



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 21, 2012**

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

November 21, 2012

A regular meeting of the Civil Service Commission was held on Wednesday, November 21, 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 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 Alvin Allison
New Lisbon Developmental Center
Department of Human Services
Suspension

In the Matter of Ateh S. Anyere
Hunterdon Developmental Center
Department of Human Services
Removal

In the Matter of Veronica Cheeseman
City of Bridgeton
Department of Public Safety
Release at the end of the working test period, Suspension and Removal

In the Matter of Rocco Gregorio
New Jersey State Prison
Department of Corrections
Suspension

In the Matter of Cheatee Kpou
New Lisbon Development Center
Department of Human Services
Removal

In the Matter of Ronald Mason
Ancora Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Michael Minarck
Township of Little Egg Harbor
Department of Public Works
Removal

In the Matter of Abigail Njemaze
Middlesex County Board of Social Services
Suspension

In the Matter of Shante Ocasio
New Lisbon Developmental Center
Department of Human Services
Suspension

In the Matter of W. Charles Reinhart
City of Bridgeton
Department of Administration
Removal

In the Matter of Shawntez Sanders
Newark School District
Suspension

In the Matter of Eugena Spann
City of East Orange
Police Department
Suspension

In the Matter of Daniel Varano
Township of Bloomfield
Police Department
Removal

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

ACTION: The Civil Service Commission acknowledged the settlements.

A-2 WILLIAM LAMONT HALL

William Lamont Hall, Laborer, City of Atlantic City, Department of Public Works, 90 working day suspension on charges of insubordination, conduct unbecoming a public employee and violation of City policy and procedures manual.

Recommendation of the Administrative Law Judge – Modify the 90 working day suspension to a 10 working day suspension.

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

A-3 AMY LEWIS, *ET AL*

Amy Lewis, *et al*, Health Educator, Township of West Orange, Department of Health and Welfare, appeals the good faith of her layoff effective March 15, 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 JIMMY TRAVIS

Jimmy Travis, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, 1) 45 working day suspension on charges of conduct unbecoming a public employee, other sufficient cause, unreasonable failure to report delay in reporting to work as scheduled, leaving assigned work area without permission, but not creating a danger to persons or property, falsification and violation of a rule, regulation, policy, procedure, order or administrative decision; 2) resignation not in good standing, effective November 28, 2009, on charges of being absent from duty for five or more consecutive business days without the approval, conduct unbecoming a public employee other sufficient cause, abandonment of job and violation of a rule, regulation, policy, procedure, order or administrative decision; and 3) two removals effective November 28, 2009, on charges of chronic or excessive absenteeism or lateness, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – 1) Uphold the 45 working day suspension; 2) uphold the resignation not in good standing; and 3) render the two removals moot.

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

A-5 JAMMIE BOYLE

Jammie Boyle, Senior Correction Officer, Bayside State Prison, Department of Corrections, removal effective May 15, 2012, on charges of chronic or excessive absenteeism or lateness.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-6 DREW COUGHLIN

Drew Coughlin, Motor Vehicle Operator, Elderly and Handicapped Persons, Bergen County, Department of Human Services, release at the end of his working test period effective April 13, 2012.

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

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

A-7 CLIFFORD MILLS

Clifford Mills, County Correction Officer, Salem County, Sheriff's Department, removal effective June 28, 2012, on charges of incompetency, inefficiency or failure to perform duties, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-8 VICTORIA T. THOMPSON

Victoria T. Thompson, Personnel Assistant, City of Elizabeth, Housing Authority, removal effective December 8, 2010, on charges of insubordination, chronic or excessive absenteeism or lateness 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.

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

SECTION B – MISCELLANEOUS MATTERS

B-1 The Division of Classification and Personnel Management requests the consolidation of several local government titles responsible for billing and collection work into the title of Supervisor of Billings and Collections.



MEMORANDUM

DATE: October 22, 2012
TO: Civil Service Commission
FROM: Kenneth Connolly, Director
Division of Classification & Personnel Management
SUBJECT: Change in the Classification Plan

**LOCAL GOVERNMENT
TITLE CONSOLIDATION INITIATIVE**

The Division of Classification and Personnel Management request the consolidation of several local government titles responsible for billing and collections work.

The identified titles are all in some capacity involved in supervising a clerical billing and collections operation. The core function, supervising and performing work involving the compiling, computing and recording of data for billing purposes, is consistent regardless of the type of utility or agency where the work is performed. Therefore, we request the consolidation of several titles into a generic, broader title called Supervisor of Billings and Collections (03980).

