

STATE OF NEW JERSEY CIVIL SERVICE COMMISSION

Robert M. Czech Chair/Chief Executive Officer

AGENDA OF REGULAR MEETING OF THE CIVIL SERVICE COMMISSION MAY 2, 2012

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

Chris Christie Governor Kim Guadagno Lt. Governor

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SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Buster Bennett Department of Children and Families Removal

In the Matter of Stephen D'Arcangelis New Jersey State Prison Department of Corrections Removal

In the Matter of Daniel Diaz City of Camden Police Department Suspension

In the Matter of Tina Dickey Camden County Department of Health Services Removal

In the Matter of Mike Gbeyi New Lisbon Developmental Center Department of Human Services Release at the end of the working test period

In the Matter of Michella Gerald Hunterdon Developmental Center Department of Human Services Removal

In the Matter of David Hoffman Ancora Psychiatric Hospital Department of Human Services Suspension

In the Matter of Rahmaun Horton City of Newark Police Department Suspension In the Matter of Robby Jackson North Jersey Developmental Center Department of Human Services Suspension

In the Matter of Jean Joseph Hunterdon Developmental Center Department of Human Services Resignation not in good standing

In the Matter of Clifford Lawrence Montclair State University Suspension

In the Matter of Timmita McQuire Adult Diagnostic and Treatment Center Department of Corrections Suspension

In the Matter of Charles Miller North Jersey Developmental Center Department of Human Services Removal

In the Matter of Irving Rodgers Juvenile Justice Commission Department of Law and Public Safety Suspension

In the Matter of Carol Sasso Ocean County Sheriff's Department Removal

In the Matter of Sonia Schogel Marlboro Township Department of Public Safety Suspension, Demotion and Removal

In the Matter of Adam Smith Pennsauken Township Golf Course Removal In the Matter of Steven Soto Ancora Psychiatric Hospital Department of Human Services Removal

In the Matter of Megan Streaker Woodbine Developmental Center Department of Human Services Suspension

In the Matter of Joseph Westerburg Hunterdon Developmental Center Department of Human Services Removal

In the Matter of Rosalyn Williams City of Linden Municipal Court Removal

In the Matter of Thom L. Wooten Department of Labor and Workforce Development Release at the end of the working test period

In the Matter of Wallace Wynn Department of Health and Senior Services Resignation not in good standing

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

ACTION:

A-2 LISA ALSTON (REMAND)

Lisa Alston, Clerk Stenographer, City of Paterson, Clerk's Department, 10day 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 – Dismiss the appeal with prejudice.

A-3 JEFFREY EATON (REMAND)

Jeffrey Eaton, Senior Correction Officer, Albert C. Wagner Youth Correctional Facility, Department of Corrections, 120 working day suspension on charges of neglect of duty, other sufficient cause and violation of a rule, regulation, policy, procedure, order, or administrative decision.

Recommendation of the Administrative Law Judge – Reverse the 120 working day suspension.

ACTION:

A-4 ANTHONY IEMELLO

Anthony Iemello, Police Officer, City of Newark, Police Department, eightday suspension on charges of violation of Police Department rules and regulations regarding neglect of duty and disobedience of orders.

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

ACTION:

A-5 MONICA MILLER

Monica Miller, Correction Sergeant, Northern State Prison, Department of Corrections, 15 working day suspension, on charges of conduct unbecoming a public employee, other sufficient cause, failure or excessive delay in carrying out an order which would not result in damage to persons or property and insubordination.

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

A-6 STEVEN MILLER

Steven Miller, Senior Correction Officer, New Jersey State Prison, Department of Corrections, 30 working day suspension on charges of conduct unbecoming a public employee, other sufficient cause and violation of a rule, regulation, policy, procedure, order or administrative decision.

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

ACTION:

A-7 LAUREN SCHWARTZ (CONSOLIDATION)

Lauren Schwartz, Human Services Specialist 2, Bergen County Board of Social Services, 25-day suspension on charges of insubordination and removal effective May 27, 2009, on charges of failure to perform duties, insubordination, 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:

A-8 ALEX SINIAVSKY

Alex Siniavsky, Institutional Trade Instructor 1, Welding, South Woods State Prison, Department of Corrections, 15 working day suspension on charges of insubordination, conduct unbecoming a public employee, other sufficient cause and threatening, intimidating, harassing, coercing, or interfering with fellow employees on State property.

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

A-9 DURWIN SMALLS

Durwin Smalls, Senior Correction Officer, East Jersey State Prison, Department of Corrections, 30 working day suspension on the charge of insubordination.

