



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

**AGENDA OF REGULAR MEETING OF
THE CIVIL SERVICE COMMISSION
JUNE 5, 2013**

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

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Amelia Arroyo
Essex County
Department of Citizen Services
Suspension

In the Matter of Hilda Arroyo-Herbert
Trenton Psychiatric Hospital
Department of Human Services
Suspension

In the Matter of Taheerah Carr
Trenton Psychiatric Hospital
Department of Human Services
Removals (2)

In the Matter of John Cree, Jr.
Motor Vehicle Commission
Suspension

In the Matter of Rocco Danise
City of Newark
Police Department
Suspension

In the Matter of Monica Doss
City of Vineland School District
Removal

In the Matter of Anthony Foster
Hunterdon Developmental Center
Department of Human Services
Removal

In the Matter of Artina Foster
Hunterdon Developmental Center
Department of Human Services
Resignation not in good standing

In the Matter of Gasnel Francois
Woodbridge Developmental Center
Department of Human Services
Suspension

In the Matter of Barbara Fussell
Ancora Psychiatric Hospital
Department of Human Services
Returned to the previous held title at the end of the working test period

In the Matter of Hakim Hampton
Juvenile Justice Commission
Resignation not in good standing

In the Matter of Dawn P. Harrison
Essex County
Department of Health and Rehabilitation
Return to the previous held title at the end of the working test period

In the Matter of Valencia Hodges
Hudson County
Department of Corrections
Suspension

In the Matter of Regina Johnson
New Jersey Veterans Memorial Home, Paramus
Removal

In the Matter of Katina Jones
Vineland Developmental Center
Department of Human Services
Resignation not in good standing

In the Matter of James Lemieux
Trenton Psychiatric Hospital
Department of Human Services
Suspension and Resignation not in good standing

In the Matter of Melissa McCants
New Jersey Motor Vehicle Commission
Release at the end of the working test period

In the Matter of Marc Megna
Morris County
Department of Human Services
Removal

In the Matter of Reginald Mims
New Lisbon Developmental Center
Department of Human Services
Removal

In the Matter of Roberta Novak
Superior Court of New Jersey
Bergen Vicinage
Release at the end of the working test period

In the Matter of James O'Brien
Hudson County
Department of Roads and Public Property
Removal

In the Matter of Michael Pihs, Jr.
Atlantic County
Department of Public Safety
Release at the end of the working test period

In the Matter of Richard Reed
Department of the Treasury
Suspension

In the Matter of James Ricks
Ancora Psychiatric Hospital
Department of Human Services
Resignation not in good standing

In the Matter of Miguel Rivera
City of Trenton
Department of Public Works
Suspension

In the Matter of Elizabeth Robinson
Millville Board of Education
Removal

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

ACTION:

A-2 ELMORE GAINES

Elmore Gaines, Code Enforcement Officer, City of Newark, Department of Neighborhood and Recreational Services, four-month suspension on charges of incompetency, inefficiency or failure to perform duties, insubordination, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the four-month suspension.

ACTION:

A-3 JOHN D. KOHLER

John D. Kohler, Senior Maintenance Repairer, Cape May County, Department of Facilities and Services, 30 working day suspension and demotion to the position of Maintenance Repairer effective January 27, 2012, on charges of conduct unbecoming a public employee and Workers Compensation fraud.

Recommendation of the Administrative Law Judge – Reverse the 30 working day suspension and demotion to the position of Maintenance Repairer.

ACTION:

A-4 SHAWN PRESSLEY

Shawn Pressley, Assistant Family Service Worker 3, Department of Children and Families, release at the end of the working test period effective November 9, 2011.

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

ACTION:

A-5 JOHN VENABLES, JR.

John Venables, Jr., Police Lieutenant, City of Camden, Police Department, a 15-day suspension and six-month suspension and demotion to the position of Police Sergeant effective September 28, 2009, on charges of violation of the Department rules and regulations, insubordination and other sufficient cause.

Recommendation of the Administrative Law Judge – Reverse the 15-day suspension, modify the six-month suspension to a 90-day suspension and reverse the demotion to the position of Police Sergeant.

ACTION:

A-6 ANNIE BAKER

Annie Baker, Correction Sergeant, Juvenile Justice Commission, removal effective April 24, 2012, on charges of inability to perform duties and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-7 JACQUELINE BYRD

Jacqueline Byrd, Senior Food Service Worker 12 months, Trenton Psychiatric Hospital, Department of Human Services, removal effective June 25, 2012, on charges of conduct unbecoming a public employee, other sufficient cause, physical or mental abuse of a patient, client, resident or employee, verbal abuse of a patient, client, resident or employee, inappropriate physical contact or mistreatment of a patient, client, resident or employee and intentional abuse or misuse of authority or position.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-8 TODD PICKETT SETTLEMENT (REMAND)

Todd Pickett, Fire Fighter, City of Passaic Fire Department, removal effective July 1, 2012 on charges of incompetency, inefficiency or failure to perform duties, inability to perform duties, chronic or excessive absenteeism or lateness, conduct unbecoming a public employee, neglect of duty and other sufficient cause. Settled to a retirement effective October 1, 2012.

