

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 JULY 13, 2017

Robert M. Czech, Chairperson Dolores Gorczyca Daniel W. O'Mullan July 13, 2017

A regular meeting of the Civil Service Commission was held on Thursday, July 13, 2017, in Trenton, New Jersey.

PRESENT: Robert M. Czech, Chairperson, Members Dolores Gorczyca and Daniel W. O'Mullan; Pamela Ullman, Deputy Attorney General; Christopher Myers, 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, 2016, and posted at the Civil Service Commission, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

Vincent Carleo, Fire Fighter, City of Atlantic City, Department of Public Safety, Suspension.

Jennifer Torres, Clerk 1, Camden County, Police Department, Suspension.

ACTION: The Civil Service Commission noted the withdrawal of appeals without prejudice.

SECTION A - HEARING MATTERS

A-1 SETTLEMENTS

Claudio Camacho Mercer County Transportation and Infrastructure Removal

Hubert Davis
Essex County
Department of Health and Rehabilitation
Removal

Denise Deleon Middlesex County Board of Social Services Removal

John Howard Cumberland County Department of Corrections Removal

Enrique Marrero North Bergen Township Department of Public Safety Suspension Fadette McDaniels New Jersey Veterans Memorial Home - Menlo Park Department of Military and Veterans Affairs Suspension

Yesenia Pucheta Passaic County Passaic County Sheriff's Department Removal

Richard Sanders (consolidated) Northern State Prison Department of Corrections Suspension and Removal

Caroline Tucker Vineland Developmental Center Department of Human Services Removal and Resignation

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

ACTION: The Civil Service Commission acknowledged the settlements.

A-2 MATTHEW CALIO

Matthew Calio, County Correction Officer, Camden County Department of Corrections, 30 calendar day suspension on charges of insubordination, conduct unbecoming a public employee, neglect of duty, and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the 30 calendar day suspension.

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

A-3 MATTHEW CALIO

Matthew Calio, County Correction Officer, Camden County Department of Corrections, 150 calendar day suspension on charges of incompetency, inefficiency or failure to perform duties, insubordination, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the 150 calendar day suspension to a 180 calendar day suspension.

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

A-4 FELIX COLON

Felix Colon, Laborer 1, City of Passaic, Department of Public Works, 90 working day suspension on charges of incompetency, inefficiency or failure to perform duties, inability to preform duties, chronic or excessive absenteeism or lateness, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the 90 working day suspension to a 15 working day suspension.

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

A-5 JULISSA DEL GAUDIO

Julissa Del Gaudio, Human Services Aide, Bergen County, Board of Social Services, release at the end of the working test period, effective June 3, 2016.

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-6 R. BERNARD GARNER

R. Bernard Garner, Technician Trainee, Motor Vehicle Commission, release at the end of the working test period, effective March 24, 2013.

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-7 ROLAND HARRIS

Roland Harris, Laborer 1, City of Paterson, Department of Public Works, removal effective July 28, 2015, on charges of conduct unbecoming a public employee, neglect of duty, misuse of public property, including motor vehicles, and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss with prejudice.

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

A-8 REBECCA RECINE

Rebecca Recine, Public Safety Telecommunicator, Hamilton Township, Department of Public Safety, removal effective December 15, 2015, on charges of inability to preform duties, conduct unbecoming a public employee, and other sufficient cause.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-9 FELIX RIVERA

Felix Rivera, Police Officer, City of Millville, Police Department, removal effective May 28, 2016, on charges of incompetency, inefficiency, failure to perform duties, conduct unbecoming a public employee, neglect of duty, 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-10 CHRISTOPHER SPIVEY

Christopher Spivey, Heating and Air Conditioning Mechanic, Newark School District, 15 working day suspension, on charges of conduct unbecoming a public employee, neglect of duty, and other sufficient cause.

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

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

A-11 BRANDY VALASA

Brandy Valasa, County Correction Officer, Monmouth County, Department of Corrections and Youth Services, 10 working day suspension, on charges of conduct unbecoming a public employee and other sufficient cause.

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

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

A-12 ABDUL-RAHEEM YASIN

Abdul-Raheem Yasin, Laborer 1, City of Newark, Department of Water and Sewer, removal effective September 1, 2016, on charges of conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-13 SETTLEMENTS

Adeniyi Adediran Department of Human Services Greystone Park Psychiatric Hospital Removal

Sarah Buckner City of East Orange East Orange Police Department Removal

ACTION: The Civil Service Commission acknowledged the settlements.