The title specification has been modified to accommodate this consolidation. As a result, the title specification is broader and more general, allowing for greater flexibility across jurisdictions.

The title actions will be processed as lateral employee movements; appointment type to appointment type, with retention of existing status.

Upon successful completion of the consolidation process, the consolidated titles involved will be inactivated. Any existing eligibility lists for these titles shall be processed as follows:

- Promotional and open competitive lists issued from pending announcements for any affected title in which employees with provisional appointments are serving will be certified for one time use only in order to effect permanent appointment(s) and will be declared expired upon disposition of the certification.
- A complete list that has never been used and contains no employees with current provisional appointments for the title and unit scope specified shall be declared expired.
- A complete list which contains employees with current provisional appointments for the title and unit scope specified (with the exception of such employees currently on active military duty) will be processed for one time use and will be declared expired upon the disposition of the certification.

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- An incomplete list containing no employees with current provisional appointments for the title and unit scope specified shall be declared expired.
- Any employee currently on active military duty will be afforded all applicable rights under Federal and State law upon their release from active duty and given the opportunity to apply and compete for any announcements for which they would otherwise have been eligible but for their military service.
- Eligibility lists for affected titles and unit scopes which have expired will be revived as necessary to address unanticipated situations which may arise.

The impacted local Appointing Authorities were given the opportunity to review this proposal and all articulated issues have been reviewed and addressed.

TITLE CONSOLIDATION & MOVEMENT OF INCUMBENTS:

Effective: Changes will be effective the first pay period following the Commission's approval.

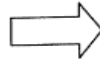
FROM:

TO:

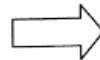
Supervising of Billings and Collections
03980 Career (C) Local

Supervising of Billings and Collections
03980 Career (C) Local

Supervisor of Water and Sewage,
Billings & Collections
04090 Career (C) Local



Supervisor of Water Billing &
Meter Reading
04446 Career (C) Local



KC/JT/BP/GB

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

B-2 CHRISTOPHER ANODIDE

Christopher Anodide, a former County Correction Officer, Mercer County, Department of Public Safety, represented by Stuart J. Alterman, Esq., requests a hearing regarding his removal from employment, effective September 30, 2011.

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

B-3 MARGARET HUGHES

Margaret Hughes 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 (S9987M), DOC, eligible list on the basis that she falsified her employment application.

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

B-4 FELINO OMAR CASTRO

The Department of the Treasury requests that Felino Omar Castro's out-of-title experience be accepted to qualify him for a prospective promotional examination for the title of Taxpayer Service Representative 2.

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

B-5 NIRMIN NASEF

Nirmin Nasef appeals the determination of the former Division of State and Local Operations that her position with the Department of Transportation is properly classified as a Principal Engineer, Transportation. The appellant seeks a Project Engineer, Surface Design, classification.

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

B-6 ASSISTANT SUPERVISOR BUILDING SERVICE (C0038N), HUDSON COUNTY

The Division of Classification and Personnel Management requests that Hudson County be ordered to return the October 18, 2011 certification for Assistant Supervisor Building Service (C0038N) for proper disposition.

ACTION: The Civil Service Commission ordered the appointing authority to properly dispose of the certification and pay compliance costs in the amount of \$10,000.

B-7 CHIEF PUBLIC SAFETY TELECOMMUNICATOR (PC0323N), HUNTERDON COUNTY

The appointing authority's failure to dispose of the certification for Chief Public Safety Telecommunicator (PC0323N), Hunterdon County, while a provisional is serving in the title, has been referred to the Civil Service Commission for enforcement.

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

B-8 IN THE MATTER OF SUPERVISOR, DATA PROCESSING OPERATIONS (M0829K), NEWARK

In *In the Matter of Supervisor, Data Processing Operations (M0829K), Newark* (CSC, decided May 12, 2010), the Civil Service Commission held in abeyance Newark's request for a waiver of the appointment requirement pending the determination of the Division of Classification and Personnel Management (CPM) regarding the classification of Tracie Shorte's position. CPM determined that Shorte was to be considered serving provisionally in the open-competitive title of Manager, Abatement and Special Taxes, and the matter is now being presented to the Commission.

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

B-9 VANESSA WARREN

The Superior Court of New Jersey, Appellate Division, has reversed and remanded the matter of the removal of Vanessa Warren, a former Senior Correction Officer at Northern State Prison, Department of Corrections, to the Civil Service Commission for reconsideration of the penalty.

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

B-10 HARMON GARVIN

Harmon Garvin appeals the determination of the Division of Selection Services and Recruitment which found that he was below the minimum requirements in experience for the promotional examination for Contract Administrator 2 (PS5842H), Department of Health.

