



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 18, 2011**

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

May 18, 2011

A regular meeting of the Civil Service Commission was held on Wednesday, May 18, 2011, 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, Robert M. Czech, Chairperson, opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on December 20, 2010, 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 Donna Alessi
Township of Teaneck
Department of Building
Layoffs

In the Matter of Raymond Brennan
Department of Human Services
Suspension

In the Matter of Damita Bynum
Commission for the Blind and Visually Impaired
Department of Human Services
Removal

In the Matter of Steven J. Cattelona
Department of Children and Families
Return to formerly held permanent title at the end of the working test period

In the Matter of Dorothy Clark
Greystone Park Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Patricia James
Mercer County
Department of Corrections
Removal

In the Matter of Manny Marques
City of Newark
Police Department
Suspension

In the Matter of Marie Maurice
Essex County
Department of Citizen Services
Suspension

In the Matter of Edras Suero
City of Newark
Police Department
Suspension and Removals (2)

In the Matter of Mark Venice
Jersey City
Department of Fire and Safety Services
Suspension

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

ACTION: The Civil Service Commission acknowledged the settlements.

A-2 CRYSTAL WILSON-BOYD

Crystal Wilson-Boyd, County Correction Officer, Mercer County, Department of Public Safety, 10 working day suspension on charges of conduct unbecoming a public employee and violation of rules, regulation, policy, procedure, order or administrative decision.

Recommendation of the Administrative Law Judge – Reverse the 10 working day suspension.

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

A-3 CRYSTAL WILSON-BOYD (REMAND)

Crystal Wilson-Boyd, County Correction Officer, Mercer County, Department of Public Safety, 15-day suspension on charges of insubordination, other sufficient cause and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the 15-day suspension.

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

A-4 LANCE BYRD

Lance Byrd, Correction Lieutenant, Northern State Prison, Department of Corrections, 40 working day suspension on charges of conduct unbecoming a public employee, other sufficient cause and violation of the Department policy prohibiting discrimination, harassment or hostile environment in the workplace.

Recommendation of the Administrative Law Judge – Reverse the 40 working day suspension.

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

A-5 KEITH CROSS

Keith Cross, a Tree Trimmer, City of East Orange, Department of Public Works, appeals the good faith of his layoff effective June 11, 2010, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Uphold the layoff.

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

A-6 COREY GRIMES

Corey Grimes appeals the decision of the former Division of Local Human Resource Management, which upheld the removal of his name from the eligible list for Police Officer (S9999H), Newark, due to an unsatisfactory background report.

Recommendation of the Administrative Law Judge – Uphold the list removal.

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

A-7 TRENTON PUBLIC LIBRARY LAYOFF 2009

Donna Moore, Senior Library Assistant, Trenton Public Library, appeals the good faith of her layoff effective January 24, 2009, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Grant appointing authority's motion for summary decision and uphold the layoff.

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

A-8 PERTH AMBOY LAYOFFS 2009

City of Perth Amboy, Water and Waste-Water, Employees, appeal the good faith of their layoff effective June 30, 2009, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Uphold the good faith of the layoff but order the appointing authority to provide laid-off employees with the opportunity to be interviewed for other available positions.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge regarding the good faith of the layoff but rejected the recommendation of the Administrative Law Judge to order the appointing authority to provide laid-off employees with the opportunity to be interviewed for other available positions.

A-9 BONNIE SIPPIE

Bonnie Sippie, Animal Keeper, Essex County, Department of Parks, Recreation and Cultural Affairs, 45-day suspension on charges of incompetency, inefficiency or failure to perform duties, neglect of duties, and other sufficient cause.

Recommendation of the Administrative Law Judge – Reverse the 45-day suspension.

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

A-10 ROLAN CARTER

Rolan Carter, Police Officer, City of Camden, Police Department, five removals effective June 25, 2009, on charges of insubordination, chronic or excessive absenteeism, conduct unbecoming a public employee, violations of rules and regulations and other sufficient cause.

Recommendation of the Administrative Law Judge – The withdrawal of the appeal not be permitted.

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

A-11 GENE EGAN

Gene Egan, Assistant Sewage Plant Operator, City of Burlington, Department of Public Works, removal effective November 8, 2010, on charges of incompetency, inefficiency, or failure to perform duties, inability to perform duties and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss the appeal for failure to appear.

