



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
MAY 16, 2012**

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

May 16, 2012

A regular meeting of the Civil Service Commission was held on Wednesday, May 16, 2012, in Trenton, New Jersey.

PRESENT: Robert M. Czech, Chairperson, Members Robert E. Brenner, 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.

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:

Wayne Awald, Principal Planner, City of Plainfield, Department of Public Works and Urban Development, layoff 2010.

Errol Collins, Income Maintenance Technician, Department of Health and Senior Services, removal.

Ivette Fagundo, Judiciary Clerk 2, Superior Court of New Jersey – Middlesex Vicinage, release at the end of the working test period.

Susan Franko, Registered Environmental Health Specialist, City of Plainfield, Department of Administration and Finance, layoff 2010.

Najee Jenkins, Public Safety Telecommunicator, City of Trenton, Police Department, suspension.

Monica Johnson, Senior Program Analyst, City of Plainfield, Department of Public Works and Urban Development, layoff 2010.

Jessica Muhammad, Principal Clerk Typist, City of Plainfield, Department of Public Works and Urban Development, layoff 2010.

Elyse Regis, Graduate Nurse, Hudson County, Department of Corrections, release at the end of the working test period.

Adam Shang, Judiciary Clerk 2, Superior Court of New Jersey – Middlesex Vicinage, release at the end of the working test period.

George Warrington, Senior Correction Officer, South Woods State Prison, Department of Corrections, removal.

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

Patricia Ackley, Senior Probation Officer, Superior Court, Atlantic County Vicinage, suspension.

Stephen Alaimo, Correction Lieutenant, New Jersey State Prison, Department of Corrections, suspension.

Michelle L. Aspis, Keyboarding Clerk 2, Holmdel Township, Department of Health and Welfare, layoff.

John Blackmire, Laborer 1, Lakewood Township, Department of Public Works, removal.

Terry O. Booker, General Supervisor Water, City of Trenton, Department of Public Works, removal.

Corey Caldwell, Senior Correction Officer, Adult Diagnostic and Treatment Center, Department of Corrections, removal.

Jaclynne Callands, Senior Clerk Transcriber, City of Plainfield, Department of General Government, layoff.

Kenneth Donahauser, Senior Administrative Analyst, City of Plainfield, Department of Public Works and Urban Development, layoff.

Lisa Ehrhardt, Public Safety Telecommunicator, Township of Parsippany-Troy Hills, Police Department, removal.

Thomas J. Graham, III, Weighmaster, Morris County Utilities Authority, layoff.

Rachel Jackson, Judiciary Clerk 4, Morris/Sussex Vicinage, removal.

Naitwante McKenzie, Receptionist, Burlington County Board of Social Services, suspension.

Merai Pimentel, Police Officer, City of Camden, Police Department, removal.

George Ruiz, Sheriff's Officer, Essex County, Sheriff's Department, suspension.

Steven Soto, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, resignation not in good standing.

Cassandra Smith, Police Captain, City of Camden, Police Department, removal.

Brian Wozniak, County Correction Officer, Department of Public Safety, release at the end of the working test period.

Kimberly Wright, Security Guard, Jersey City School District, suspension.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Shirley Clark
Department of Children and Families
Suspensions (2)

In the Matter of Luis Diaz and Derek Markgraf
East Jersey State Prison
Department of Corrections
Suspension

In the Matter of Kevin Diggs
Hudson County
Department of Parks Engineering and Planning
Suspensions (3)

In the Matter of Kyle Frye
Cumberland County
Department of Corrections
Removal

In the Matter of Caroline B. Johnson
New Lisbon Developmental Center
Department of Human Services
Removal

In the Matter of Tina Larbi
Hunterdon Developmental Center
Department of Human Services
Removal

In the Matter of Irene May
Motor Vehicle Commission
Release at the end of the working test period

In the Matter of Mary Niemiec
Juvenile Justice Commission
Department of Law and Public Safety
Suspension

In the Matter of Nwamaka Onyeogo
Department of Children and Families
Release at the end of the working test period

In the Matter of Ateba Patterson
Trenton Psychiatric Hospital
Department of Human Services
Suspension

In the Matter of Charles Peters
Mercer County
Department of Public Safety
Removal

In the Matter of Noe Saint Juste
Trenton Psychiatric Hospital
Department of Human Services
Suspension

In the Matter of John Schutts
Warren County
Department of Public Safety
Suspension and Demotion

In the Matter of Barry Stewart
Department of Environmental Protection
Removal

In the Matter of Nykechi Taylor
City of Newark
Police Department
Suspension

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

ACTION: The Civil Service Commission acknowledged the settlements.

