



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
JUNE 20, 2012**

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

June 20, 2012

A regular meeting of the Civil Service Commission was held on Wednesday, June 20, 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.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Andre Jones
Hunterdon Developmental Center
Department of Human Services
Removal

In the Matter of Nathan Koch
Hagedorn Gero-Psychiatric Hospital
Department of Human Services
Removal

In the Matter of James Law
Morris County
Sheriff's Department
Suspension

In the Matter of Charles Markovich
Edna Mahan Correctional Facility
Department of Corrections
Removal

In the Matter of Evelyn Mastragostino
Superior Court of New Jersey
Cumberland/Gloucester/Salem Vicinage
Removal

In the Matter of Maribel McKinney
New Lisbon Developmental Center
Department of Human Services
Removal

In the Matter of Harry Murray
Middlesex County
Department of Mental Health
Removal

In the Matter of Anthony Parga
New Jersey State Prison
Department of Corrections
Suspension

In the Matter of Luisa F. Paulus
Cape May County
Crest Haven Nursing and Rehabilitation Center
Resignation in good standing

In the Matter of Wesley Rebnicky
Monmouth County
Sheriff's Department
Suspension

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

In the Matter of Betty Reed
New Jersey State Prison
Department of Corrections
Removal

In the Matter of Dianne G. Santucci-Wright
Ocean County Board of Social Services
Release at the end of the working test period

In the Matter of Kevin Wright
City of Newark
Police Department
Suspensions (2)

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

ACTION: The Civil Service Commission acknowledged the settlements.

A-2 VIRGINIA BEST

Virginia Best, Complaint Investigator, East Orange, Department of Health and Human Services, appeals the good faith of her layoff effective February 1, 2011, 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-3 MILTON FIGUEROA

Milton Figueroa, Boiler Operator, Camden City Housing Authority, appeals the good faith of his layoff effective April 30, 2011, 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-4 CARMELO LIO

Carmelo Lio, Senior Correction Officer, Adult Diagnostic and Treatment Center, Department of Corrections, 45 working day suspension on the charge of insubordination.

Recommendation of the Administrative Law Judge – Modify the 45 working day suspension to a 20 working day suspension.

ACTION: The Civil Service Commission modified the recommendation of the Administrative Law Judge and upheld the 45 working day suspension.

A-5 MARK ROSARIO

Mark Rosario, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, indefinite suspension pending criminal charges effective January 21, 2010, on charges of conduct unbecoming a public employee, other sufficient cause and violation of a policy.

Recommendation of the Administrative Law Judge – Uphold the indefinite suspension pending criminal charges.

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

A-6 DANNY RODRIGUEZ

Danny Rodriguez, Senior Correction Officer, New Jersey State Prison, Department of Corrections, removal effective January 7, 2011 on charges of conduct unbecoming a public employee, other sufficient cause, falsification, violation of a rule, regulation, policy, procedure, order, or administrative decision and intentional abuse or misuse of authority or position.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-7 CARLOS SANTIAGO

Carlos Santiago, Building Maintenance Worker, Union County, Department of Engineering Public Works Facilities, removal effective December 13, 2011, on charges of incompetency, inefficiency or failure to perform duties, conduct unbecoming a public employee, neglect of duty, other sufficient cause and falsification.

Recommendation of the Administrative Law Judge – Modify the removal to a 60-day suspension.

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

A-8 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. This matter was held over from the April 4, 2012, Civil Service Commission meeting for summary of testimony.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-9 SETTLEMENT

In the Matter of Clem Jones
Southern State Correctional Facility
Department of Corrections
Removal

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

ACTION: The Civil Service Commission acknowledged the settlement.

SECTION B – MISCELLANEOUS MATTERS

B-1 The Division of State and Local Operations requests the inactivation of three titles used by the Department of Law and Public Safety.



MEMORANDUM

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

TITLE INACTIVATIONS

The Division of State and Local Operations requests inactivation of the following State titles. The titles are unencumbered and there are no future plans for use.