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

A-12 WILLIAM JOHNSON

William Johnson, Senior Correction Officer, Albert C. Wagner Youth Correctional Facility, Department of Corrections, removal effective August 6, 2010, on the charge of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-13 ALBERT MCCLOY

Albert McCloy, Senior Police Officer, New Jersey State Human Services Police, removal effective May 11, 2010, on charges of inability to discharge one's duty due to mental or physical incapacity, inability to perform duties and conduct unbecoming a public employee.

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

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

A-14 JOSE RIVERA

Jose Rivera, Police Sergeant, City of Camden, Police Department, removal effective July 9, 2009, on charges of violation of Department rules and regulations, and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Grant the appointing authority's motion for summary decision and uphold the removal.

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

A-15 JAMIE SKINNER

Jamie Skinner, Senior Correction Officer, East Jersey State Prison, Department of Corrections, removal effective June 17, 2009, on charges of conduct unbecoming a public employee, other sufficient cause, falsification, improper or unauthorized contact with inmate, undue familiarity with inmates, parolees, their families or friends and violation of a rule, regulation, policy, procedure, order or administrative decision.

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

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

A-16 JAMES WALKER (CONSOLIDATION)

James Walker, Senior Police Officer, Central Office Police, Department of Human Services, five removals effective September 12, 2008, on charges of conduct unbecoming a public employee, intentional abuse or misuse of authority or position and falsification, and two removals effective November 24, 2008, on charges of conduct unbecoming a public employee, violation of a rule, regulation, policy, procedure order or administrative decision, falsification and misuse of public property.

Recommendation of the Administrative Law Judge – Uphold the removals.

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

A-17 SETTLEMENTS

In the Matter of Richard Beagin
West Paterson
Police Department
Removals (2)

In the Matter of Reginald Dalton
Lakewood Township
Police Department
Suspension

In the Matter of Elvis Lopez
City of Newark
Police Department
Suspension

In the Matter of Luisa Ojeda
Superior Court of New Jersey, Ocean County-Vicinage
Suspension

ACTION: The Civil Service Commission acknowledged the settlements.

SECTION B – MISCELLANEOUS MATTERS

B-1 FRANCISCO CAMACHO

Francisco Camacho, an Automotive Mechanic with the Department of the Treasury, appeals the denial of sick leave injury (SLI) benefits.

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

B-2 RANDY DIAKUNCZAK

Randy Diakunczak, a Campus Police Officer with Kean University, represented by Christopher A. Gray, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-3 JOSEPH FALDUTO

Joseph Falduto, 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 granted.

B-4 JOSEPH BERCHTOLD

Joseph Berchtold appeals the decision of the Division of Selection Services which denied him admittance to the promotional examination for Deputy Fire Chief (PM1055M), Teaneck.

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

B-5 STEPHEN ABRAHAM, ET AL.

Stephen Abraham, Sergia Abreu, Luis Alicea, Anthony Aragon, Thomas Caporale, Kenneth Carter, Joseph Chamberlain, Albert Chonto, Jason Christopher, Alvinger Coleman, Charles Cossaboone, Mark Daddario, Xavier Figueroa, Victor Gomez, Robert Hand, Eric Hastings, Martin Hibinski, Stafford Hunter, Frank John, Mohamed Kamara, Leo Killeen, Wesley Lainez, Maria Laracuente, Christine Lindsay, William Maresca, Joseph Marrero, John Mastro Monaco, Betty McCarthan, Raymond McCluskey, Anthony McLeod, Eric Melendez, Paul Miller, Nicole Mitchell, Bruce Moore, Mark Nese, Robert O'Donnell, David Oswald, Ray Phelps, Mark Pikunich, Virgil Roberts, Denise Robertson, David Rossetti, Denise Russell, Darryl Russo, Matthew Ryan, Tamisha Shepherd, Lamont Trappier, Thaddeus Ware, Billy Welch, Keith Williams, Mark Wisher, and Michael Wolhfert, Senior Correction Officers with the Department of Corrections, represented by Colin M. Lynch, Esq., appeal the fines in the amount of \$413.76 or official written reprimand imposed by the Department of Corrections.

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

B-6 CHRISTOPHER ALLEN, ET AL.