Recommendation of the Administrative Law Judge – Acknowledge the settlement.

ACTION:

A-9 PETER MUNIZ

Peter Muniz, Fire Fighter, City of Newark, Fire Department, removal effective April 13, 2007, on charges of conduct unbecoming a public employee, formal charges of a crime of the first, second, or third degree, other sufficient cause and violation of Fire Department rules and regulations.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-10 KEITH WICKHAM, JR.

Keith Wickham, Jr., Senior Correction Officer, New Jersey State Prison, Department of Corrections, removal effective October 15, 2012, on charges of incompetency, inefficiency or failure to perform duties, conduct unbecoming a public employee, neglect of duty, other sufficient cause, serious mistake due to carelessness which may result in danger and/or injury to persons or property, falsification, and improper or unauthorized contact with inmate, undue familiarity with inmates, paroles, their families or friends.

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

ACTION:

SECTION B – MISCELLANEOUS MATTERS

B-1 DANIEL S. BALDASSANO

Daniel S. Baldassano, represented by Robert J. DeGroot, Esq., appeals his rejection as a Police Officer candidate by Woodbridge Township and its request to remove his name from the eligible list for Police Officer (S9999M) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-2 ANTHONY MEDINA

Anthony Medina, represented by Stephen B. Hunter, Esq., appeals his rejection as a Fire Fighter candidate by Elizabeth and its request to remove his name from the eligible list for Fire Fighter (M2339H) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-3 EDWARD PICKETT

Edward Pickett, represented by Daniel J. Zirrieth, Esq., appeals his rejection as a Fire Fighter candidate by Jersey City and its request to remove his name from the eligible list for Fire Fighter (M2365H) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-4 RYAN LOPEZ

Ryan Lopez, a former Senior Medical Security Officer with Ann Klein Forensic Center, Department of Human Services, appeals his five-day suspension.

ACTION:

B-5 JARED STEMETZKI

Jared Stemetzki, a former Institutional Trade Instructor 1 with the Garden State Youth Correctional Facility, Department of Corrections, appeals his indefinite suspension.

ACTION:

B-6 ERICA AYBAR-MORILLO

Mount Laurel Township, on behalf of Erica Aybar-Morillo, requests that she be permitted to participate in the intergovernmental transfer program with a new working test period as a Police Officer with Mount Laurel.

ACTION:

B-7 JUSTYNA HALAT AND SCOTT-MALONEY

The City of Rahway, on behalf of Justyna Halat and Scott Maloney, requests that they be permitted to participate in the intergovernmental transfer program and to complete their working test periods as Police Officers with Rahway.

ACTION:

B-8 ROBBIN CONOVER

The Department of Corrections 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 Robbin Conover, a former Correction Lieutenant, to submit a late application for SCOR benefits.

ACTION:

B-9 ROBERT TRENT

Robert Trent, a Senior Investigator, Parole and Secured Facilities with the Department of Corrections, represented by Catherine Elston, Esq., appeals his bypass on the promotional list for Principal Investigator, Parole and Secured Facilities (PS4821I), DOC.

ACTION:

B-10 MEGHAN BERKERY, ET AL

The Department of Children and Families requests that Meghan Berkery, Ashley Mystila, Andrea Smith and Precella Speid be added to the promotional list for Family Service Specialist 1 (PS3420K).

ACTION:

B-11 JERRY CALABRESE AND MICHAEL GILLENS

Jerry Calabrese, represented by Edward G. D'Alessandro, Esq., and Michael Gillens, represented by Bette R. Grayson, Esq., appeal the determinations of the Division of Selection Services, which found that they were ineligible for the promotional examination for Police Captain (PM7534P), Newark.

ACTION:

B-12 NOREEN CHUA-KASAK

Noreen Chua-Kasak requests a make-up for the promotional examination for Data Processing Programmer 1 (PS0257J), William Paterson College.

ACTION:

B-13 CHRIS SPAGNUOLO, ET AL.

The Division of Classification and Personnel Management, on behalf of the Township of Lakewood, requests retroactive regular appointments effective February 28, 2011 for Chris Spagnuolo, James Finnegan III, Greg Staffordsmith, and Steve Berner, and a retroactive regular appointment effective May 24, 2012 for Robert Shimonovich to the title of Police Sergeant from the September 14, 2011 (PL111014) and March 4, 2013 (PL130322) certifications, respectively, of the Police Sergeant (PM2604K) eligible list.

ACTION:

B-14 CLERK 4 (M0494M) AND (M0075P), BAYONNE

Bayonne requests permission not to make an appointment from the December 5, 2012 certification for Clerk 4 (M0494M) and (M0075P).

ACTION:

B-15 FIRE OFFICER 1 (PM2567J), JERSEY CITY

The parties request that the Civil Service Commission acknowledge a settlement reached between the City of Jersey City, the Uniform Fire Fighters Association of Jersey City, International Association of Fire Fighters (IAFF), Local 1066, Paul Cerniglia, and Joseph Unitisz.

