



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
NOVEMBER 7, 2012**

**Robert M. Czech, Chairperson
Robert E. Brenner
Thomas J. Perna**

November 7, 2012

A regular meeting of the Civil Service Commission was held on Wednesday, November 7, 2012, in Trenton, New Jersey.

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

In accordance with L.1975, c.231, the Secretary to the Civil Service Commission opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on November 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 Richard Abed
Central Reception and Assignment Facility
Department of Corrections
Removal

In the Matter of Soreos Antar
Veterans Memorial Home-Paramus
Department of Military and Veterans' Affairs
Release at the end of the working test period

In the Matter of Toni Blake
Trenton Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Marisol Gonzalez
Vineland Developmental Center
Department of Human Services
Removal

In the Matter of Latoya Jackson
Department of Children and Families
Suspension

In the Matter of Darryl Taylor
City of Newark
Police Department
Removal

In the Matter of Catina Wainwright
Veterans Memorial Home-Vineland
Department of Military and Veterans' Affairs
Suspension

In the Matter of Saundra Wilkins
Mercer County
Department of Public Safety
Removal

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

ACTION: The Civil Service Commission acknowledged the settlements.

A-2 ROBERT GRAHAM

Robert Graham, State Park Police Sergeant, Department of Environmental Protection, 15 working day suspension on charges of incompetency, inefficiency or failure to perform duties, insubordination, conduct unbecoming a public employee and neglect of duty.

Recommendation of the Administrative Law Judge – Grant the appointing authority's motion to dismiss.

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

A-3 PATRICIA MABEY

Patricia Mabey, Technician Motor Vehicle Commission, Motor Vehicle Commission, release at the end of the working test period effective March 12, 2012.

Recommendation of the Administrative Law Judge – Uphold the release at the end of the working test period.

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

A-4 EDWARD LEVERETT

Edward Leverett, Senior Correction Officer, Northern State Prison, Department of Corrections, 30 working day suspension on charges of conduct unbecoming a public employee, other sufficient cause, discourtesy to public, visitors, inmates, residents or patients and violation of a rule, regulation, policy, procedure, order, or administrative decision.

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

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

A-5 MATTHEW LIGHTBODY (CONSOLIDATION)

Matthew Lightbody, Truck Driver, Berkeley Township, Department of Administrative Services, 30-day suspension on charges of chronic or excessive absenteeism or lateness, six month suspension and 15 working day suspension on charges of incompetency, inefficiency or failure to perform duties, inability to perform duties, chronic and/or excessive absenteeism or lateness, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

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

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

A-6 HAWA CLARKE

Hawa Clarke, Human Services Assistant, Trenton Psychiatric Hospital, Department of Human Services, removal effective November 23, 2010, on charges of neglect of duty, loafing, idleness, or willful failure to devote attention to task which could result in danger to persons, falsification, violation of safety and security procedures, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION: The Civil Service Commission modified the recommendation of the Administrative Law Judge and imposed a 30 working day suspension.

A-7 MAISHA COON

Maisha Coon, County Correction Officer, Mercer County, Department of Public Safety, release at the end of the working test period and removal effective August 14, 2009, on charges of conduct unbecoming a public employee, violation of Department policy regarding familiarity with inmates, ex-inmates, and family, internal institutional relationships, safety and security precautions and violation of a rule, regulation, policy, procedure, order or administrative decision.

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

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

A-8 GARRY FERRARO

Garry Ferraro, Water Repairer, Passaic Valley Water Commission, removal effective October 14, 2011, 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-9 STEVEN FLESH (CONSOLIDATION)

Steven Flesh, Senior Correction Officer, Albert C. Wagner Youth Correctional Facility, Department of Corrections, 60 working day suspension and removal effective April 16, 2012, on charges of conduct unbecoming a public employee, other sufficient cause and violation of a rule, regulation, policy, procedure, order or administrative action.