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

ACTION:

A-10 CLAUDETTE DYE-WRIGHT

Claudette Dye-Wright, Senior Juvenile Detention Officer, Union County, Department of Human Services, 60 working day suspension and demotion to the position of Juvenile Detention Officer on charges of conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Reverse the 60 working day suspension and uphold the demotion to the position of Juvenile Detention Officer.

ACTION:

A-11 CORNEL MENDS-COLE (CONSOLIDATION)

Cornel Mends-Cole, Senior Probation Officer, Superior Court of New Jersey-Essex Vicinage, 1) 25 working day suspension on charges of failure to perform duties, insubordination, conduct unbecoming a public employee, neglect of duty, and other sufficient cause and 2) 50 working day suspension and removal effective March 15, 2011, on charges of insubordination, conduct unbecoming a public employee, other sufficient cause, and unauthorized leave.

Recommendation of the Administrative Law Judge – Uphold the 25 working day suspension, 50 working day suspension and removal.

A-12 DANIEL EVERETT

Daniel Everett, County Correction Officer, Burlington County, County Jail, removal effective February 23, 2011, on charges of chronic or excessive absenteeism or lateness.

Recommendation of the Administrative Law Judge – Uphold the resignation in good standing.

ACTION:

A-13 EDWARD MARI

Edward Mari, Senior Police Officer Human Services, Department of Human Services, three removals effective June 8, 2007 on charges of conduct unbecoming a public employee, threatening, intimidating, coercing or interfering with fellow employees on State grounds, inappropriate physical contact or mistreatment of a patient, client, resident or employee and violation of Department policies regarding intentional abuse or misuse of authority or position and neglect of duty which would not result in causing a danger to persons or property, unwelcome sexual advances, gross sexual imposition, violation of State policy prohibiting discrimination, harassment or hostile environments in the workplace, and inability to perform duties.

Recommendation of the Administrative Law Judge – Uphold the removals.

ACTION:

A-14 JENNIFER NIKIPER

Jennifer Nikiper, Public Safety Telecommunicator, Township of Mount Laurel, Police Department, removal effective December April 13, 2011, on charges of failure to perform duties, conduct unbecoming a public employee, neglect of duty, violation of Township rules and regulations and failure to take appropriate action to perform the duties promptly, faithfully and diligently.

Recommendation of the Administrative Law Judge – Uphold the removal.

A-15 LARRY ROBINSON

Larry Robinson, Custodial Worker, City of Jersey City, School District, removal, effective April 11, 2011, on charges of conduct unbecoming a public employee and neglect of duties.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-16 MARCOS KELLY (SETTLEMENT)

Marcos Kelly, Police Officer, City of Jersey City, Police Department, removal, effective September 8, 2011, on charges of violation of Department rules regarding criminal acts, neglect of duty and conduct unbecoming a public employee. Settled to a general resignation.

Recommendation of the Administrative Law Judge – Acknowledge the settlement.

ACTION:

A-17 MONMOUTH COUNTY LAYOFFS AND PBA LOCALS 314 AND 240

Various good faith layoff appeals were filed by and on behalf of employees from Monmouth County with the Civil Service Commission in April and May 2009.

Recommendation of the Administrative Law Judge – Dismiss the appellants' appeals and uphold the layoffs.

ACTION:

SECTION B – MISCELLANEOUS MATTERS

B-1 JENNIFER CROSSMAN

Jennifer Crossman, a former Family Service Specialist 2 with the Department of Children and Families, represented by Bob Regan, Staff Representative, Communications Workers of America, Local 1037, requests that the Civil Service Commission review her request for interim relief regarding her disciplinary hearing.

B-2 MARY TOMSIA

Mary Tomsia, a former Family Service Specialist 2 with the Department of Children and Families, represented by M. Catherine Danatos, Staff Representative, Communications Workers of America, Local 1037, requests that the Civil Service Commission review her request for interim relief regarding her disciplinary hearing.

ACTION:

B-3 LATHELIA ANGLIN, ET AL.

Lathelia Anglin, Valvonda Brickhouse, Brenda Harrison-Moore, Marlon Jordan, Kevin Ladd, Stanley Moses, and Gary Pitts, Youth Worker Supervisors, and Monica Collins and William Hobbs, Senior Youth Workers, with the Ewing Residential Treatment Center (Ewing) and Vineland Residential Treatment Center (Vineland), Department of Children and Families, appeal the determinations of their layoff rights by the Division of State and Local Operations.

ACTION:

B-4 MONICA HUGHES

Monica Hughes, a former Keyboarding Clerk 1 with Camden County, appeals the determination of her layoff rights.