SECTION B - MISCELLANEOUS MATTERS

B-1 JOSE RIVERA – CSC DOCKET NO. 2017-2170

Jose Rivera appeals the appointing authority's request to remove his name from the eligible list for Police Officer (S9999R), Lakewood, on the basis of falsification of his employment application.

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

B-2 DAVID THUMMEL - CSC DOCKET NO. 2017-3083

David Thummel appeals the decision of the Division of Agency Services which found that his position with the Department of the Treasury is properly classified as Auditor 1, Taxation. The appellant seeks a Supervising Auditor, Taxation job classification.

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

B-3 ANTHONY CATTANI AND JEFFREY FIFIELD - CSC DOCKET NOS. 2017-2875 AND 2017-2835

Anthony Cattani and Jeffrey Fifield appeal the determinations of the Division of Agency Services that they did not meet the education and experience requirements for the promotional examination for Network Administrator 1 (PS2088K), Department of Human Services

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

B-4 RYAN BALOG – CSC DOCKET NO. 2017-1288

Ryan Balog appeals the determination of the Division of Agency Services, which found that he did not meet the experience requirement for the promotional examination for Assistant Engineer in Charge of Maintenance 1 (PS2764I), Edna Mahan Correctional Facility.

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

B-5 YOLANDA MIRANDA – CSC DOCKET NO. 2017-1497

Yolanda Miranda appeals the determination of the Division of Agency Services, which found that she did not meet the experience requirement for the open competitive examination for Assistant Program Analyst (M0378U), Jersey City.

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

B-6 KIMBERLY JONES - CSC DOCKET NO. 2017-1301

Kimberly Jones appeals the bypass of her name on the Assistant Supervisor of Recreation (PS1125K), Woodbine Developmental Center, eligible list.

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

B-7 INVESTIGATOR, SECURED FACILITIES (PC1032T), ESSEX COUNTY CSC DOCKET NO. 2017-3469

The appointing authority's failure to dispose of the certification for Investigator, Secured Facilities (PC1032T), Essex County, while provisionals are serving in the title, has been referred to the Civil Service Commission for enforcement.

ACTION: The Civil Service Commission directed the immediate removal of the provisional appointees, proper disposal of the outstanding certification, and payment of compliance costs in the amount of \$1,000.

B-8 G.D. – CSC DOCKET NO. 2017-4016

The Office of Information Technology, on behalf of G.D., requests the relaxation of the provisions of N.J.A.C. 4A:6-1.22, so as to permit G.D. to receive more than the 260 donated leave days allowed to a recipient.

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

B-9 RONALD OSADACZ - CSC DOCKET NO. 2017-3918

The Township of Aberdeen, on behalf of Ronald Osadacz, requests that he be permitted to participate in the intergovernmental transfer program and to complete his working test period as a Police Officer with Aberdeen.

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

B-10 JOSEPH GROSSI, JR. - CSC DOCKET NO. 2017-3518

Joseph Grossi, Jr., petitions the Civil Service Commission for reconsideration of the decision rendered on March 9, 2017, which found that his scores are correct on the promotional examination for Battalion Fire Chief (PM1496T), Hoboken.

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

B-11 ROSEMARY MONGE - CSC DOCKET NO. 2017-3244

The City of Clifton, represented by Sean Joyce, Esq., requests reconsideration of the decision rendered on March 22, 2017, which upheld the determination of the Division of Agency Services that Rosemary Monge's position is properly classified as Clerk 2.

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

B-12 CHRISTOPHER TIGHE - CSC DOCKET NOS. 2017-1447 AND 2017-2557

The Mercer County Sheriff's Department, represented by Stephen E. Trimboli, Esq., requests reconsideration of the initial decision of the Administrative Law Judge which was deemed adopted as a final decision on August 19, 2016, modifying the removal of Christopher Tighe, a Sheriff's Officer Sergeant with the Mercer County Sheriff's Department, to a sixmonth suspension. Tighe, represented by Bryan H. Mintz, Esq., seeks resolution of a dispute concerning back pay.

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

B-13 CLAUDIO TUNDO - CSC DOCKET NO. 2014-3227

The Superior Court of New Jersey, Appellate Division, has remanded the July 11, 2012 final decision of the Civil Service Commission to reconsider the appeal of Claudio Tundo.