The affected agencies and the appropriate negotiations representatives have been notified.

The effective date of the inactivations will be the first day of the first pay period that follows the Commission's approval of this change in the State Classification plan.

TITLES TO BE INACTIVATED

HIGHWAY SAFETY SPECIALIST, BILINGUAL IN SPANISH & ENGLISH
P19-17492C C C NE12

SENIOR HIGHWAY SAFETY SPECIALIST, BILINGUAL IN SPANISH & ENGLISH
P22-17493C C C NE12

PRINCIPAL HIGHWAY SAFETY SPECIALIST, BILINGUAL IN SPANISH & ENGLISH
R25-17494C C C NE12

KC/JMM/BP/DN

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

B-2 BARTLOMIEJ TROCHA

Bartlomiej Trocha, represented by Ian A. Weinberger, Esq., appeals his rejection as a County Police Officer candidate by Union County and its request to remove his name from the eligible list for County Police Officer (S9999K) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-3 JASON ENGLISH

Jason English, a Police Officer with Paterson, represented by Joseph S. Murphy, Esq., appeals the determination of his layoff rights by the Division of State and Local Operations.

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

B-4 DONNA TWIDDLE

Donna Twiddle, a Charge Nurse (12 Months), represented by Kenneth A. Wallach, Esq., and Green Brook Regional Center, Department of Human Services, represented by Erick James Lucadamo, Deputy Attorney General, petition the Civil Service Commission for acknowledgment of the settlement agreement reached by the parties, which provides for the reinstatement of Twiddle.

ACTION: The Civil Service Commission acknowledged the settlement.

B-5 ELIZABETH KELLY

The Department of Children and Families requests that Elizabeth Kelly's name be restored to the Assistant Family Service Worker 2 (S0804L) eligible list and added to the April 2, 2012 certification (OS120223) for the title of Assistant Family Service Worker 2.

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

B-6 JEFFREY STORMS AND RICHARD PANTINA

The Township of Parsippany-Troy Hills, represented by Frederic M. Knapp, Esq., requests that the eligible list for Police Captain (PM3547J) be revived in order to appoint Jeffrey Storms and to record the appointment of Richard Pantina effective September 23, 2011.

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

B-7 LINDA A. BARRY

Linda A. Barry appeals the determination of the Division of Selection Services which found that she was not eligible for the promotional examination for Secretarial Assistant 3, Non-Stenographic (PS6401T), Department of Transportation, because her application was received after the closing date of the examination announcement.

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

B-8 HOPE R. HENLEY

Hope R. Henley appeals the removal of her name from the Youth Work Supervisor (PS2871P), Juvenile Justice Commission, employment list due to her failure to respond to the Certification Notice.

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

B-9 JAMES LOGAN, IV

James Logan, IV, represented by James Logan, Jr., Esq., appeals the decision of the Division of State and Local Operation, which upheld the removal of his name from the eligible list for Correction Officer Recruit (S9987M), Department of Corrections, on the basis of his falsification of his employment application and an unsatisfactory criminal record.

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

B-10 BAMIDELE OLA

Bamidele Ola appeals the removal of his name from the eligible list for Habilitation Plan Coordinator (S0021L), Greenbrook Regional Center, on the basis that he lacked the required experience.

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

B-11 JOHN SHAW

John Shaw appeals the determination of the Division of Selection Services which found him ineligible for the promotional examination for Fire Lieutenant (PM5254N), Belleville, due to an untimely application.

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

B-12 MICHAEL KORMASH

Michael Kormash appeals the decision of the Division of Selection Services which found that he lacked the required amount of permanent status in a title to which the examination was open for Deputy Fire Chief (PM1145M), Newark.

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

B-13 DIANE ROMINO

Diane Romino, a former Judiciary Clerk 2, with Middlesex Vicinage, Superior Court of New Jersey, represented by Paul Schroeder, Council Representative, American Federation of State, County, and Municipal Employees, Council 73, requests that the Civil Service Commission reinstate her appeal of her release at the end of the working test period effective October 25, 2011, which was dismissed based on her failure to appear at her scheduled settlement conference.