ACTION:

B-5 THOMAS CINQUE

Thomas Cinque, a former Police Officer with the City of Newark, represented by Timothy R. Smith, Esq., requests counsel fees regarding his removal, which was modified to an accidental disability retirement, effective May 1, 2008.

B-6 SUSAN KANE

Susan Kane, Chief of Operations, Treasury, with the Department of the Treasury, appeals her receipt of a 4.25% salary increase pursuant to the fiscal Year 2008 Management Salary Program.

ACTION:

B-7 CYNTHIA COWAN, ET AL.

The City of Jersey City requests relaxation of N.J.A.C. 4A:4-7.1A(c) so as to permit the intergovernmental transfers of Cynthia Cowan, Joseph Dwyer, George Egan, Jeffrey Kochanski, Kevin Lowry, Ryan Macaluso, and Anthony Roman from the title of Sheriff's Officer, Hudson County Sheriff's Office, to the title of Police Officer, Jersey City. Jersey City also requests relaxation of N.J.A.C. 4A:4-7.1A(c) so as to permit the intergovernmental transfer of Patrick Egan from the title of Sheriff's Officer, Middlesex County Sheriff's Office, to the title of Police Officer, Jersey City.

ACTION:

B-8 YOUNG SOOK PARK

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 Young Sook Park, a former Physician Specialist 1 at Trenton Psychiatric Hospital, Department of Human Services, to submit a late application for SCOR benefits.

ACTION:

B-9 EROS SIANO

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 Eros Siano, a former Substance Abuse Counselor 1 at Trenton Psychiatric Hospital, Department of Human Services, to submit a late application for SCOR benefits.

B-10 GEORGE EVANS

George Evans, represented by Gail Oxfeld Kanef, Esq., appeals his return to his permanent title of Laborer 1 and the decision of the Division of State and Local Operations, denying the Newark School District's request to grant him a permanent appointment as a Glazier.

ACTION:

B-11 DEBBIE MARVEL

Essex County, on behalf of Debbie Marvel, requests a retroactive permanent appointment date as an Administrative Secretary.

ACTION:

B-12 NANCY M. BIDDLE

Nancy M. Biddle appeals the removal of her name from the Clerk Typist 1, Evidence Handling (S2386N), Statewide, employment list due to the appellant's failure to respond to the Certification Notice.

ACTION:

B-13 LYNEDRA STINSON

Lynedra Stinson, a Senior Correction Officer with New Jersey State Prison, Department of Corrections, appeals the determination of the Director of the Equal Employment Division, which found that the appellant failed to support a finding that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-14 CAROLYN BARBEE

Carolyn Barbee appeals the determination of the Division of State and Local Operations that her position with the Department of Health and Senior Services is properly classified as Laboratory Service Worker 1. The appellant seeks a Laboratory Service Worker 2 classification.

B-15 DENISE BRONSON

Denise Bronson appeals the decision of the Division of State and Local Operations which found that her position with the Department of Environmental Protection is properly classified as Principal Clerk Typist. The appellant seeks a Secretarial Assistant 3, Non-Stenographic classification.

ACTION:

B-16 STEVEN DRESSLER

Steven Dressler appeals the decision of the Division of State and Local Operations which found that his position with the Department of the Treasury is correctly classified as Technical Assistant 2, Treasury. The appellant seeks an Investigator 3, Administrative Analyst 4 or Senior Claims Investigator classification.

ACTION:

B-17 JOHN LANDIS

John Landis appeals the decision of the Division of State and Local Operations which found that his position with the Department of the Treasury is properly classified as Pensions Benefits Specialist 3. The appellant seeks a Pensions Benefits Specialist 2 job classification.

ACTION:

B-18 PATRICIA MARK

Patricia Mark appeals the decision of the Division of State and Local Operations which found that her position with the Department of the Treasury is correctly classified as Technical Assistant 2, Treasury. The appellant seeks a Senior Management Assistant or Management Assistant classification.

B-19 MICHAEL SANDHORST AND BRIAN THORNTON

Michael Sandhorst and Brian Thornton, represented by Kevin P. McGovern, Esq., appeal the decisions of the Division of State and Local Operations that their positions with Rahway are properly classified as Fire Fighters. The appellants seek Fire Captain classifications.

ACTION:

B-20 DIANE SCOTT

Diane Scott appeals the decision of the Division of State and Local Operations that the proper classification of her position with the Department of Law and Public Safety is Secretarial Assistant 3 (non-Stenographic). The appellant seeks an Administrative Analyst 3 classification.

ACTION:

B-21 ADMINISTRATIVE ANALYST 1, DATA PROCESSING (S2095N), STATEWIDE

The Department of Human Services, Hunterdon Developmental Center requests permission not to make an appointment from the December 2, 2011 certification for Administrative Analyst 1, Data Processing (S2095N), Statewide.