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

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

A-10 NANETTE MARINNIE

Nanette Marinnie, Senior Medical Security Officer, Ann Klein Forensic Psychiatric Hospital, Department of Human Services, removal effective September 10, 2011, on charges of conduct unbecoming a public employee, other sufficient cause, neglect of duty, falsification, leaving assigned work area without permission creating a danger to persons or property and violation of a policy.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-11 CAREY R. MINCEY, III

Carey R. Mincey, III, Senior Correction Officer, Juvenile Justice Commission, removal effective April 2, 2012, on charges of conduct unbecoming a public employee and other sufficient cause.

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

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

A-12 DARREN NANCE

Darren Nance, Police Officer, City of Newark, Police Department, removal effective September 3, 1996, on charges of incompetency, inefficiency or failure to perform duties, insubordination, inability to perform duties, chronic or excessive absenteeism or lateness, conviction of a crime, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

This matter was held over from the October 3, 2012, Civil Services Commission meeting pending a determination of an appeal to the Third Circuit Court of Appeals.

Recommendation of the Administrative Law Judge – Reverse the removal, grant appellant's motion for summary decision and deny appointing authority's motion for summary decision.

ACTION: The Civil Service Commission rejected the recommendation of the Administrative Law Judge and granted the appointing authority's motion for summary decision.

A-13 JAMES WOODWARD

James Woodward, Building Maintenance Worker, Hudson County, Department of Roads and Public Property, removal effective February 20, 2012, on charges of conduct unbecoming a public employee, neglect of duty, insubordination, chronic and excessive absenteeism or lateness and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the removal to a 180-day suspension.

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

SECTION B – MISCELLANEOUS MATTERS**B-1 RAHEEM L. ORR**

Raheem L. Orr appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9987M) on the basis of medical unfitness to perform effectively the duties of the position.

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

B-2 GWENDOLYN BETHEA

Gwendolyn Bethea, a former Clerk Typist with Newark Housing Authority requests enforcement of the decision, *In the Matter of Anna Marie Clark, et al.* (CSC, decided April 18, 2012), which ordered that Bethea be reinstated and granted back pay, benefits and seniority from the time of her improper layoff.

ACTION: The Civil Service Commission directed that the request for enforcement be granted.

B-3 MARTIN CARLUCCIO

The Superior Court of New Jersey, Appellate Division, has remanded the Civil Service Commission's decision upholding the removal of Martin Carluccio's name from the Safety Specialist Trainee, DMV (S0599J), Motor Vehicle Commission, eligible list.

ACTION: The Civil Service Commission upheld the removal of Martin Carluccio's name from the subject eligible list.

B-4 DWAYNE PRICE

Dwayne Price, a Police Officer with Newark, represented by Anthony J. Fusco, Jr., Esq., petitions the Civil Service Commission for interim relief of his immediate suspension.

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

B-5 NART MARZA

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

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

B-6 ROSALINE MUNYASYA

The Camden County Health Services Center requests that the provisions of *N.J.A.C. 4A:4-7.1A(b)* be relaxed in order to permit the intergovernmental transfer of Rosaline Munyasya from the title of Hospital Attendant, Burlington County, to the title of Institutional Attendant, Health Services Center.

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

B-7 GREGORY VOCI

The Superior Court of New Jersey, Appellate Division, has remanded the Civil Service Commission's decision upholding the removal of Gregory Voci, a former Police Sergeant with Atlantic City, for a redetermination of the propriety of the penalty.

ACTION: The Civil Service Commission modified the removal to a six-month suspension.

B-8 SUZANNE M. CAMPBELL

The appointing authority requests that the provisions of *N.J.A.C. 4A:6-3.4(a)*, which govern the time period in which employees must file an application for Supplemental Compensation on Retirement (SCOR), be relaxed to permit Suzanne M. Campbell, a former Staff Clinical Psychologist 3 at Senator G.W. Hagedorn Psychiatric Hospital, Department of Human Services, to submit a late application for SCOR benefits.

