Middlesex County requests permission not to make an appointment from the November 22, 2011 certification for Administrative Clerk (C2038N).

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

B-34 ASSISTANT CHIEF FISCAL OFFICER (S0137N), STATEWIDE

The Department of Human Services, Division of Family Development, requests permission not to make an appointment from the October 3, 2011 certification for Assistant Chief Fiscal Officer (S0137N).

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

B-35 COUNTY CORRECTION SERGEANT (PC2783L), HUDSON COUNTY

The Division of State and Local Operations requests that Hudson County be ordered to return the May 2, 2011 certification for County Correction Sergeant (PC2783L) for proper disposition.

ACTION: The Civil Service Commission ordered the appointing authority to properly dispose of the certification and pay compliance costs in the amount of \$1,000.

B-36 EQUIPMENT OPERATOR/MAINTENANCE REPAIRER (M2091N), LONG BEACH TOWNSHIP

Long Beach Township requests permission not to make an appointment from the August 16, 2011 certification for Equipment Operator/Maintenance Repairer (M2091N).

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

B-37 KEYBOARDING CLERK 3 (PC1003L), BURLINGTON COUNTY

Burlington County requests that the promotional list for Keyboarding Clerk 3 (PC1003L) be revived in order to make a permanent appointment from the list.

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

B-38 MANAGER, PUBLIC PROPERTY (C0376M), HUDSON COUNTY

The appointing authority's failure to dispose of the certification for Manager, Public Property (C0376M), Hudson County, while provisionals are serving in the title, has been referred to the Civil Service Commission for enforcement.

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

B-39 PRINCIPAL ACCOUNT CLERK (M0615M), PARK RIDGE

Park Ridge requests permission not to make an appointment from the July 29, 2011 certification for Principal Account Clerk (M0615M).

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

B-40 PROJECT COORDINATOR, REDEVELOPMENT (M1011L), JERSEY CITY REDEVELOPMENT AGENCY

The Division of State and Local Operations requests that the Civil Service Commission order the Jersey City Redevelopment Agency to return the April 21, 2011 certification of the eligible list for Project Coordinator, Redevelopment (M1011L) for proper disposition.

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

B-41 JOSEPH ALLEN

The appeal of Joseph Allen, a Cottage Training Technician with North Jersey Developmental Center, Department of Human Services, of his removal, effective February 10, 2011, on charges, was heard by Administrative Law Judge Kimberly A. Moss (ALJ), who rendered her initial decision on January 24, 2012. At its meeting on March 7, 2012, the Civil Service Commission (Commission) adopted the ALJ's recommendation to modify the removal to a 120 working day suspension. However, the Commission found it necessary to address the exceptions and cross exceptions filed by the parties. The proposed decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the decision.

B-42 JAMES GILLESPIE

The appeal of James Gillespie, a former Road Repairer with Cape May County, of his 120 calendar day suspension, on charges, was heard by Administrative Law Judge Bruce M. Gorman (ALJ), who rendered his initial decision on January 26, 2012. At its meeting on March 7, 2012, the Civil Service Commission (Commission) did not adopt the ALJ's recommendation to modify the 120 calendar day suspension to a one-day suspension. Rather, the Commission remanded the matter to the Office of Administrative Law for further proceedings. The proposed decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the decision.

B-43 STEPHANIE MYRICKS, ET AL.

The appeals of Stephanie Myricks, a former Senior Account Clerk, Waddell Jefferson, a former Code Enforcement Officer, and Adrienne Anderson, a former Recreation Leader, with Willingboro, of the good faith of their layoffs, effective August 9, 2010, for reasons of economy and efficiency, were heard by Administrative Law Judge Susan M. Scarola (ALJ), who rendered her initial decision on January 24, 2012. At its meeting on March 7, 2012, the Civil Service Commission (Commission) adopted the ALJ's recommendation to uphold the layoffs. However, the Commission found it necessary to address the exceptions and cross exceptions filed by the parties. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

B-44 BERNARD SMALL

The appeal of Bernard Small, a Senior Building Maintenance Worker with New Jersey City University, Department of Higher Education, of his removal, effective March 16, 2011, on charges, was heard by Administrative Law Judge Leslie Z. Celentano (ALJ), who rendered her initial decision on January 13, 2012. At its meeting on March 7, 2012, the Civil Service Commission (Commission) adopted the ALJ's recommendation to uphold the removal. However, the Commission found it necessary to address the exceptions and cross exceptions filed by the parties. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

B-45 CORNELIUS BARKER

Cornelius Barker petitions the Civil Service Commission for reconsideration of its decision rendered on July 27, 2011 in which the Commission determined that Mr. Barker was ineligible for the Assistant Director of Social Rehabilitation Services (PC0147N), Hudson County, promotional examination.