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

B-14 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of June 21, 2017.

ACTION: The Civil Service Commission adopted the minutes of its meeting on June 21, 2017.

B-15 DONNA GONZALEZ – CSC DOCKET NO. 2017-2840

Donna Gonzalez appeals the removal of her name from the eligible list for Police Sergeant (PM0167S), Marlboro Township on the basis that she failed to respond to the certification notice.

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

B-16 DEANNA MILLER - CSC DOCKET NO. 2017-1476

Deanna Miller appeals the determination of the Division of Agency Services, which found that she did not meet the experience requirement for the open competitive examination for Assistant District Recycling Coordinator (C0483U), Middlesex County.

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

B-17 CHARLES MARTINA, JR. - CSC DOCKET NO. 2017-2098

Charles Martina, Jr., represented by Wolodymyer Tyshchenko, Esq., appeals the bypass of his name on the Police Sergeant (PM5146N), Plainfield eligible list.

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

B-18 TOMASZ PETRYKIEWICZ – CSC DOCKET NO. 2017-2494

Tomasz Petrykiewicz requests a retroactive date of permanent appointment to the title of Auditor 2, Taxation.

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

B-19 CHANGE IN CLASSIFICATION PLAN – TITLE CONSOLIDATION

The Division of Agency Services requests consolidation of the unclassified titles of Municipal Magistrate and Judge of the Municipal Court. The incumbents in the Municipal Magistrate title will be cross-walked to the title of Judge of the Municipal Court, and upon completion of the consolidation process, the Municipal Magistrate title will be inactivated.



MEMORANDUM

DATE: June 21, 2017

TO: The Civil Service Commission

FROM: Kelly Glenn, Director

Division of Agency Services

SUBJECT: Change in the Local Classification Plan

LOCAL TITLE CONSOLIDATION

The Division of Agency Services requests title consolidation involving two substantially similar unclassified judge titles: Municipal Magistrate (02532) and Judge of the Municipal Court (02219).

Research indicates 'magistrate' is a term in the New Jersey court system that is now obsolete due to the repeal of substantive sections of N.J.S.A. 2A. Incumbents serve as judges that rule on a variety of municipal court matters, mirroring the core duties and responsibilities of a municipal court judge.

The N.J. Judiciary's Administrative Office of the Court (AOC), Municipal Division, has confirmed our research is accurate and supports our decision to consolidate Municipal Magistrate into Judge of the Municipal Court.

Incumbents involved in this transaction will be cross-walked to the title Judge of the Municipal Court via a mass CAMPS transaction. Upon completion of the consolidation process, the title of Municipal Magistrate will be inactivated.

All 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 Monday following the Commission's approval.

FROM: TO:

KG/SF/GB/MP

Municipal Magistrate

Judge of the Municipal Court

02532 Unclassified (U) Local

02219 Unclassified (U) Local

2532 Unclassified (U) Local
O2219 Unclassified (U) Local

www.state.nj.us/csc

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

B-20 SETH WAINER - CSC DOCKET NO. 2017-1612

Seth Wainer appeals the determination of the Division of Agency Services, which found that he did not meet the experience requirement for the open competitive examination for Business Manager (M0132U), City of Newark.

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

B-21 ROBERT BROWN - CSC DOCKET NO. 2017-2287

Robert Brown, represented by Lauren Sandy, Esq., appeals the bypass of his name on the Police Sergeant (PM0622N), City of Salem eligible list.

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

B-22 ANTONIO CRUZ - CSC DOCKET NO. 2017-1988

The appeal of Antonio Cruz, a Fire Fighter with the City of Newark, of his removal, effective June 25, 2016, on charges, was heard by the Administrative Law Judge Jude-Anthony Tiscornia (ALJ), who rendered his initial decision on May 4, 2017. At its meeting on June 21, 2017, the Civil Service Commission (Commission) did not adopt the ALJ's recommendation to reverse the removal. 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-23 VARIOUS LISTS, ESSEX COUNTY - CSC DOCKET NOS. 2017-3475, ET AL.