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

B-9 JEFFREY CHIARA

The Department of Health requests that the provisions of *N.J.A.C.* 4A:6-3.4(a), which govern the time period in which employees must file an application for Supplemental Compensation on Retirement (SCOR), be relaxed to permit Jeffrey Chiara, a former Administrative Analyst 1, Accounting, to submit a late application for SCOR benefits.

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

B-10 RICHARD M. KALTZ

The Department of Health requests that the provisions of *N.J.A.C.* 4A:6-3.4(a), which govern the time period in which employees must file an application for Supplemental Compensation on Retirement (SCOR), be relaxed to permit Richard M. Kaltz, a former Microbiologist 3, to submit a late application for SCOR benefits.

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

B-11 JOHN PLONSKI

John Plonski requests that the provisions of *N.J.A.C.* 4A:6-3.1 (b)4 be relaxed to allow him to be eligible for Supplemental Compensation on Retirement.

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

B-12 NORMA ROSADO

The appointing authority requests that the provisions of *N.J.A.C.* 4A:6-3.4(a), which govern the time period in which employees must file an application for Supplemental Compensation on Retirement (SCOR), be relaxed to permit Norma Rosado, a former Senior Building Maintenance Worker at Ancora Psychiatric Hospital, Department of Human Services, to submit a late application for SCOR benefits.

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

B-13 GAIL SUZZO

The Department of Health requests that the provisions of *N.J.A.C. 4A:6-3.4(a)*, which govern the time period in which employees must file an application for Supplemental Compensation on Retirement (SCOR), be relaxed to permit Gail Suzzo, a former Research Scientist 2, Chemistry, to submit a late application for SCOR benefits.

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

B-14 CARMEN TORRES

Carmen Torres, a former Practical Nurse with the Department of Military and Veterans Affairs, requests that the provisions of *N.J.A.C. 4A:6-3.4(a)*, which govern the time period in which employees must file an application for Supplemental Compensation on Retirement (SCOR), be relaxed to permit her to submit a late application for SCOR benefits.

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

B-15 ROBERT BARRA

Robert Barra requests retroactive seniority for the examination for Deputy Fire Chief (PM1252N), Bloomfield on the basis that his situation is identical to the situation presented in *In the Matter of Joseph Coletta, Deputy Fire Chief (PM1252N), Bloomfield* (CSC, decided June 6, 2012).

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

B-16 STEPHEN DOUDOUKJIAN

Stephen Doudoukjian, represented by William J. Quirk, Esq., requests that he be permitted to amend his residency on his application after the closing date for the Entry Level Law Enforcement Examination (S9999M).

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

B-17 ANITRA BEALS

Anitra Beals appeals the determination of the Division of Selection Services and Recruitment which found that she was not eligible for the promotional examination for Human Services Specialist 4 (PC0543P), Cumberland County Board of Social Services, because she is not serving in a title to which the examination was open.

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

B-18 MARIBEL GERMAN

Maribel German appeals the decision of the former 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 Family Service Specialist 1 (PS6667K), Department of Children and Families, eligible list due to her failure to respond to the Notice of Certification.

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

B-19 BEATRIZ NUNEZ

Beatriz Nunez appeals the decision of the former Division of State and Local Operations, which found that the Department of Corrections had presented a sufficient basis to remove the appellant's name from the Correction Officer Recruit (S9999K), Department of Corrections, eligible list on the basis that she falsified her employment application.

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

B-20 JOSEPH GILSENAN

The Division of Classification and Personnel Management, on behalf of Brick Township, requests that Joseph Gilsenan's out-of-title work experience be accepted to qualify him for a prospective promotional examination for Risk Manager.

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

B-21 CHRISTOPHER E. JENNINGS

Christopher E. Jennings appeals the determination of the Division of Selection Services and Recruitment which found that he was not eligible for the promotional examination for Industrial Manager 2, State Use Industries (PS2953I), Bayside State Prison, because he was not employed in the announced unit scope.