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

B-14 CHARLES TEMPE

Charles Tempe, a Forest Fire Equipment Maintenance Specialist 2 with the Department of Environmental Protection, requests a retroactive effective date of the reclassification of his position from Forest Fire Observer to the title of Forest Fire Equipment Maintenance Specialist 2.

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

B-15 STEVEN CHESTNUT

Steven Chestnut appeals the decision of the Division of State and Local Operations that the proper classification of his position with the Civil Service Commission is Human Resource Consultant 2. The appellant seeks a Human Resource Consultant 3 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-16 LINDA HENDERSON

Linda Henderson appeals the decision of the former Division of State and Local Operations that the proper classification of her position with the Department of the Treasury is Principal Claims Investigator. The appellant seeks an Investigator 1 classification.

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

B-17 RONALD MCCRAY

Ronald McCray, a Repairer with Woodbridge Developmental Center, Department of Human Services, appeals the decision of the Assistant Commissioner, which found that the appellant failed to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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

B-18 PERFORMANCE ASSESSMENT REVIEW PILOT PROGRAM

The Chairperson, Civil Service Commission recommends the establishment of a Pilot Program to provide for a five-level rating scale for the Performance Assessment Review (PAR) program.

ACTION: The Civil Service Commission established the pilot program.

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

B-19 RECEPTIONIST BILINGUAL IN SPANISH AND ENGLISH (M1113L), PATERSON

Paterson requests permission not to make an appointment from the January 11, 2010 certification for Receptionist Bilingual in Spanish and English (M1113L).

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

B-20 RECORDS SUPPORT TECHNICIAN 1 (C2256N), CAPE MAY COUNTY

Cape May County requests permission not to make an appointment from the March 20, 2012 certification for Records Support Technician 1 (C2256N).

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

B-21 TEST DEVELOPMENT SPECIALIST TRAINEE (S0189N)

The Civil Service Commission's Office of Human Resources requests the revival and extension of the eligible list for Test Development Specialist Trainee (S0189N).

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-22 GERALD J. MCLAUGHLIN

Gerald J. McLaughlin appeals the determination of the Division of Selection Services which found that he was not eligible for the promotional examination for Human Services Specialist 1 (PC0021P), Passaic County Board of Social Services.

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

B-23 ANTONIO FINNEY

Antonio Finney appeals the denial of his request for a make-up examination for Municipal Court Attendant (M2144N), New Brunswick.

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

B-24 KATRINA HALL

Katrina Hall appeals the denial of her request for a make-up examination for Fire Captain (PM5234N), Newark.

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

B-25 JOHN OLOHAN

John Olohan appeals the determination of the Division of Selection Services which denied him admittance to the promotional examination for Battalion Fire Chief (PM0146P), Newark.

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

B-26 DANIEL PAYNE

Daniel Payne appeals the determination of the Division of Selection Services which denied him admittance to the promotional examination for Battalion Fire Chief (PM0137P), Camden.

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

B-27 GARY MACDONALD

Gary MacDonald, a County Correction Officer with Mercer County, represented by Christopher A. Gray, Esq., requests reconsideration of the Civil Service Commission decision rendered on January 11, 2012, denying his request for counsel fees.

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

B-28 JEANINA GOOS

Jeanina Goos petitions the Civil Service Commission for reconsideration of its decision rendered on September 7, 2011 in which the Commission determined that her position with the Department of Children and Families is properly classified.

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

B-29 ROBIN RIPA

Robin Ripa requests reconsideration of the Civil Service Commission decision rendered on November 2, 2011, which upheld the good faith of her layoff.

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

B-30 PATRICIA BABER

Patricia Baber 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 Senior Custodian (PM0368N), Jersey City School District.

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

B-31 JOSEPHINE F. MORELAND

Josephine F. Moreland 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 open-competitive examination for Program Development Specialist 1, Mental Health Services (S2070N).