ACTION:

B-22 ASSISTANT SUPERVISOR, WATER METER REPAIRER (PM1886K), EAST ORANGE WATER DEPARTMENT

The Division of State and Local Operations seeks enforcement of the Civil Service Commission decision rendered on June 23, 2010, which ordered the East Orange Water Department to properly dispose of the March 23, 2009 certification (PL090490) of the eligible list for Assistant Supervisor, Water Meter Repairer (PM1886K) within 20 days of the issuance of the decision.

B-23 CARPENTER (C0033K), MERCER COUNTY

In *In the Matter of Carpenter (C0033K), Mercer County* (CSC, decided June 24, 2009), the Civil Service Commission granted the appointing authority's request for an appointment waiver from the October 22, 2008 certification and ordered that no selection costs would be assessed at that time since there was a possibility that the list could be utilized prior to its expiration. However, the appointing authority did not utilize the subject eligible list and the matter of the assessment of costs is now before the Commission.

ACTION:

B-24 HUMAN SERVICES SPECIALIST 1 (PC0021P), PASSAIC COUNTY BOARD OF SOCIAL SERVICES

The Director, Division of State and Local Operations, on behalf of the Passaic County Board of Social Services, requests relaxation of N.J.A.C. 4A:4-2.4(a)3 in order to allow employees in the non-competitive titles of Keyboarding Clerk 1 and Messenger to be admitted to the promotional examination for Human Services Specialist 1 (PC0021P), Passaic County Board of Social Services.

ACTION:

B-25 PARALEGAL SPECIALIST (C2043N), UNION COUNTY

Union County requests permission not to make an appointment from the September 15, 2011 certification for Paralegal Specialist (C2043N).

ACTION:

B-26 SECRETARIAL ASSISTANT 1 (S1333L), STATEWIDE

The Office of the Public Defender requests permission not to make an appointment from the March 30, 2011 certification for Secretarial Assistant 1 (S1333L), Statewide.

B-27 LAURIE FANNING

Laurie Fanning requests reconsideration of the final administrative determination *In the Matter of Laurie Fanning, Department of Treasury* (CSC, decided February 8, 2012) which determined that her position is properly classified as Pensions Benefits Specialist 2. The appellant seeks a Pensions Benefits Specialist 1 job classification.

ACTION:

B-28 THOMAS SWEENEY

Thomas Sweeney, a former Laborer with the City of Hoboken, represented by Catherine M. Elston, Esq., requests reconsideration of the decision, rendered on January 11, 2012, in which the Civil Service Commission denied his request for a hearing with respect to his removal.

ACTION:

B-29 TAMESHIA RUSSELL

The Motor Vehicle Commission requests reconsideration of the final administrative decision, rendered on August 17, 2011, in which the Civil Service Commission's decision to reassign Tameshia Russell from the Assistant Chief Administrator's Office to the Motor Carriers Unit inappropriate since it failed to utilize disciplinary procedures. Additionally, the Commission found that if the Motor Vehicle Commission failed to issue a Preliminary Notice of Disciplinary Action within 20 days of that decision, then Russell was to be returned to her assignment in the Assistant Chief Administrator's Office.

B-30 CHRISTOPHER MERCARDO

The appeal of Christopher Mercardo, a Senior Correction Officer with South Woods State Prison, Department of corrections, of his 15 working day suspension and removal, effective July 11, 2011, on charges, was heard by Administrative Law Judge W. Todd Miller (ALJ), who rendered his initial decision on February 23, 2012. At its meeting on April 18, 2012, the Civil Service Commission did not adopt the ALJ's recommendation to reverse the 15 working day suspension and modify the removal to a 90 working day suspension. Rather, the Commission upheld the 15 working day suspension and modified the removal to a 90 working day suspension. The proposed decision is now submitted for the Commission's review.

ACTION:

B-31 AMY DELLABELLA

Amy Dellabella appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Purchasing Agent (PM0564N), Bayonne.

ACTION:

B-32 COURTNEY EDDINGTON

Courtney Eddington appeals the decision of the Division of Selection Services which found that she did not meet the requirements for the promotional examination for the "dual" title Clerk 3/Senior Purchasing Assistant (PM0520N), Woodbridge.

ACTION:

B-33 PAUL HARDIFER, JR.

Paul Hardifer, Jr., appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the open-competitive examination for Agricultural Products Agent Trainee (S0873K), Statewide.