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

B-46 ISAIAH KNOWLDEN

The Department of Human Services, represented by Christopher J. Hamner, Deputy Attorney General, requests reconsideration of the Civil Service Commission decision rendered on October 5, 2011, which modified the removal of Isaiah Knowlden, a Human Services Assistant with Trenton Psychiatric Hospital, to a six-month suspension.

ACTION: The Civil Service Commission directed that this request for reconsideration be granted, but it affirmed the prior decision to modify the penalty.

B-47 RAMON RAMOS

Ramon Ramos, a Police Officer with the City of Passaic, requests reconsideration of the decision rendered on May 18, 2011, which found that his appeals of the good faith of his layoff and the determination of his title rights by the Division of State and Local Operations were untimely.

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

B-48 SUSAN SPIRIDIGLIOZZI

Susan Spiridigliozi, represented by Robert O. Yaeger, Principal Staff Representative, CWA Local 1034, requests reconsideration of the decision of the Civil Service Commission, rendered on November 22, 2011, which found that the effective date of reclassification of her position from Medical Services Assistant to Medical Records Technician was January 30, 2010.

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

B-49 TOWNSHIP OF JACKSON TEMPORARY LAYOFFS

The Transport Workers Union of America, AFL-CIO, Local 225, Branch 4, on behalf of its members, represented by Jeffrey R. Caccese, Esq., petitions for reconsideration of the final decision rendered on June 15, 2011, which denied its appeal of the temporary layoffs of employees in the Township of Jackson of 48 days, beginning January 7, 2011 and ending December 30, 2011.

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

B-50 EVELYN ACOSTA

Evelyn Acosta appeals the determination of the Division of Selection Services that, per the substitution clause for education, she did not meet the experience requirement for the promotional examination for Personnel Assistant 2 (PS1384K), Department of Human Services.

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

B-51 SALAH M. ALI

Salah M. Ali appeals the determination of the Division of Selection Services which found that he did not meet the requirements for the promotional examination for Senior Technician, Management Information Systems (PS4509K), Department of Human Services.

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

B-52 TIERRA L. ARMSTRONG, ET AL.

Tierra L. Armstrong, Alice M. Tozzi, and Heidy Vega appeal the determinations of the Division of Selection Services which found that they did not meet the requirements for the promotional examination for Personnel Aide 1 (PS3029K), Department of Children and Families.

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

B-53 KYTRIA FAISON AND ELIZABETH LORENZO

Kytria Faison and Elizabeth Lorenzo appeal the determinations of the Division of Selection Services which found that they were below the minimum requirements in experience for the promotional examination for Coordinator of Contractual Operations (PC0683N), Essex County.

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

B-54 STEVEN T. HIPPS

Steven T. Hipps appeals the determination of the Division of Selection Services which found that he did not meet the requirements for the promotional examination for Management Information Systems (MIS) Coordinator (PS3849H), Department of Health and Senior Services.

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

B-55 CONNIE JANOWSKI

Connie Janowski 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 Keyboarding Clerk 2 (PM0546N), Woodbridge Township.

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

B-56 PATSY P. LOUKIDES

Patsy P. Loukides appeals the determination of the Division of Selection Services which found that she did not meet the requirements for the promotional examination for Chief, Contract Administration Section (PS3668I), State Parole Board.

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

B-57 JAMES C. MITCHELL, III

James C. Mitchell, III appeals the determination of the Division of Selection Services which found that he did not meet the requirements for the promotional examination for Senior Technician, Management Information Systems (PS4509K), Department of Human Services.

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

B-58 CRYSTAL RAUPP

Crystal Raupp 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 Social Work Supervisor 1, Secured Facilities (PS2592I), Department of Corrections.