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

B-32 ELISA PALMARINI

Elisa Palmarini appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Records Technician 2, Motor Vehicles (PS5797T), Motor Vehicle Commission.

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

B-33 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of June 6, 2012.

ACTION: The Civil Service Commission adopted the minutes of its meeting of June 6, 2012.

VOTE:

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

B-34 DALE ARCHIE

The appeal of Dale Archie, a Laborer with the Atlantic City Municipal Utilities Authority, of his seven working day suspension, on charges, was heard by Administrative Law Judge (ALJ) Bruce M. Gorman, who rendered his initial decision on April 3, 2012. At its meeting on June 6, 2012, the Civil Service Commission adopted the ALJ's recommendation to dismiss the charges and reverse the 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.

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

B-35 MICHAEL ARROYO

Michael Arroyo appeals his score for the bilingual portion of the Police Sergeant, Bilingual in Spanish/English (PM2625J), Atlantic City, promotional examination.

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

B-36 PROBATION OFFICER AND PROBATION OFFICER, BILINGUAL IN SPANISH AND ENGLISH, PILOT PROGRAM

The Administrative Office of the Courts (AOC) requests the establishment of a Pilot Program to provide for the reallocation of the titles of Probation Officer and Probation Officer, Bilingual in Spanish and English, to the noncompetitive division utilizing a selection process administered by the AOC.

ACTION: The Civil Service Commission established the Probation Officer and Probation Officer, Bilingual in Spanish and English, Pilot Program for a period of one year from July 1, 2012 to June 30, 2013.

B-37 JECEMIA ECHEVARRIA

Jecemia Echevarria, a Social Service Technician with the Passaic County Board of Social Services, represented by Ciro Spina, Esq., petitions the Civil Service Commission for interim relief of her immediate suspension effective January 13, 2012.

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

B-38 PROJECT SPECIALIST AND PROJECT SUPPORT SPECIALIST

The Department of Education requests that it be permitted to use the unclassified titles of Project Specialist and Project Support Specialist for 90 positions.

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

B-39 PROGRAM PLANNING AND DEVELOPMENT SPECIALIST 1, VOCATIONAL REHABILITATION SERVICES (PS9574N)

The Director, Division of Classification and Personnel Management, on behalf of the Department of Labor and Workforce Development, requests that the Program Planning and Development Specialist 1, Vocational Rehabilitation Services (PS9574N), eligible list be revived in order to make two appointments.

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

B-40 DAVID HARDIN

The appeals of David Hardin, a Police Captain with West Milford, of his six-day suspension, two 30-day suspensions, and removal, effective August 8, 2008, on charges, was heard by was heard by Acting Director and Chief Administrative Law Judge Laura Sanders (ALJ), who rendered her initial decision on April 27, 2012. At its meeting on June 6, 2012, the Civil Service Commission (Commission) adopted the ALJ's recommendation to uphold the removal, and the 30-day suspension on charges of inability to perform duties, incompetency, inefficiency and failure to perform duties, and to modify the six-day suspension to a four-day suspension. However, the Commission did not adopt the ALJ's recommendation to reduce the 30-day suspension on charges of insubordination, neglect, conduct unbecoming a public employee, and other sufficient cause, to a 15-day suspension. Rather, the Commission upheld the 30-day suspension on charges of insubordination. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

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

B-41 PERSONNEL AND LABOR ANALYST TRAINEE (S0772M) AND PERSONNEL AND LABOR ANALYST 4 (PS5808C)

The Civil Service Commission's Office of Human Resources requests the revival and extension of the eligible lists for Personnel and Labor Analyst Trainee (S0772M) and Personnel and Labor Analyst 4 (PS5808C).

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

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

B-42 KYLE STEC

The Borough of North Arlington requests relaxation of *N.J.A.C. 4A:4-7.1A(c)* so as to permit the intergovernmental transfer of Kyle Stec from the title of Sheriff's Officer, Union County Sheriff's Office, to the title of Police Officer, North Arlington.

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

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Wednesday, July 11, 2012, at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

Robert M. Czech
Chairperson
Civil Service Commission