Christopher Allen, Keith Barnes, Yvonne Beckner, Herb Bellamy, Janette Bennett, Amir Bethea, Jeffrey Bitting, Erika Bobien, Derrick Bodtmann, Michael Brander, Anthony Brannon, Dennis Brousseau, Germani Brown, Sylvester Brown, Marilyn Cardona, Gregory Clark, Michael Coleman, Kevin Cooper, Eugenio Criscione, Miguel Cuevas, Edward Davis, Monica Davis, Robert Davis, Tyler Davis, Christian Deitz, Javier DelValle, Shawn Deyo, Rickie Dooley, Jeffrey Dupree, Dennis Dziedzic, Keith Eskridge, Charles Freeman, James Fruscella, Edward Graham, Mildred Graves, Danette Greene, Vincent Grossi, Morton Hale, Robert Hall, Peter Hand, Scott Hartrum, Michael Hayes, Waclaw Hein, Juan Hernandez, Alan Hoffman, Juan Hooper, Eleanor Houston, Kelvin Hugh, Everton Hunter, Heriberto Jimenez, Raymond Johnson, Dwayne Jones, Kenneth Jones, Wilmer Jordan, Jerome Koonce, James Lambert, Deborah Langston, John Lepencia, Robert Lucciola, Robert Marez, Beau Marois, Tomas Martinez, Mathew Mattappali, James McLean, William Merced, Stanley Michalowski, Frank Micolupo, Donald Nelsen, Benjamin Newton, Beverly Nottingham, Marcus Offer, Demetria Page, Donald Pearson, Ronnie Perry, Ray Phelps, John Pramov, John Praul, Deedra Richmond, Carlos Rodriguez, Vincent Rodriguez, David Rossetti, Ivan Santiago, Christina Slaughter, Ronald Smallwood, Thomas Smith, Arthur Stannard, James Sweitzer, Dumas Torney, Marc Tyson, Joe

Valente, Peter VanStone, Christian Vega, Edwina Washington, Charlie Williams, Edward Williams, Darrell Willis, Robert Wimberly, Michael Wisher, Michael Wolbert, James Yakaboski, Dominick Yaniero, and David Zajack, Senior Correction Officers, with the Department of Corrections, represented by Colin M. Lynch, Esq., appeal the fines in the amount of \$413.76 imposed by the Department of Corrections.

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

B-7 DOROTHY NUTTALL

Dorothy Nuttall, a Correction Sergeant with the Department of Corrections, represented by Frank M. Crivelli, Esq., appeals a fine in the amount of \$465.76 imposed by the Department of Corrections.

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

B-8 JOHN BURD

John Burd, a County Correction Officer with Warren County, represented by Anthony J. Fusco, Jr., Esq., requests a hearing regarding his five-day suspension.

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

B-9 DONALD CARNEY

Donald Carney, a former Psychiatric Social Worker with Essex County, Department of Health and Rehabilitation, requests that the Civil Service Commission reinstate his appeal of his release at the end of the working test period effective December 17, 2008, which was dismissed based on his failure to appear at his scheduled hearing.

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

B-10 JOSEPH NELSON

Joseph Nelson appeals the decision of the Division of State and Local Operations which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the Conservation Officer 3 (S2050K), Department of Environmental Protection, eligible list on the basis of an unsatisfactory background report and failure to respond to the notice of certification.

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

B-11 YUDELKIS NIVAR

Yudelkis Nivar appeals the decision of the Division of State and Local Operations which removed the appellant's name from the Family Service Specialist 1 (PS6667K), Department of Children and Families, employment list due to the appellant's failure to respond to the notice of certification.

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

B-12 ANDRE RAWLINS

Andre Rawlins 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 employment and criminal records and falsification of his employment application.

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

B-13 VIVIAN TINSON

Vivian Tinson, a former Cottage Training Technician with New Lisbon Developmental Center, Department of Human Services, represented by Gary W. Boguski, Esq., petitions the Civil Service Commission for reconsideration of the final administrative decision, rendered on December 6, 2010, in which the Director of the Division of Merit System Practices and Labor Relations denied her request for a hearing with respect to her removal.

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

B-14 IAN CABRERA, ET AL.

The Department of Corrections requests that the provisions of *N.J.A.C. 4A:4-1.1(c)* be relaxed in order to allow Ian Cabrera to be provisionally appointed, pending promotional examination procedures, to the title of Training Assistant, Gail Gray and Michael White to be provisionally appointed, pending promotional examination procedures, to the title of Substance Abuse Assistant, and Mary Huff, Darlene Livingston, Kimberly Kube, and Joann Szarkowski to be provisionally appointed, pending promotional examination procedures, to the title of Education Program Assistant 2.

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

B-15 TIMOTHY HUBERT, ET AL.