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

B-22 THAKUR PERSAUD

Thakur Persaud, a Program Manager, Disease Prevention and Control, with Paterson, represented by John J. Segreto, Esq., appeals the bypass of his name on the eligible list for Health Officer (M0040N), Paterson.

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

B-23 JORGE PORRES

Jorge Porres, represented by Darryl M. Saunders, Esq., appeals the removal of his name from the Police Sergeant (PM2616J), Union City, eligible list due to an unsatisfactory employment record.

ACTION: The Civil Service Commission directed that this appeal be granted, but the appellant's name be recorded as bypassed for appointment.

B-24 ROBERT SOSTRE

Robert Sostre appeals the determination of the Division of Selection Services and Recruitment which found that he was not eligible for the promotional examination for Assistant Supervisor Parks (PC0007P), Hudson County, because he is not permanent in a competitive title.

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

B-25 JOSEPH THIBAUT

Joseph Thibault, represented by Kristin M. Lis, Esq., appeals the determination of the Division of Selection Services and Recruitment, which found that he was ineligible for the promotional examination for Sheriff's Officer Sergeant (PC0999N), Atlantic County.

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

B-26 ROBERT CARNEY

Robert Carney appeals the June 27, 2012 decision of the Division of Classification and Personnel Management which found that his position in Bergen County is properly classified as a County Police Sergeant. The appellant seeks a County Police Lieutenant job classification.

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

B-27 NICHOLE CARTHAN

Nichole Carthan appeals the August 31, 2012 decision of the Division of Classification and Personnel Management which found that her position with the Department of the Treasury is correctly classified as Administrative Analyst 2, Data Processing. The appellant seeks an Administrative Analyst 1, Data Processing job classification.

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

B-28 CHRISTINE MARPLE

Christine Marple appeals the decision of the Division of Classification and Personnel Management which found that her position with Middlesex County is properly classified as Clerk 2. The appellant seeks a Clerk 3 job classification.

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

B-29 RAYMOND TURTON

Raymond Turton appeals the decision of the Division of Classification and Personnel Management which found that his position with Fair Lawn Borough is properly classified as Senior Public Works Repairer. The appellant seeks an Assistant Supervisor, Public Works job classification.

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

B-30 ANTOINETTE WASIEWICZ

Antoinette Wasiewicz appeals the determination of the former Division of State and Local Operations that her position with Sussex County is properly classified as a Clerk 3. The appellant seeks a Senior Planning Aide job classification.

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

B-31 LIONEL DABNEY

The appeal of Lionel Dabney, a Laborer 1 with the Atlantic City Municipal Utilities Authority, of his removal, effective June 24, 2011, on charges, was heard by Administrative Law Judge W. Todd Miller (ALJ) who rendered his initial decision on June 20, 2012. At its meeting on October 17, 2012, the Civil Service Commission did not adopt the ALJ's recommendation to uphold the removal. Rather, the Commission ordered that the matter be remanded to the Office of Administrative Law. The proposed decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the decision.

B-32 MAINTENANCE WORKER 1, GROUNDS (PC0794N) AND MAINTENANCE WORKER 2, GROUNDS (PC0967N), MIDDLESEX COUNTY

Middlesex County Requests that the promotional lists for Maintenance Worker 1, Grounds (PC0794N) and Maintenance Worker 2, Grounds (PC0967N) be revived in order to make permanent appointments from the lists.

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

B-33 IN THE MATTER OF ASSISTANT SUPERVISOR, WATER METER REPAIRER (PM1886K), EAST ORANGE WATER DEPARTMENT

The East Orange Water Department, represented by Stafani C. Schwartz, Esq., requests reconsideration of the decision rendered on May 2, 2012 by the Civil Service Commission in *In the Matter of Assistant Supervisor, Water Meter Repairer (PM1886K), East Orange Water Department*, which ordered it to properly dispose of the March 23, 2009 certification within 20 days and remit \$10,000 in fines and \$500 in compliance costs.