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

B-59 MELODY TAMBUSI

Melody Tambussi appeals the determination of the Division of Selection Services which found that she did not meet the open-competitive requirements for the promotional examination for Senior Clerk Transcriber (PS5245G), Department of Environmental Protection.

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

B-60 JOANNA WERNER

Joanna Werner appeals the determination of the Division of Selection Services which found that she did not meet the requirements for the promotional examination for Technical Assistant 3 (PS3426G), Department of Environmental Protection.

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

B-61 ERIC P. WOJCIECHOWSKI

Eric P. Wojciechowski appeals the determination of the Division of Selection Services which found that he did not meet the requirements for the promotional examination for Supervisor Public Works (PM0214N), Seaside Park.

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

B-62 VIRGIL DOWTIN III

Virgil Downtin III appeals his score for the promotional examination for Chief of Investigations (PS3649L), Department of Law and Public Safety.

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

B-63 SALARY REGULATIONS: FY 2011, SUPPLEMENT 1; FY 2012, SUPPLEMENT 1

Submitted for the Civil Service Commission's review are the Salary Regulations for Fiscal Year 2011, Supplement 1; and FY 2012, Supplement 1. These pertain to the addition of the title of Principal Engineer, Mechanical (16894), to the list of titles in which incumbent employees are eligible to serve as Residents on construction projects for the Department of Transportation. "Resident" is defined in the Salary Regulations. The Salary Regulations have been approved by Robert M. Czech, Chair/CEO, Civil Service Commission, and Charlene M. Holzbaur, Director, Office of Management and Budget. It is recommended that the Commission record these Salary Regulations.

ACTION: The Civil Service Commission recorded the regulations.

B-64 PROPOSED AMENDMENT: N.J.A.C. 4A:3-4.10, DEMOTIONAL PAY ADJUSTMENTS: STATE SERVICE

Submitted for the Commission's approval is a Notice of Adoption of a proposed amendment to *N.J.A.C. 4A:3-4.10*, Demotional pay adjustments: State service. The proposed amendment would delete language prohibiting an employee from receiving a "salary advantage" in certain voluntary demotional situations and replace it with a statement prohibiting the rule to be used to gain a "salary increase," unless one of two exceptions is met. A further change to the rule would prevent some individuals from "gaming" the system by taking a demotion after serving only four months in a title in order to receive a higher salary than the employee had earned when previously serving in the demotional title. No comments were received during the public comment period. Therefore, it is recommended that this proposal be adopted without change.

ACTION: The Civil Service Commission adopted the amendment.

**B-65 PROPOSED AMENDMENT: N.J.A.C. 4A:4-7.1A,
INTERGOVERNMENTAL TRANSFERS**

Submitted for the Commission's approval is a Notice of Adoption of a proposed amendment to *N.J.A.C. 4A:4-7.1A*, Intergovernmental transfers. The amendment would expand the time frame, to one year from the current 90 days, within which a laid-off civil service employee may receive an intergovernmental transfer. Additionally, *N.J.A.C. 4A:4-7.1A(b)1* would be changed, in light of the new New Jersey residency law, to state that a civilian transferring employee will be subject to the law if the employee has been laid off for a period of more than seven days. No amendment regarding residency is necessary for police and fire positions because these are already subject to a New Jersey residency requirement. No comments were received during the public comment period. Therefore, it is recommended that this proposal be adopted without change.

ACTION: The Civil Service Commission adopted the amendment.

B-66 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of March 7, 2012.

ACTION: The Civil Service Commission adopted the minutes of its meeting of March 7, 2012.

B-67 The Division of State and Local Operations requests the inactivation of 78 titles used by various local government jurisdictions.



MEMORANDUM

DATE: March 7, 2012
TO: Civil Service Commission
FROM: Kenneth Connolly, Director
State and Local Operations *[Signature]*
SUBJECT: Change in Classification Plan

TITLE INACTIVATIONS

The Division of State and Local Operations requests the inactivation of the following 78 local titles. The titles have been unencumbered between one and three years, and there are no plans for future use. Some of the functions once classified by these titles no longer exist.

Local Appointing Authorities have been given the opportunity to review this proposal.

This action will be effective the first full pay period after approval by the Civil Service Commission.