The Division of Agency Services (DAS) requests that Essex County (Essex) be ordered to return the following certifications for proper disposition: Supervising Accountant (OL140953), issued July 15, 2014; Coordinator Monitoring and Evaluation (OL141372), issued October 21, 2014; Social Service Technician (OL150796), issued June 29, 2015; Technician, MIS (OL151159), issued September 22, 2015. Additionally, DAS referred to the Civil Service Commission for enforcement Essex County's failure to dispose of the certifications for Research Assistant (OL151432), issued, November 19, 2015, and Boiler Operator/Maintenance Repairer (OL161214), issued February 16, 2016 while provisionals are serving in the title.

ACTION: The Civil Service Commission directed that the certifications be properly disposed within 10 days, and costs assessed against Essex in the amount of \$1,000 per certification.

B-24 GILBERTO REYES - CSC DOCKET NO. 2017-521

Hudson County, represented by Daniel Sexton, Esq., appeals the decision rendered on December 16, 2015, granting Gilberto Reyes back pay.

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

B-25 STEVEN GARZIO – CSC DOCKET NO. 2017-2547

Steven Garzio, represented by Daniel S. Sweetser, Esq., requests reconsideration of the decision rendered on December 7, 2016, which found that he did not meet the requirements for placement on the Statewide Law Enforcement Eligible List (Rice Bill).

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

B-26 JOSE RIVERA, III – CSC DOCKET NO. 2017-2085

Jose Rivera, III, represented by Bette Grayson, Esq., appeals the removal of his name from the eligible list for Fire Fighter (M2545M), Kearny, on the basis of his failure to meet the residency requirement and an unsatisfactory background report.

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

B-27 SHILDA WORTHY - CSC DOCKET NO. 2017-3755

Shilda Worthy, represented by Joseph Hannon, Esq., appeals the decision of the Division of Agency Services which found that her position with the Department of Health is properly classified as Program Specialist 1. The appellant seeks a Program Specialist 4 job classification.

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

B-28 JOSE MORALES - CSC DOCKET NO. 2015-3209

The appeal of Jose Morales, a Stationary Engineer with Hudson County, Division of Roads and Pubic Property, of his six-month suspension on charges, was heard by Administrative Law Judge Gail M. Cookson (ALJ), who rendered her initial decision on March 27, 2017. At its meeting on June 21, 2017, the Civil Service Commission (Commission) did not adopt the ALJ's recommendation to reverse the suspension. Rather, the Commission imposed a five working day suspension. The proposed decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the decision.

B-29 N.A. - CSC DOCKET 2016-2754

N.A., represented by E. Carr Cornog III, Esq., appeals his rejection as a Fire Fighter candidate by the City of Elizabeth and its request to remove his name from the eligible list for Fire Fighter (M2518M) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-30 N.L.A. – CSC DOCKET NO. 2016-3511

N.L.A., represented by Eric Marcy, Esq., appeals his rejection as a Police Officer candidate by the West New York Police Department and its request to remove his name from the eligible list for Police Officer (S9999R) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-31 M.H. - CSC DOCKET NO. 2015-2870

M.H., represented by David J. DeFillippo, Esq., appeals his rejection as a Police Officer candidate by Jersey City and its request to remove his name from the eligible list for Police Officer (S9999R) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-32 L.J. - CSC DOCKET NO. 2016-3611

L.J. appeals his rejection as a Police Officer candidate by the Jersey City Police Department and its request to remove his name from the eligible list for Police Officer (S9999R) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-33 L.L. - CSC DOCKET NO. 2016-3964

L.L. appeals her rejection as a County Correction Officer candidate by Essex County and its request to remove her name from the eligible list for County Correction Officer (S9999R) 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-34 R.R. - CSC DOCKET NO. 20106-574

R.R. 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 (S9999R) 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-35 B.T. - CSC DOCKET NO. 2016-4163

B.T., represented by Ricardo P. Gonzalez, Esq., 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 (S9988T) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Civil Service Commission directed that the appellant be referred for an independent psychological evaluation.

B-36 C.V. - CSC DOCKET NO. 2015-2451

C.V., represented by Michael L. Prigoff, Esq., appeals his rejection as a Police Officer candidate by the Jersey City Police Department and its request to remove his name from the eligible list for Police Officer (S9999R) 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-37 FRANK CUSTODE - CSC DOCKET NO. 2017-2797

Frank Custode appeals the revival and extension of the eligible list for Auditor 1, Taxation (PS8544U), Department of the Treasury and requests cancellation of pending certifications.

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

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Wednesday, July 26, 2017, at 1:00 p.m., at 3 Station Plaza, Trenton, New Jersey.