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

B-34 AVERY SHARP

Avery Sharp, a former Human Services Assistant with Ancora Psychiatric Hospital, Department of Human Services, represented by William Nash, Esq., petitions the Civil Service Commission for reconsideration of the decision rendered on May 18, 2011, in which the Director of the former Division of Merit System Practices and Labor Relations denied his request for a hearing with respect to his removal.

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

B-35 JOANNE EICHENBERG, ET AL.

Joann Eichenberg, Barbara Rohrer, and Suzanne Wozniak appeal the determinations of the Division of Selection Services and Recruitment which found that, per the substitution clause for education, they were below the minimum requirements in experience for the promotional examination for Paralegal Specialist (PC0559N), Gloucester County.

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

B-36 JUDY ANN MARCHESANI

Judy Ann Marchesani appeals the determination of the Division of Selection Services and Recruitment which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Paralegal Specialist (PC0559N), Gloucester County.

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

B-37 MARY PAGANO

Mary Pagano appeals the decision of the Division of Selection Services and Recruitment which found that she did not meet the experience requirements for the promotional examination for Fiscal Officer (PC0201P), Camden County Board of Social Services.

ACTION: The Civil Service Commission directed that this appeal be denied and the appellant's position undergo a classification review.

B-38 JANICE SWIERCZEK

Janice Swierczek appeals the validity of the promotional examination for Personnel Assistant 2, Employee Relations (PS3082N), Department of Labor and Workforce Development.

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

B-39 SHEILA URRUTIA

Sheila Urrutia appeals the decision of the Division of Selection Services and Recruitment which found that she did not meet the experience requirements for the promotional examination for Head Audit Account Clerk (PS7102K), Department of Human Services.

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

B-40 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of October 17, 2012.

ACTION: The Civil Service Commission adopted the minutes of its meeting of October 17, 2012.

B-41 JOINT ORDER OF CONSOLIDATION AND PREDOMINANT INTEREST – SEATON SAMUEL AND INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS, LOCAL 195 (IFPTE) V. NEW JERSEY DEPARTMENT OF HUMAN SERVICES, CSC DOCKET NO. 2012-2888; PERC DOCKET NO. CO-2012-287; OAL DOCKET NO. CSV 4564-12

Administrative Law Judge (ALJ) Edward J. Delanoy issued an Order of Consolidation and Predominant Interest in *In the Matter of Seaton Samuel and International Federation of Professional and Technical Engineers, Local 195 (IFPTE) v. New Jersey Department of Human Services*. Based on the ALJ's Order, the Civil Service Commission and the Public Employment Relations Commission developed a Joint Order. The proposed Order is now submitted for the Commission's adoption.

ACTION: The Civil Service Commission adopted the joint order.

B-42 KERRI ARMSTRONG AND LAURA MARTIN

Kerri Armstrong, a part-time Violations Clerk, and Laura Martin, a part-time Municipal Director of Welfare with the Borough of Edgewater appeal Edgewater's denial of their request for retroactive compensation for sick and vacation leave.

ACTION: The Civil Service Commission directed that the appeal of Kerri Armstrong be granted in part and the appeal of Laura Martin be denied.

B-43 NICHOLAS R. FOGLIO

The Superior Court of New Jersey, Appellate Division, has temporarily remanded the February 22, 2012 decision of the Civil Service Commission, which denied the appeal of Nicholas R. Foglio of his bypass on the Fire Fighter (M2246D), Ocean City, eligible list.

ACTION: The Civil Service Commission revived the Fire Fighter (M2246D), Ocean City, eligible list and issued a one-time certification in order to appoint the appellant with a current effective date.

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Wednesday, November 21, 2012, at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

Robert M. Czech
Chairperson
Civil Service Commission