A-2 JEOMAR ALICEA

Jeomar Alicea, Senior Correction Officer, Albert C. Wagner Youth Correctional Facility, Department of Corrections, 30 working day suspension on charges of conduct unbecoming a public employee, other sufficient cause and neglect of duty.

Recommendation of the Administrative Law Judge – Modify the 30 working day suspension to a three working day suspension.

ACTION: The Civil Service Commission modified the recommendation of the Administrative Law Judge and imposed a 10 working day suspension.

A-3 JAMES CAPUANO

James Capuano, Senior Correction Officer, Garden State Correctional Facility, Department of Corrections, 60 working day suspension on charges of neglect of duty, other sufficient cause and failure to wear or removing protective vest while on duty.

Recommendation of the Administrative Law Judge – Modify the 60 working day suspension to a five working day suspension.

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

A-4 STACIE PERCELLA

Stacie Percella, Deputy Registrar Vital Statistics/Principal Clerk Typist, City of Bayonne, Department of Municipal Services, 60 working day suspension, on charges of conduct unbecoming a public employee, misuse of public property and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the 60 working day suspension.

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

VOTE:

Robert M. Czech	(Abstained)
Robert E. Brenner	(Yes)
Thomas J. Perna	(Yes)
Richard E. Williams	(Yes)

A-5 JOHN CHIKOWSKI

John Chikowski, Graduate Nurse, Hudson County, Department of Health and Human Services, removal effective November 30, 2010, on charges of conduct unbecoming a public employee, neglect of duty, unfit for duty 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-6 TIANA LOWE

Tiana Lowe, Juvenile Detention Officer, Essex County, Department of Citizen Services, removal effective March 31, 2011, on charges of failure to perform duties, insubordination, conduct unbecoming a public employee, neglect of duty, other sufficient cause and unfit for duty.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-7 DANNY MCCRONE

Danny McCrone, Senior Park Ranger, Middlesex County, Department of Parks and Recreation, removal effective August 31, 2011, on charges of 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-8 DERRICK MCNAIR

Derrick McNair, Hospital Attendant, Hudson County, Department of Health and Human Services, removal effective February 3, 2012, on charges of conduct unbecoming a public employee, neglect of duty, insubordination, other sufficient cause and lateness.

Recommendation of the Administrative Law Judge – Modify the removal to a six-month suspension.

ACTION: The Civil Service Commission rejected the recommendation of the Administrative Law Judge and upheld the removal.

VOTE:

Robert M. Czech	(Yes)
Robert E. Brenner	(No)
Thomas J. Perna	(Yes)
Richard E. Williams	(Yes)

A-9 PRECIOUS QUAYE

Precious Quaye, Human Services Assistant, New Lisbon Developmental Center, Department of Human Services, removal effective March 25, 2011, on charges of mental abuse of a client, mistreatment of a client, violation of a rule, regulation, policy, procedure, order or administrative decision, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-10 ROBERT RUFFIN

Robert Ruffin, Institutional Trade Instructor 2, Ancora Psychiatric Hospital, Department of Human Services, 15-day suspension on a variety of charges.

Recommendation of the Administrative Law Judge – Dismiss the appellant's appeal, sever the PERC matter and return it to that agency for further disposition.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge and adopted the final decision.

SECTION B – MISCELLANEOUS MATTERS

- B-1** The Department of Law and Public Safety, Division of State Police, requests the creation of two new variant titles to classify the duties appropriate for the supervision and repair of marine vessels and equipment.

**MEMORANDUM**

DATE: April 3, 2012
TO: Civil Service Commission
FROM: Kenneth Connolly, Director
State and Local Operations *Kenneth Connolly*
SUBJECT: Change in the State Classification Plan

DEPARTMENT OF LAW AND PUBLIC SAFETY

The Department of Law and Public Safety, Division of State Police, seeks the creation of two new variant titles to classify the duties appropriate for the supervision and repair of marine vessels and equipment.

The Marine Services Bureau in the Division of State Police maintains a fleet of patrol vessels and equipment, and employs a staff of Marine Mechanics to perform maintenance and repair functions. Supervisory functions were previously performed by enlisted personnel, who were recently returned to their law enforcement roles. It is necessary to staff the positions vacated by enlisted personnel with civilian employees in appropriate titles.