TITLES TO BE INACTIVATED

Maintenance Engineer
02325 C

Assistant Engineer Highways
00521 C

Supervising Engineer Bridges
04708 C

Chief Engineer Parks
06283 C

Director of Engineering
07162 C

Environmental Health Specialist Hazardous Substances
07502 C

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Program Coordinator Hazardous Material
07951 C

Microbiologist
02501 C

Public Health Epidemiologist Apprentice
02911 C

Public Health Planner Apprentice
01448 C

Assistant Planner Parks
05650 C

Executive Director Human Relations Commission
01783@ C

Tenant Advisor
05671 C

Relocation Claims Assistant Typing
07080 C

Senior Recovery Assistant Detoxification Unit
05245 C

Principal Youth Group Worker
07696 C

Employee Assistance Counselor
05377 C

Chief Occupational Therapist
01162 C

Occupational Therapist Supervisor
02566 C

Senior Occupational Therapist
03483 C

Physical Therapist Supervisor
02672@ C

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Public Health Nurse Trainee
02661@ C

Director of the Bureau of Narcotics
05891 U

Program Coordinator Maternal and Child Health
07453 C

Training Officer Juvenile Detention
07628 C

Institutional Trade Instructor Cook
02129 C

Medical Librarian
02467 C

First Assistant Corporation Counsel
01854 U

Counsel County Welfare Agency
01383@ U

Legal Assistant County Welfare Agency
06325 U

Musician
02585 N

County Auditor
01391@ U

Chief Tax Auditor
01217 C

Assistant Coordinator for Federal And State Aid
00435 C

Member and Secretary Board Of Adjustment
02484 U

Chairperson Rent Control Board
07089 U

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Member and Clerk Board of Assessors
02482 U

Member and Secretary Board of Assessors
02485 U

Confidential Agent
01335 U

Chief Analyst City Clerk
01013 C

Personnel Aide Stenography
05128 C

Supervisor Job Development
03963@ C

Food Service Inspector
01860 C

Supervising Fire Protection Inspector
05051 C

Senior Fire Protection Inspector
05052 C

Assistant Tax Research Examiner and Investigator
00793 C

Fire Protection Inspector Trainee
07805 C

Supervising Assessing Clerk
03852@ C

Deputy Clerk Board of Elections
01491 C

Court Clerk Probate
05090 C

Senior Statistical Typist
03595 C

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Senior Central Supply Aide
03239 C

Supervisor of Hospital Stores
04026 C

Senior Emergency Medical Technician Dispatcher
05513 C

Supervisor Laundry
06428 C

Laundry Supply Supervisor
06401 C

Inspector Gypsy Moth Control
02103 C

Assistant Supervisor of Custodians
00763@ C

Senior Childrens Supervisor
03243 C

Chief Security Officer
01210 C

Chief of County Detectives
01165 C

Sergeant of County Detectives
03662@ C

Chief Identification Officer
01140 C

Institution Fire Chief
02109 C

Arson Investigator
04887 C

Senior Arson Investigator
04888 C

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Transformer and Electromobile Equipment Maintainer Trainee
06024 C

Assistant General Supervisor Water Meter Repair
06849 C

Fire Signal System Superintendent U.F.D.
05881 C

Senior Locksmith
05232 C

Superintendent of Electrical Bureau
03823 C

Supervising Sheet Metal Worker
06921 C

Supervising Maintenance Repairer Electrical
07342 C

Principal Artificial Ice Rink Refrigeration Engineer
02761 C

Emergency Water Service Worker
05633 C

Superintendent of Bridges
06582 C

Senior Stationary Engineer
03594 C

Superintendent of Watershed
03842 C

KC/JMM/BP/PM

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

- B-68** The Department of Law and Public Safety requests the restructuring and renaming of its existing attorney titles, title consolidation and elimination, and the establishment of single rate titles.



MEMORANDUM

DATE: March 29, 2012
TO: The Civil Service Commission
FROM: Kenneth Connolly, Director
State and Local Operations *Kenneth Connolly*
SUBJECT: Change in the State Classification and Compensation Plan

DEPARTMENT OF LAW AND PUBLIC SAFETY

The Department of Law and Public Safety (L&PS) requests the restructuring of its attorney titles to provide clarity, uniformity and flexibility within its Divisions, as well as provide the Department with the ability to operate more efficiently and cost effectively. The restructuring involves the creation of new titles, the restructuring and renaming of existing titles, title consolidation and elimination, and the establishment of single rate titles. All new titles are proposed to be in the unclassified service pursuant to N.J.S.A. 11A:3-4(g).