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

B-11 JAMES MEIXSELL

James Meixsell appeals the determination of the former Division of Selection Services that he did not meet the experience requirement for the promotional examination for Heavy Equipment Operator (PS6456G), Department of Environmental Protection.

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

B-12 TYTANYA RAY

Tytanya Ray appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Technical Assistant, Contract Administration (PM1110N), City of Camden.

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

B-13 MARGARET SHAMUS

Margaret Shamus 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 Assistant Fiscal Officer (PC0411P), Atlantic County.

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

B-14 HAWA CLARKE

The appeal of Hawa Clarke, a Human Services Assistant at Trenton Psychiatric Hospital, Department of Human Services, of her removal effective November 23, 2010, on charges, was heard by Administrative Law Judge Susan M. Scarola (ALJ), who rendered her initial decision on September 26, 2012. At its meeting on November 7, 2012, the Civil Service Commission did not adopt the ALJ's recommendation to reverse the removal. Rather the Commission modified the removal to a 30 working day suspension. 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-15 DARREN NANCE

The appeal of Darren Nance, a Police Officer with the City of Newark, of his removal, effective September 3, 1996, on charges, was heard by Administrative Law Judge Carol I. Cohen (ALJ), who rendered her initial decision on February 3, 2012. At its meeting on November 7, 2012, the Civil Service Commission did not adopt the ALJ's recommendation to grant the appellant's motion for summary decision and reinstate him to his position. Rather, the Commission denied the appellant's motion for summary decision, granted the appointing authority's motion for summary decision, and ordered that the appellant's personnel record reflect his resignation. 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-16 JAMES WOODWARD

The appeal of James Woodward, a Building Maintenance Worker with Hudson County, of his removal, effective February 20, 2012, on charges, was heard by Administrative Law Judge Kimberly A. Moss (ALJ), who rendered her initial decision on September 5, 2012. At its meeting on November 7, 2012, the Civil Service Commission did not adopt the ALJ's recommendation to modify the removal to a 180-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.

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

B-17 PROPOSED AMENDMENT: N.J.A.C. 4A:3-4.1 and 4A:4-1.10 (STATE PAYROLL CERTIFICATIONS)

Submitted for the Commission's approval is a Notice of Adoption of proposed amendments to N.J.A.C. 4A:3-4.1 and 4A:4-1.10 (State Payroll Certifications). In *In the Matter of State Payroll Certifications* (CSC, decided May 16, 2012), the Commission directed that State appointing authorities continue to certify State payrolls, but only under present statutory authority, as the certifications up to that time were still referencing repealed laws. The Commission stated that it would propose an appropriate rule to clarify and codify the requirement that State appointing authorities certify payrolls, and this proposal resulted. 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.

B-18 JUSTIN GABRYS

The Dover Policeman's Benevolent Association, Local 107 (Local 107), represented by Michael A. Bukosky, Esq., petitions the Civil Service Commission (Commission) to allow it to intervene and request reconsideration and a stay of the Commission's decision rendered on September 19, 2012, which permitted Justin Gabrys to be placed on an unpaid leave of absence from his position as police Officer with the Town of Dover to accept an unclassified appointment as a County Investigator.

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

B-19 JENNIFER POHL

Monmouth County, represented by Steven W. Kleinman, Special County Counsel, requests interlocutory review of Administrative Law Judge Ronald W. Reba's October 15, 2012 order denying its' Motion to Dismiss in the pending hearing of Jennifer Pohl.

ACTION: The Civil Service Commission directed that the review of the order be declined.

VOTE:

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

B-20 CAMDEN COUNTY POLICE DEPARTMENT PILOT PROGRAM

The Fraternal Order of Police, Camden Lodge 1 (FOP), represented by Matthew D. Areman, Esq., the New Jersey Fireman's Mutual Benefit Association (FMBA) and the Probation Association of New Jersey (PANJ), represented by David I. Fox, Esq., petition the Civil Service Commission (Commission) for a stay of the Commission's decision rendered on October 3, 2012, which established the Camden County Police Department Pilot Program for a period of one year from November 1, 2012 to October 31, 2013.

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

B-21 PROPOSED CIVIL SERVICE COMMISSION MEETING DATES FOR 2013

The proposed Civil Service Commission meeting dates are submitted for approval.

ACTION: The Civil Service Commission adopted the Civil Service Commission meeting dates for 2013.

B-22 CIVIL SERVICE COMMISSION MINUTES

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

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

VOTE:

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

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Wednesday, December 5, 2012, at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

Robert M. Czech
Chairperson
Civil Service Commission