Staff reviewed the duties and certifications needed to perform these functions. While the basic duties are similar to existing mechanic titles, the certifications and training differ. Thus, we are unable to incorporate these functions into existing mechanic specifications, and recommend the creation of variant titles.

The appropriate negotiations representatives were notified of these plans.

The effective date is requested to coincide with the pay period in which the above mentioned redeployment will occur.

TITLE CREATION:

Effective: 03-24-12

Crew Supervisor, Garage Operations, Marine
R24-43805__ Competitive C 40/12

Master Mechanic, Marine
R25-43746__ Competitive C N4/12

KC/JM/BP

www.state.nj.us/csc

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

- B-2** The Division of State and Local Operations requests that the Human Resource Consultant 4 title be designated as archaic.



MEMORANDUM

DATE: April 23, 2012
TO: Civil Service Commission
FROM: Kenneth Connolly, Director
State and Local Operations
SUBJECT: Change in the Classification Plan

CIVIL SERVICE COMMISSION

The Division of State and Local Operations requests the designation as archaic of the title Human Resource Consultant 4 (40449).

This title is assigned for use by the Civil Service Commission and the Department of the Treasury. We have determined that there is need within the Human Resource Consultant title series for only four levels, plus a Trainee, instead of the current five levels and Trainee. The superfluous level has been identified as Human Resource Consultant 4, thus we believe it is inappropriate to allow additional appointments to this title.

There are currently four incumbents serving in this title, two each in CSC and Treasury. These employees will be permitted to remain in the title, however at such time as they vacate it their positions will be reclassified to Human Resource Consultant 3.

The effective date of this title action will be the first pay period that follows the Commission's approval of the action.

TITLE MADE ARCHAIC

Human Resource Consultant 4
Y27-40449 C 02 NL/12

KC/JM

www.state.nj.us/csc

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

VOTE:

Robert M. Czech	(Abstained)
Robert E. Brenner	(Yes)
Thomas J. Perna	(Yes)
Richard E. Williams	(Yes)

B-3 ROBBIN CONOVER

Robbin Conover, a Correction Lieutenant at Albert C. Wagner Youth Correctional Facility, Department of Corrections, represented by Samuel M. Gaylord, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-4 RAUL YEPEZ

Raul Yepez, a Senior Correction Officer for Juvenile Justice Commission, 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 in part.

B-5 DONALD MITCHELL

Donald Mitchell, represented by Annette Verdesco, Esq., seeks resolution of a dispute concerning back pay and benefits arising from the decision of the Civil Service Commission, *In the Matter of Donald Mitchell (CSC, decided March 16, 2011)*, which reversed his removal and resignation not in good standing as a County Correction Sergeant with Hudson County.

ACTION: The Civil Service Commission directed that this appeal be granted in part and ordered Hudson County to pay Donald Mitchell \$193,047.50 in back pay and compensate him with appropriate benefits.

B-6 RISHI RAKSHPAL

Rishi Rakshpal, a former Code Enforcement Officer with the City of Newark, represented by Sidney H. Lehmann, Esq., petitions the Civil Service Commission for interim relief of his removal.

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

B-7 TATYANA VAYNSHTEYN

Tatyana Vaynshteyn, a former employee in the unclassified Tentative Title, Professional Case, with the Middlesex Vicinage, Superior Court of New Jersey, represented by Linda Geiger Kern, Esq., requests a hearing regarding her removal from employment, effective April 13, 2011.

ACTION: The Civil Service Commission referred this matter to the Office of Administrative Law for a hearing.

B-8 HARRY CREO

Harry Creo, represented by William D. Sayers, Esq., appeals the determination by the Division of State and Local Operations, which found that the appointing authority had presented a sufficient basis to remove his name from the County Correction Officer (S9999H), Essex County eligible list due to falsification of his pre-employment application.

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

B-9 CARL JONES

Carl Jones, a former Senior Building Maintenance Worker with Trenton Psychiatric Hospital, represented by Timothy J. Rudolph, President, Local 195, International Federation of Professional & Technical Engineers, requests that the Civil Service Commission reinstate his appeal of his three removals effective September 12, 2011, which were dismissed based on his failure to appear at his early settlement conference.

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

B-10 KEVIN GRIBBON

The Department of the Treasury requests that the Civil Service Commission authorize the promotion of Kevin Gribbon from the non-competitive title of Clerk to the competitive title of Technical Assistant 2, Treasury pursuant to *N.J.A.C. 4A:4-1.1(c)2*. It also requests that the Commission accept Mr. Gribbon's out-of-title work experience to be considered for the Technical Assistant 2, Treasury examination.