B-34 ESTHER MENDEZ

Esther Mendez appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Claims Examiner, Unemployment and Disability Insurance (PS3089N), Department of Labor and Workforce Development.

ACTION:

B-35 ROBERT NELSON AND ANDREA STUMPF

The Division of Selection Services requests that Robert Nelson and Andrea Stumpf be removed from the eligible list for Fiscal Analyst (PS4968K), Division of Medical Assistance and Health Services, Department of Human Services, on the basis that they lacked the required experience.

ACTION:

B-36 DIALIXA SANTOS

Dialixa Santos appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Claims Examiner, Unemployment and Disability Insurance (PS3089N), Department of Labor and workforce Development.

ACTION:

B-37 APRIL WOLCOTT

April Wolcott appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Secretarial Assistant 3, Non-Stenographic (PS5566K), Department of Human Services.

ACTION:

B-38 WILLIAM ANDERSON

William Anderson appeals his oral scores for the promotional examination for Police Captain (PM7527N), Jefferson.

B-39 ANTHONY AVILLO

Anthony Avillo appeals his oral score for the promotional examination for Fire Officer 4 (PM0503N), North Hudson Regional Fire and Rescue Service.

ACTION:

B-40 KYLE BROADFIELD, ET AL.

Kyle Broadfield, Mark Burkhardt, Tony DaSilva, Joseph DeSomma, Vincent Doffont, Herbert Eggers, Michael Elias, Kenneth Emmich, Patrick Flynn, Patrick Foley, Nicholas Galante, Christian Garofalo, Jesse Harding, Scott Hickey, Devin Hughes, Robert Lawson, Joseph McAllister, Neil Morgado, James Piorkowski, Joseph Ponzo, Jr., Patrick Revan, Jr., Mark Ricciardi, Thomas Roman, Guillermo Saccone, Christopher Skomal, Nicholas Snyder, Matthew Vilardo, Steven Weingartner, Edward Wilson, and Richard Zieser; and Robert Courtney, represented by Michael Rubas, Esq.; and Michael Payne represented by Robert Cascone, Esq. appeal their scores, the lack of an examination review, and the validity for the situational judgment portion of the examination for Fire Fighter (M9999M), various jurisdictions.

ACTION:

B-41 MICHAEL CRANWELL

Michael Cranwell appeals his oral score for the promotional examination for Fire Officer 4 (PM0503N), North Hudson Regional Fire and Rescue Service.

ACTION:

B-42 DONALD FILLINGER

Donald Fillinger appeals his oral scores for the promotional examination for Police Captain (PM7562N), Trenton.

ACTION:

B-43 LOUIS GENTILE

Louis Gentile appeals his oral scores for the promotional examination for Police Captain (PM7552N), Passaic.

B-44 JOSEPH PEZZANO

Joseph Pezzano appeals his oral scores for the promotional examination for Police Captain (PM7529N), Keansburg.

ACTION:

B-45 JAMES GILES

James Giles appeals the denial of his request for a make-up examination for Fire Captain (PM5234N), Newark.

ACTION:

B-46 MICHAEL HARRIS

Michael Harris appeals the denial of his request for a make-up examination for Fire Officer 1 (PM5205N), Jersey City.

ACTION:

B-47 CHARLES TUCKER

Charles Tucker appeals the test administration and requests a make-up for the examination for Fire Lieutenant (PM5189N), New Brunswick.

ACTION:

B-48 GREGORY WALCZAK

Gregory Walczak requests that volunteer points be added to his final average for the eligible list for Fire Fighter (M2552M), Mount Laurel, produced from the examination for Fire Fighter (M9999M).

ACTION:

B-49 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of April 18, 2012.

B-50 SHANNON DALTON, ET. AL.

Shannon Dalton, Kelly Glenn, Ernie Guia, Janet Hoesly, Christopher Myers, Elizabeth Rosenthal, Dulce Sulit-Villamor, Megan Timmins, and John Tartaglia appeal the determination of the Office of Classification and Compensation in the Division of State and Local Operations denying their request to have the education requirements of the Personnel & Labor Analyst title series revised to require a Juris Doctorate degree for all titles above Trainee and to have the class codes of those titles commensurately increased to reflect the proposed revision.

ACTION:

B-51 SHANNON DALTON, ET. AL.

Shannon Dalton, Cheryl Gane, Kelly Glenn, Ernie Guia, Janet Hoesly, Christopher Myers, Elizabeth Rosenthal, Bob Schremser, Dulce Sulit-Villamor, John Tartaglia, and Megan Timmins appeal the determination of the Office of Classification and Compensation in the Division of State and Local Operations which determined that the Personnel & Labor Analyst title series was not entitled to an increased salary range.