The City of Linden requests that the provisions of *N.J.A.C. 4A:4-7.1A(b)* be relaxed in order to permit the intergovernmental transfer of Timothy Hubert to the title of Police Officer, Linden. Additionally, Linden on behalf of Ricardo Oliveira and Kenneth Poggi, requests that they be permitted to participate in the intergovernmental transfer program and to complete the remained of their working test periods as Police Officers with Linden.

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

B-16 GERARD MALAMISURA

The Department of the Treasury requests that the eligible list for Auditor 2, Taxation (PS4570U) be revived to allow for the retroactive permanent appointment of Gerard Malamisura, effective January 30, 2010.

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

B-17 RAMON RAMOS

Ramon Ramos, a Police Officer with the City of Passaic, represented by William A. Feldman, Esq., requests a hearing regarding the good faith of his layoff. Mr. Ramos also appeals the determination of his layoff rights by the Division of State and Local Operations.

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

B-18 ADMINISTRATIVE SUPERVISOR OF FAMILY SERVICES, ET AL., ATLANTIC COUNTY

The Division of State and Local Operations, on behalf of Atlantic County, requests that Cape May County residents be given preference on open competitive eligible lists for positions in the Cape May County Office of the Atlantic-Cape May County Workforce Investment Board in the titles of Administrative Supervisor of Family Services, Assistant Administrative Supervisor of Family Services, Assistant Chief of Administrative Services, Customer Service Representative, Employment Specialist, Senior Employment Specialist, and Supervising Employment Specialist.

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

B-19 ADMINISTRATIVE CLERK (M0168K), NEWARK

Newark requests permission not to make an appointment from the August 19, 2008 certification for Administrative Clerk (M0168K).

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

B-20 ASSISTANT ADMINISTRATIVE ANALYST (M6331H) AND (M6110J), NEWARK

Newark requests permission not to make an appointment from the July 6, 2008 certification for Assistant Administrative Analyst (M6331H) and (M6110J).

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

B-21 IN THE MATTER OF MANAGER, PUBLIC PROPERTY (M1635J), NEWARK

Newark requests permission not to make an appointment from the March 3, 2010 certification for Manager, Public Property (M1635J).

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

B-22 MANAGEMENT SPECIALIST (M0049M), BAYONNE

Bayonne requests permission not to make an appointment from the August 11, 2010 certification for Management Specialist (M0049M).

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

B-23 PERMANENT LAYOFFS, HUNTERDON COUNTY

The Communications Workers of America, Local 1036, represented by Adam Liebttag, President, petitions the Civil Service Commission for a stay of the layoff of Hunterdon County employees, effective February 16, 2011, pending the outcome of the individual good faith layoff appeals at the Office of Administrative Law.

ACTION: The Civil Service Commission denied the request.

B-24 MOTOR VEHICLE OPERATOR, ELDERLY & HANDICAPPED PERSONS (C6990H) AND (C0786K), CAPE MAY COUNTY

The Division of State and Local Operations requests that the Civil Service Commission order Cape May County to return the January 30, 2009 certification of the eligible list for Motor Vehicle Operator, Elderly & Handicapped Persons (C6990H) and (C0786K) for proper disposition.

ACTION: The Civil Service Commission granted the request.

B-25 SUPERVISING ENVIRONMENTAL SPECIALIST (SPECIAL) & (PS5798G), DEPARTMENT OF ENVIRONMENTAL PROTECTION

In In the Matter of Supervising Environmental Specialist (Special) & (PS5798G), Department of Environmental Protection (CSC, decided May 13, 2009), the Civil Service Commission granted the request of the Department of Environmental Protection for an appointment waiver for the May 20, 2008 certification and ordered that no selection costs would be assessed at that time since there was a possibility that the list could be utilized prior to its expiration. However, the appointing authority did not utilize the subject eligible list and the matter of the assessment of costs is now before the Commission.

ACTION: The Civil Service Commission assessed selection costs in the amount of \$1,602.