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

B-11 SCOTT HALZBAUR

The Department of Law and Public Safety, on behalf of Scott Halzbaur, a former Master Aviation Mechanic with the Division of State Police, requests that *N.J.A.C. 4A:3-5.6(b)3* be relaxed to allow the cash payment of Halzbaur's accrued compensatory time, upon his December 1, 2010 retirement.

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

B-12 ERIN FENZI

Erin Fenzi appeals the determination of the Division of Selection Services denying her request for a make-up examination for Human Services Specialist 1 (C0490M), Hudson County.

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

B-13 JACLYN WUELFING

Jaclyn Wuelfing appeals the determination of the Division of Selection Services denying her request for a make-up examination for Human Services Specialist 1 (C0063N), Monmouth County.

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

VOTE:	Robert M. Czech	(Abstained)
	Robert E. Brenner	(Yes)
	Thomas J. Perna	(Yes)
	Richard E. Williams	(Yes)

B-14 JAMES GARRISON AND FRANK REZES

James Garrison and Frank Rezes appeal their non-appointments from the June 16, 2009 certification of the Fire Fighter (M2386H), Perth Amboy, eligible list.

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

B-15 MICHAEL LENZ

Michael Lenz requests that his name be added to the May 9, 2011 certification of the eligible list for Manager, Public Property (C0376M), Hudson County.

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

B-16 CHANIQUE BETHEA

Chanique Bethea appeals the determination of the Division of State and Local Operations that the proper classification of her position with the Department of Law and Public Safety is Senior Clerk Typist. The appellant seeks a Principal Clerk Typist classification.

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

B-17 KIMBERLEY COOK

Kimberley Cook appeals the decision of the Division of State and Local Operations which found that her position with the Department of the Treasury is properly classified as Pensions Benefits Specialist 3. The appellant seeks a Pensions Benefits Specialist 2 classification.

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

B-18 NOYO EDEM

Noyo Edem, a Family Service Specialist 2 with the Department of Children and Families, appeals the determination of the Director of Administration, which found that the appellant did not present sufficient evidence 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 denied.

B-19 JOHN KEE

John Kee, a Supervising Auditor, Taxation with the Division of Taxation, Department of the Treasury, appeals the determination of the Office of Equal Employment Opportunity and Affirmative Action, 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 denied.

B-20 ADMINISTRATIVE ANALYST (SPECIAL) AND (M0191M), NEWARK

The appointing authority's failure to dispose of the certification for Administrative Analyst (Special) and (M0191M), Newark, 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 appointee, make an appointment from the certification, and pay compliance costs.

B-21 KEYBOARDING CLERK 2 (PM0272N), JERSEY CITY SCHOOL DISTRICT

The Jersey City School District requests permission not to make an appointment from the August 8, 2011 certification for Keyboarding Clerk 2 (PM0272N).

ACTION: The Civil Service Commission granted an appointment waiver and assessed selection costs in the amount of \$1,114.

B-22 POLICE RECORDS CLERK (M1118L), PATERSON

Paterson requests permission not to make an appointment from the September 16, 2010 certification for Police Records Clerk (M1118L).

ACTION: The Civil Service Commission granted an appointment waiver and assessed partial selection costs in the amount of \$1,024.

B-23 STATE PAYROLL CERTIFICATIONS

The Director, Division of State and Local Operations, requests that the Civil Service Commission require State appointing authorities to continue to certify State payrolls.

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

B-24 SUPERVISING ENGINEER (M0487M), NEWARK

Newark requests permission not to make an appointment from the August 7, 2011 certification for Supervising Engineer (M0487M).

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

B-25 ADMINISTRATOR, CULTURAL AND HERITAGE AFFAIRS (M0160K), NEWARK

Newark requests reconsideration of the decision rendered on August 5, 2009 by the Civil Service Commission in *In the Matter of Administrator, Cultural and Heritage Affairs (M0160K), Newark*, which ordered it to immediately remove the provisional incumbent, Michele Ralph-Rawls, and to properly dispose of the July 14, 2008 certification within 30 days.