The restructuring is summarized as follows:

- 1.) The Deputy Attorney General (DAG) title series, presently consisting of five (5) unclassified titles, is proposed to be consolidated into a single title called Deputy Attorney General. The proposed new structure provides the Department with the flexibility to assign staff as needed and compensate employees at levels appropriate to their responsibilities and performance. Existing incumbents will be reclassified into the new title and will experience no adverse impact by this action. The initial salary will be capped at \$95,000 and the salary range will be negotiated by the Governor's Office of Employee Relations.
- 2.) The Assistant Deputy Attorney General (ADAG) title series, presently consisting of three (3) titles allocated to the non-competitive division of the career service, will be consolidated into a single title called Assistant Deputy Attorney General. Existing incumbents will be reclassified into the new title and will experience no adverse impact by this action which will allow the Department to compensate employees at levels appropriate to their responsibilities and performance.

The ADAG title series was created in November of 2004. However, research indicates that two levels within the series were never utilized by the Department. Thus, the continued need for three levels is not evident.

- 3.) Eight (8) new unclassified titles are requested to streamline operations. It is proposed that all but one of the new titles be single rate, and the remaining title, OAG Assistant Attorney General, be a no-range title, with a salary not to exceed \$130,000.

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The proposed single rate titles and salaries are:

- Executive Assistant Attorney General \$139,000
- Counsel to the Attorney General \$139,000
- Deputy Counsel to the Attorney General \$132,000
- Director, Office of Insurance Fraud Prosecutor \$135,000
- Director, Office of Law Enforcement Professional Standards \$117,000
- Section Chief, Law & Public Safety:
 - effective July 1, 2012 \$95,000
 - effective January 1, 2013 \$105,000
 - effective July 1, 2013 \$115,000
 - those employees appointed to the title Section Chief:
 - whose current salaries exceed \$115,000 shall remain at their current salary until the authorized salary for the title Section Chief exceeds their current salary, at which time their salary shall be increased to the higher amount;
 - whose current salaries are below \$115,000 but above \$105,000 shall remain at their current salary until July 1, 2013 at which time their salary shall be increased to \$115,000;
 - whose current salaries are below \$105,000 but above \$95,000 shall remain at their current salary until January 1, 2013 at which time their salary shall be increased to \$105,000;
 - whose current salaries are below \$95,000 shall receive a salary increase to \$95,000 effective July 1, 2012.
- Assistant Section Chief, Law & Public Safety:
 - effective July 1, 2012 \$85,000
 - effective January 1, 2013 \$95,000
 - effective July 1, 2013 \$105,000
 - those employees appointed to the title Assistant Section Chief:
 - whose salaries exceed \$105,000 shall remain at their current salary until the authorized salary for the title Assistant Section Chief exceeds their current salary, at which time their salary shall be increased to the higher amount;
 - whose current salaries are below \$105,000 but above \$95,000 shall remain at their current salary until July 1, 2013 at which time their salary shall be increased to \$105,000;
 - whose current salaries are below \$95,000 but above \$85,000 shall remain at their current salary until January 1, 2013 at which time their salary shall be increased to \$95,000;
 - whose current salaries are below \$85,000 shall receive a salary increase to \$85,000 effective July 1, 2012.

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4.) The establishment of three (3) unclassified, single rate titles is requested to replace the existing unclassified title, Assistant Attorney General (M40-30378). The proposed new titles and their respective salaries are:

- Assistant Attorney General 3
 - effective July 1, 2012 \$120,000
 - effective January 1, 2013 \$130,000
 - those employees appointed to the title Assistant Attorney General 3:
 - whose salaries exceed \$130,000 shall remain at their current salary until the authorized salary for the title Assistant Attorney General 3 exceeds their current salary, at which time their salary shall be increased to the higher amount;
 - whose current salaries are below \$130,000 but above \$120,000 shall remain at their current salary until January 1, 2013 at which time their salary shall be increased to \$130,000;
 - whose current salaries are below \$120,000 shall receive a salary increase to \$120,000 effective July 1, 2012.
- Assistant Attorney General 2
 - effective July 1, 2012 \$120,000
 - effective January 1, 2013 \$128,000
 - those employees appointed to the title Assistant Attorney General 2:
 - whose salaries exceed \$128,000 shall remain at their current salary until the authorized salary for the title Assistant Attorney General 2 exceeds their current salary, at which time their salary shall be increased to the higher amount;
 - whose current salaries are below \$128,000 but above \$120,000 shall remain at their current salary until January 1, 2013 at which time their salary shall be increased to \$128,000;
 - whose current salaries are below \$120,000 shall receive a salary increase to \$120,000 effective July 1, 2012.
- Assistant Attorney General 1
 - effective July 1, 2012 \$120,000
 - effective January 1, 2013 \$126,000
 - those employees appointed to the title Assistant Attorney General 1:
 - whose salaries exceed \$126,000 shall remain at their current salary until the authorized salary for the title Assistant Attorney General 1 exceeds their current salary, at which time their salary shall be increased to the higher amount;
 - whose current salaries are below \$126,000 but above \$120,000 shall remain at their current salary until January 1, 2013 at which time their salary shall be increased to \$126,000;
 - whose current salaries are below \$120,000 shall receive a salary increase to \$120,000 effective July 1, 2012.

The title Assistant Attorney General (M40-30378) will be inactivated upon movement of all existing incumbents to the new titles.

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5.) Five (5) unclassified, managerial titles are proposed to be reassigned from their current salary ranges to become single rate titles at the salaries listed below:

- First Assistant Attorney General (M44-30368) \$139,000
- Director Division of Criminal Justice (M43-30558) \$138,000
- Director Division of Law (M43-30388) \$138,000
- Director Division of Gaming Enforcement (M43-30559) \$134,000
- Director Division of Alcoholic Beverage Control (M41-31358) \$130,000

The final Employee Relations Groups for the new titles will be determined by the Office of Employee Relations.

The appropriate negotiations representatives were notified of these plans.

ESTABLISHMENT OF NEW TITLES:

Effective: Changes will be effective April 21, 2012.

Assistant Attorney General 3 (TBD)99_#####	Unclassified	C	NL/12
Assistant Attorney General 2 (TBD)99_#####	Unclassified	C	NL/12
Assistant Attorney General 1 (TBD)99_#####	Unclassified	C	NL/12
Assistant Section Chief, Law & Public Safety (TBD)99_#####	Unclassified	C	NL/12
Section Chief, Law & Public Safety (TBD)99_#####	Unclassified	C	NL/12
Executive Assistant Attorney General (TBD)99_#####	Unclassified	C	NL/12
Deputy Counsel to the Attorney General (TBD)99_#####	Unclassified	C	NL/12
Counsel to the Attorney General (TBD)99_#####	Unclassified	C	NL/12
Director, Office of Insurance Fraud Prosecutor (TBD)99_#####	Unclassified	C	NL/12
Director, Office of Law Enforcement Professional Standards (TBD)99_#####	Unclassified	C	NL/12
OAG, Assistant Attorney General (TBD)98_#####	Unclassified	C	NL/12

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CHANGE IN SALARY RANGE:

Effective: Changes will be effective April 21, 2012.

FROM:	TO:
Director Division of ABC M41-31358 Unclassified C NL/12	Director Division of ABC M99-31358 Unclassified C NL/12
Director Division of Criminal Justice M43-30558 Unclassified C NL/12	Director Division of Criminal Justice M99-30558 Unclassified C NL/12
Director Division of Law M43-30388 Unclassified C NL/12	Director Division of Law M99-30388 Unclassified C NL/12
Director Div. of Gaming Enforcement M43-30559 Unclassified C NL/12	Director Div. of Gaming Enforcement M99-30559 Unclassified C NL/12
First Assistant Attorney General M44-30368 Unclassified C NL/12	First Assistant Attorney General M99-30368 Unclassified C NL/12

TITLE RESTRUCTURING, TITLE VERBIAGE & MOVEMENT OF INCUMBENTS:

Effective: Changes will be effective April 21, 2012.