B-26 ASIA ATKINS

Asia Atkins, a Senior Correction Officer with New Jersey State Prison, Department of Corrections, represented by Richard S. Swartz, Esq., appeals the determination of the Assistant Director of the Equal Employment Division, which found that the appellant failed to support a finding that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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

B-27 SUZANN DEMPSEY

Suzann Dempsey, a Secretarial Assistant 2, Non-Stenographic with the Department of Transportation, appeals the determination of the Executive Assistant/Acting Equal Employment Officer, 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-28 RANDY DIAKUNCZAK

Randy Diakunczak, a Campus Police Officer with Kean University, represented by Christopher A. Gray, Esq., appeals the determination of the President of Kean University, which found that the appellant failed to present sufficient evidence to support a finding that he had been subjected to additional violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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

B-29 KHALID MIR

Khalid Mir, a Senior Chemist with the Department of Health and Senior Services, appeals the determination of the Acting Commissioner, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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

B-30 BARBARA NEWSOME

Barbara Newsome, a former Principal Clerk Typist with the Department of Community Affairs, appeals the denial of sick leave injury (SLI) benefits. Additionally, the appellant appeals the determination of the Acting Commissioner of the Department of Community Affairs and the Equal Employment Officer, stating that the appellant failed to present sufficient evidence to support a finding that she had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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

B-31 PATRICIA WILLIAMS

Patricia Williams, a Storekeeper 1 with the Department of Corrections, appeals the determination of the Assistant Director of the Equal Employment Division, which found that the appellant failed to support a finding that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION: The Civil Service Commission directed that this appeal be denied but that the Division of State and Local Operations conduct a classification review of the appellant's position.

B-32 BRIAN BOTKA

The appeal of Brian Botka, a Boiler Operator with Hudson County, regarding his removal and resignation not in good standing, effective December 12, 2007, on charges, was heard by Administrative Law Judge Sandra Ann Robinson, who rendered her initial decision on December 28, 2010. At its meeting on May 4, 2011, the Civil Service Commission adopted the ALJ's recommendation to reverse the removal and resignation not in good standing. The Commission also adopted the ALJ's recommendation that the appellant participate in a psychiatric fitness for duty examination. However, the Commission found it necessary to address the exceptions and cross exceptions filed by the parties and to clarify that the appellant's entitlement to reinstatement, back pay, and counsel fees was dependent upon the outcome of that examination. The proposed decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the decision.

B-33 CHARLES GREENBERG

The appeal of Charles Greenberg, an Affirmative Action Specialist 1 with the Department of Children and Families, concerning his return to his former permanent title of Affirmative Action Specialist 2 at the end of his working test period, effective January 22, 2009, was heard by Administrative Law Judge Susan M. Scarola, who rendered her initial decision on October 5, 2010. At its meeting on May 4, 2011, the Civil Service Commission did not adopt the ALJ's recommendation to reverse the return and order that the appellant complete a new working test period. Rather, the Commission upheld the appellant's return to his former permanent title. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

B-34 NAFAEESA MILLER

The appeal of Nafaeesa Miller, a County Correction Officer with Burlington County, of her 20-working day suspension, on charges, was heard by Acting Director and Chief Administrative Law Judge Laura Sanders, who rendered her initial decision on March 15, 2011. At its meeting on May 4, 2011, the Civil Service Commission did not adopt the ALJ's recommendation to modify the 20 working day suspension to a 15 working day suspension. Rather, the Commission upheld the 20 working day suspension. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

B-35 ARLENE CARPENTER

Arlene Carpenter appeals the December 14, 2010 decision of the Division of State and Local Operations which found that her position with Rowan University is correctly classified as Assistant Supervisor 2, Administrative Services. The appellant seeks an Assistant Supervisor 1, Administrative Services classification.

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

B-36 LINDA LITTLE

Linda Little appeals the decision of the Division of State and Local Operations which found that her position is properly classified as Senior Clerk Typist. The appellant seeks an Investigator, County Adjuster's Office classification.

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

B-37 MARYLETHA MATTHEWS

Maryletha Matthews, represented by Robert Yeager, Principal Staff Representative, CWA Local 1040, appeals the decision of the Division of State and Local Operations which found that her position is correctly classified as Principal Clerk Typist. The appellant seeks a Management Assistant classification.

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

B-38 MARY MCNAMARA

Mary McNamara appeals the decision of the Division of State and Local Operations which found that her position is correctly classified as Principal Claims Investigator. The appellant seeks a Supervisor of Claims classification.

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

B-39 MIA PADGETT-PATTERSON, ET AL.

Mia Padgett-Patterson, Angela McEady, Achillies Vitale, Chrystal Morton, Stephen Penn and Carolyn Madison, Central Reception and Assignment Facility; Dan Cassidy and Frank Carini, South Woods State Prison; and Richard Brobst, Bayside State Prison, represented by Robert Yeager, Principal Staff Representative, CWA Local 1040, appeals the decision of the Division of State and Local Operations that their positions are properly classified as Senior Identification Officer. The appellants seek a Supervisor of Identification classification.