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

B-26 MARCOS KELLY

The appeal of Marcos Kelly, a Police Officer with Jersey City, of his removal effective September 8, 2011, was heard by Administrative Law Judge Kelly J. Kirk (ALJ), who rendered her initial decision on February 2, 2012. At its meeting on May 2, 2012, the Civil Service Commission (Commission) rejected the ALJ's recommendation to acknowledge a settlement between the parties and recorded the appellant's forfeiture from employment. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

B-27 STEVEN MILLER

The appeal of Steven Miller, a Senior Correction Officer with New Jersey State Prison, Department of Corrections, of his 30-day suspension, on charges, was heard by Administrative Law Judge John J. Spence, Jr. (ALJ), who rendered his initial decision on February 6, 2012. At its meeting on May 2, 2012, the Civil Service Commission (Commission) adopted the ALJ's recommendation to uphold the charges and the 30-day suspension. However, the Commission found it necessary to address the exceptions filed by the appellant. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

B-28 LAUREN SCHWARTZ

The appeal of Lauren Schwartz, a Human Services Specialist 2 with the Bergen County Board of Social Services, of her 25-day suspension and removal, effective May 27, 2009, on charges, were heard by Administrative Law Judge Leland S. McGee (ALJ), who rendered his initial decision on January 3, 2012. At its meeting on May 2, 2012, the Civil Service Commission (Commission) adopted the ALJ's recommendation to dismiss the appellant's appeal of her removal as untimely. Additionally, the commission dismissed the appellant's appeal of the 25-day suspension as moot. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

B-29 ALEX SINIAVSKY

The appeal of Alex Siniavsky, an Institutional Trade Instructor 1, Welding, with South Woods State Prison, Department of Corrections, of his 15-day suspension, on charges, was heard by Administrative Law Judge Bruce M. Gorman (ALJ), who rendered his initial decision on January 4, 2012. Exceptions were filed on behalf of the appellant, and cross-exceptions were filed on behalf of the appointing authority. At its meeting on May 2, 2012, the Civil Service Commission (Commission) did not adopt the recommendation to reverse the 15-day suspension. Rather, the Commission imposed a five-day suspension. The proposed decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the decision.

B-30 DURWIN SMALLS

The appeal of Durwin Smalls, a Senior Correction Officer at East Jersey State Prison, Department of Corrections, of his 30 working day suspension, on charges, was heard by Acting Director and Chief Administrative Law Judge Laura Sanders, who rendered her initial decision on March 1, 2012. At its meeting on May 2, 2012, the Civil Service Commission (Commission) did not adopt the Chief ALJ's recommendation to uphold the 30 working day suspension. Rather, the Commission dismissed the appeal as moot. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

B-31 ARTHUR COLLINS

Arthur Collins, a Senior Correction Officer at Albert C. Wagner Youth Correctional Facility, Department of Corrections, represented by Jeremy D. Lindemann, Esq., petitions the Civil Service Commission for reconsideration of its decision rendered on February 22, 2012, dismissing his appeal, with prejudice, based on his failure to appear at the scheduled hearing at the Office of Administrative Law.

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

B-32 SUPERVISING SECURITY GUARD (PM0128M), WEST NEW YORK

West New York, represented by David F. Corrigan, Esq., requests reconsideration of the decision rendered on November 22, 2011 by the Civil Service Commission in *In the Matter of Supervising Security Guard (PM0128M), West New York*, which ordered it to properly dispose of the January 30, 2009 certification within 20 days and remit \$1,000 in compliance costs.

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

B-33 CHAD TRACY

Chad Tracy, a Senior Correction Officer with the Albert C. Wagner Youth Correctional Facility, Department of Corrections, represented by Barbara E. Riefberg, Esq., requests reconsideration of the Civil Service Commission decision rendered on December 7, 2011, denying him sick leave injury (SLI) benefits.

ACTION: The Civil Service Commission directed that the request for reconsideration be granted, but reaffirmed the prior decision denying SLI benefits.

B-34 ROBERT BRADY

Robert Brady appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Director of Public Works (PM0697N), Aberdeen.

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

B-35 ANAND PATEL

Anand Patel appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he did not meet the requirements for the promotional examination for Social Worker (PC0578N), Hudson County.

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

B-36 BRETT WEEAST

Brett Weeast appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for a prospective provisional appointment to the title of Supervising Management Improvement Specialist.

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

B-37 JOHN CENTANNI AND JOHN VOGT

John Centanni and John Vogt, represented by Craig Gumpel, Esq., appeal their scores for the situational judgment portion of the examination for Fire Fighter (M9999H), various jurisdictions.