FROM:	TO:
Deputy Attorney General 1 Z38-30468 Unclassified C NL/12	Deputy Attorney General Z98_#### Unclassified C NL/12
Deputy Attorney General 2 Z35-30467 Unclassified C NL/12	⇒
Deputy Attorney General 3 Z33-30469 Unclassified C NL/12	⇒
Deputy Attorney General 4 Z30-30466 Unclassified C NL/12	⇒
Deputy Attorney General 5 Z25-30465 Unclassified C NL/12	⇒
Assistant Deputy Attorney General 1 M40-30458 NC C NL/12	Assistant Deputy Attorney General M98_#### NC C NL/12
Assistant Deputy Attorney General 2 M35-30457 NC C NL/12	⇒
Assistant Deputy Attorney General 3 M30-30456 NC C NL/12	⇒

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TITLE INACTIVATION:

Effective: Changes will be effective subsequent to the movement of all existing incumbents.

Assistant Attorney General
M40-30378 Unclassified C NL/12

KC/JM/GB

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

B-69 LABORER, DEPARTMENT OF NEIGHBORHOOD AND RECREATIONAL SERVICES, NEWARK

Newark's failure to comply with the agency's determination of title rights for the title of Laborer in the Department of Neighborhood and Recreational Services for the December 23, 2010 layoff is before the Civil Service Commission for review.

ACTION: The Civil Service Commission ordered Newark to immediately separate three employees and provide relevant information to this agency.

B-70 2011 FIRE CAPTAIN EXAMINATION, CITY OF LINDEN

The Firemen's Mutual Benevolent Association, Local 234, represented by Craig Gumpel, Esq., appeals the decision by the Division of Selection Services to permit the City of Linden to opt out of the 2011 Fire Captain promotional examination process.

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

B-71 ADOPTED AMENDMENT: N.J.A.C. 4A:4-4.8, DISPOSITION OF A CERTIFICATION

Submitted for the Civil Service Commission's (Commission) approval is a Notice of Adoption to amend *N.J.A.C. 4A:4-4.8*, Disposition of a certification. The proposed amendment would delete paragraph (b)4 of the rule, which now provides that, in disposing of a certification of an eligible list under the "rule of three," an appointing authority must provide a statement of reasons to the Commission as to why an appointee was selected instead of a higher-ranked eligible, or an eligible in the same rank due to a tied score. The amendment deleting the requirement of a statement of reasons is proposed in light of the recent New Jersey Supreme Court decision in *In the Matter of Nicholas R. Foglio, Fire Fighter (M2246D)*, *Ocean City*, 207 N.J. 38 (2011), and also due to the fact that the provision has not fulfilled its function of ensuring merit-based appointments. Ten comments were received during the comment period; one comment expressed support for the proposal, while the remaining comments expressed opposition to the proposal. However, for the reasons explained in the Notice of Adoption, it is recommended that this proposal be adopted without change.

ACTION: The Civil Service Commission adopted the amendment.

B-72 SHANNON DALTON, ET. AL.

Shannon Dalton, Kelly Glenn, Ernie Guia, Janet Hoesly, Christopher Myers, Elizabeth Rosenthal, Dulce Sulit-Villamor, Megan Timmins, and John Tartaglia appeal the determination of the Office of Classification and Compensation in the Division of State and Local Operations denying their request to have the education requirements of the Personnel & Labor Analyst title series revised to require a Juris Doctorate degree for all titles above Trainee and to have the class codes of those titles commensurately increased to reflect the proposed revision.

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

VOTE: **Robert M. Czech** **(Recused- the appellants are CSC employees)**
 Thomas J. Perna **(Yes)**
 Richard E. Williams **(Yes)**

B - 73 SHANNON DALTON, ET. AL.

Shannon Dalton, Cheryl Gane, Kelly Glenn, Ernie Guia, Janet Hoesly, Christopher Myers, Elizabeth Rosenthal, Bob Schremser, Dulce Sulit-Villamor, John Tartaglia, and Megan Timmins appeal the determination of the Office of Classification and Compensation in the Division of State and Local Operations which determined that the Personnel & Labor Analyst title series was not entitled to an increased salary range.

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

VOTE: **Robert M. Czech** **(Recused- the appellants are CSC employees)**
 Thomas J. Perna **(Yes)**
 Richard E. Williams **(Yes)**

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Wednesday, April 18, 2012, at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

Robert M. Czech
Chairperson
Civil Service Commission