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

B-40 OLGA POLLARD

Olga Pollard appeals the decision of the Division of State and Local Operations which found that her position with Gloucester Township is correctly classified as Senior Account Clerk, Typing. The appellant seeks a Principal Account Clerk, Typing classification.

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

B-41 STEPHEN RITCHIE

Stephen Ritchie, represented by Sidney H. Lehmann, Esq., appeals the decision of the Division of State and Local Operations which found that his position with Monmouth County is correctly classified as Bridge Inspector. The appellant seeks a General Supervisor, Bridge Repair classification.

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-42 ABIR ALDRMLY

Abir Aldrmlly, represented by Alan L. Krumholz, Esq., appeals the determination of the Division of Selection Services which found that she did not meet the requirements for the open-competitive examination for Principal Development Specialist, Criminal Justice (C0500L), Hudson County.

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

B-43 JAMES W. BROWN AND ALEXANDER J. PETROVICS

James W. Brown and Alexander J. Petrovics appeal the determination of the Division of Selection Services which found that they did not meet the requirements for the promotional examination for Equipment Operator (PM0574L), Garfield.

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

B-44 LISA CALABRESE, ET AL.

Lisa Calabrese, Brian P. Thatcher and Cynthia A. Warren appeal the determinations of the Division of Selection Services which found that they did not meet the requirements for the promotional examination for Program Support Specialist 1, Assistance Programs (PS5582K), Department of Children and Families.

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

B-45 SIDNEY HOLZER

Sidney Holzer appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the promotional examination for Administrative Analyst 2 (PS7805J), Rowan University.

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

B-46 PEGGY PEDRICK

Peggy Pedrick appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Secretarial Assistant 2, Non-Stenographic (PS9413J), Rowan University.

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

B-47 ADOPTED AMENDMENTS: N.J.A.C. 4A:2-1.1 AND 4A:4-2.17 (APPEAL AND EXAMINATION PROCESSING FEES); ADOPTED NEW RULE: N.J.A.C. 4A:2-1.8 (APPEAL PROCESSING FEES)

Submitted for the Commission's approval is a Notice of Adoption of proposed amendments to N.J.A.C. 4A:2-1.1 and 4A:4-2.17 (Appeal and examination processing fees) and proposed new rule N.J.A.C. 4A:2-1.8 (Appeal processing fees). The amendments and new rule would bring examination application fees up-to-date in accordance with P.L. 2010, c.26, and codify, pursuant to that law, the new appeal fee system for numerous categories of appeal. 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 amendments and new rule.

B-48 RECENT COURT DECISIONS

Submitted for the Civil Service Commission's review are summaries of recent court decisions involving Merit System Board and Civil Service Commission determinations.

ACTION: The Civil Service Commission noted the decisions.

B-49 ERNEST GREGG

The appeal of Ernest Gregg, an Identification Officer with the Atlantic County Sheriff's Department, of his removal effective January 23, 2009, on charges, was heard by Administrative Law Judge Bruce M. Gorman, who rendered his initial decision on March 18, 2011. At its meeting on May 4, 2011, the Civil Service Commission did not adopt the ALJ's recommendation to modify the removal to a five-day, 30-day and 90-day suspension. Rather, the Commission upheld the removal. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

B-50 MICHAEL LARINO

The appeal of Michael Larino, a Fire Fighter with the City of Bayonne, of his removal effective March 2, 2010, on charges, was heard by Administrative Law Judge Jeffrey A. Gerson, who rendered his initial decision on February 15, 2011. At its meeting on May 4, 2011, the Civil Service 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.

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

B-51 CARMELO LIO

The appeal of Carmelo Lio, a Senior Correction Officer with the Adult Diagnostic and Treatment Center, Department of Corrections, of his 120 working day suspension, on charges, was heard by Administrative Law Judge Gail M. Cookson, who rendered her initial decision on February 15, 2011. At its meeting on May 4, 2011, the Civil Service Commission did not adopt the ALJ's recommendation to modify the 120 working day suspension to a 20-working day suspension. Rather, the Commission modified the suspension to a 60 working day suspension. The proposed decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the decision.

B-52 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of May 4, 2011.

ACTION: The Civil Service Commission adopted the minutes of its meeting of May 4, 2011.

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Wednesday, June 1, 2011, at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

Robert M. Czech
Chairperson
Civil Service Commission