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

B-38 ADOPTED AMENDMENT: N.J.A.C. 4A:4-4.8, DISPOSITION OF A CERTIFICATION (ASSIGNMENT JUDGES)

Submitted for the Commission's approval is a Notice of Adoption of a proposed amendment to *N.J.A.C. 4A:4-4.8*, Disposition of a certification. In accordance with N.J. Ct. R. 1:34-3, the amendment would require an appointing authority to provide verification in its certification disposition report to the Civil Service Commission of the approval by an Assignment Judge of an appointment to the career service titles of Municipal court Administrator and Deputy Municipal Court Administrator. 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-39 JOB BANDING FOR HUMAN RESOURCE CONSULTANT, PERSONNEL AND LABOR ANALYST, STATE BUDGET SPECIALIST, AND TEST DEVELOPMENT SPECIALIST TITLE SERIES PILOT PROGRAM

The Chairperson, Civil Service Commission recommends the establishment of a Pilot Program to provide for Job Banding for the Human Resource Consultant, Personnel and Labor Analyst, State Budget Specialist, and Test Development Specialist title series.

ACTION: The Civil Service Commission established the Job Banding Pilot Program for the period from July 1, 2012 and to June 30, 2013.

VOTE:

Robert M. Czech	(Abstained)
Robert E. Brenner	(Yes)
Thomas J. Perna	(Yes)
Richard E. Williams	(Yes)

B-40 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of May 2, 2012.

ACTION: The Civil Service Commission adopted the minutes of its meeting of May 2, 2012.

B-41 SELINA ALLEN, ET AL.

Selina Allen, Jennifer Bak, Kimberlee Doyle-Maloney, Andrea Lewis, and Jeannae Suiter appeal the decisions of the Division of State and Local Operations that the proper classifications of their positions with the Department of Children and Families are Residential Services Specialist 1 or Residential Services Specialist 2. The appellants seek Administrative Analyst 1 or Administrative Analyst 2 classifications.

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

B-42 DANIEL EVERETT

The appeal of Daniel Everett, a County Correction Officer with Burlington County, County Jail, of his resignation in good standing effective February 23, 2011, on charges, was heard by Administrative Law Judge John F. Russo, Jr., (ALJ), who rendered his initial decision on March 30, 2012. At its meeting on May 2, 2012, the Civil Service Commission adopted the ALJ's recommendation to uphold the resignation in good standing. However, the Commission found it necessary to address the exceptions filed by the appellant. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

B-43 PAID LEAVE BANK DAYS

In *Communications Workers of America v. New Jersey Civil Service Commission*, Docket No. A-1110-10T3 (App. Div. January 18, 2012), the Appellate Division, Superior Court of New Jersey, reversed the adoption of *N.J.A.C. 4A:6-1.2(l)* and remanded to the Civil Service Commission to consider whether the creation of Paid Leave Bank (PLB) days in various Memoranda of Agreements between the State and the Communications Workers of America, Local 195 of the International Federation of Professional and Technical Engineers, Local 518 of the New Jersey State Motor Vehicle Employees Union, and the American Federation of State, County, and Municipal Employees was contrary to existing law and could not be implemented without Legislative action and, in the event the Commission concludes that Legislative action is not necessary, whether other provisions of Title 11A (Civil Service Act) and Title 4A permit the adoption of a regulation that mirrors the provisions of the MOAs.

ACTION: Although no statutory or regulatory authority exists for PLB days within current Civil Service law, the Civil Service Commission directed that there shall be no recoupment of any PLB time used or paid during Fiscal Years 2011 and 2012 and up to December 31, 2012.

B-44 PROPOSED REPEAL: *N.J.A.C. 4A:6-1.2(l), (m) AND (n)* AND RELATED APPENDICES A THROUGH E, PAID LEAVE BANK PROGRAM

Submitted for the Commission's approval is a Notice of Proposal of the repeal of *N.J.A.C. 4A:6-1.21(l), (m) and (n)* and related appendices A through E, paid leave bank program. These provisions are recommended for repeal as a result of the recent Superior Court, Appellate Division, decision in *Communications Workers of America, AFL-CIO, et al. v. New Jersey Civil Service Commission*, Docket No. A-1110-10T3 (January 18, 2012), which reversed the Commission's adoption of the paid leave bank amendments to the vacation leave rule at *N.J.A.C. 4A:6-1.2*. Therefore, it is recommended that this proposal be approved for publication in the New Jersey Register for public notice and comment.

ACTION: The Civil Service Commission approved the proposal for publication.

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Wednesday, June 6, 2012, at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

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