ACTION:

B-16 HUMAN RESOURCE CONSULTANT TRAINEE AND PERSONNEL AND LABOR ANALYST TRAINEE

The Division of Classification and Personnel Management recommends reallocation of the Human Resource Consultant Trainee and Personnel and Labor Analyst Trainee titles to the non-competitive division of the career service in accordance with *N.J.A.C. 4A:3-1.2*.

ACTION:

B-17 HUMAN SERVICES SPECIALIST 4 (PC0941M)

The Mercer County Board of Social Services requests that the eligible list for Human Services Specialist 4 (PC0941M) be extended for one year beyond its original expiration date.

ACTION:

B-18 HUMAN SERVICES SPECIALIST 4 (PC0251N)

The Camden County Board of Social Services requests that the eligible list for Human Services Specialist 4 (PC0251N) be extended for one year beyond its original expiration date.

ACTION:

B-19 POLICE CAPTAIN (PM7521P), JACKSON TOWNSHIP

Brian Geoghegan, Raymond Milewski and Steven Laskiewicz appeal their eligibility for the promotional examination for Police Captain (PM7521P), Jackson Township. Additionally, John Decker maintains that the subject announcement was properly posted.

ACTION:

B-20 PUBLIC HEALTH INVESTIGATOR (C0964L), OCEAN COUNTY HEALTH DEPARTMENT

In In the Matter of Public Health Investigator (C0964L), Ocean County Health Department (CSC, Decided February 16, 2011), the Civil Service Commission granted the appointing authority's request for an appointment waiver from the April 20, 2010 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-21 SENIOR COMMUNITY RELATIONS AIDE (M2417N), ATLANTIC CITY**

The appointing authority's failure to dispose of the certification for Senior Community Relations Aide (M2417N), Atlantic City, while a provisional is serving in the title, has been referred to the Civil Service Commission for enforcement.

ACTION:**B-22 SENIOR INVESTIGATOR PAROLE AND SECURED FACILITIES (PC0797M), HUDSON COUNTY**

The appointing authority's failure to dispose of the certification for Senior Investigator Parole and Secured Facilities (PC0797M), Hudson County, while a provisional is serving in the title, has been referred to the Civil Service Commission for enforcement.

ACTION:**B-23 SOCIAL SERVICE TECHNICIAN (C0166P), BERGEN COUNTY BOARD OF SOCIAL SERVICES**

Bergen County Board of Social Services requests permission not to make an appointment from the November 26, 2012 certification for Social Service Technician (C0166P).

ACTION:

B-24 STATE PARK POLICE OFFICER TRAINEE PILOT PROGRAM

The Department of Environmental Protection (DEP) requests that the Civil Service Commission establish a Pilot Program to provide for the promotion of permanent DEP employees to the title of State Park Police Officer Trainee.

ACTION:

B-25 ROBERT BEAUREGARD

Robert Beauregard, an Assistant Director with the Department of the Treasury, appeals the determination of the Office of Equal Employment Opportunity and Affirmative Action, which found that the appellant had violated the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-26 JOSEPHINE FARINA

Josephine Farina, a Personnel Assistant 1 with the former Department of Health and Senior Services, appeals the determination of the Commissioner of the Department of Health and Senior Services, stating that the appellant failed to present sufficient evidence to support a finding that she had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-27 COLLEEN FITZGERALD

Colleen Fitzgerald, a former Assistant Social Work Supervisor (Psychiatric) with the Ann Klein Forensic Center, Department of Human Services, appeals the determination of the Assistant Commissioner, DHS, stating that there was sufficient evidence to support a finding that the appellant had violated the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-28 LULA HENRY

Lula Henry, a former Charge Nurse (12 Months) with the Department of Human Services, appeals the determination of the Assistant Commissioner, DHS, stating that she failed to present sufficient evidence 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-29 BARINDERJIT K. BAL**

The appeal of Barinderjit K. Bal, a former Library Associate with the Bloomfield Public Library, of her layoff, effective October 3, 2011, was before Administrative Law Judge Michael Antoniewicz (ALJ), who rendered his initial decision on April 19, 2013. At its meeting on May 15, 2013, the Civil Service Commission affirmed the ALJ's recommendation to uphold the layoff. However, the Commission needed to address the exceptions and cross exceptions filed by the parties. The proposed final decision is now submitted for the Commission's review.

ACTION:**B-30 ALEXANDER LOIZOS**

The appeal of Alexander Loizos, a Correction Officer Recruit at New Jersey State Prison, Department of Corrections, of his removal, effective October 1, 2012, on charges, was heard by Administrative Law Judge John R. Futey (ALJ), who rendered his initial decision on April 5, 2013. At its meeting on May 15, 2013, the Civil Service Commission affirmed the recommendation to modify the removal to a 180 calendar day suspension. However, the Commission needed to address the exceptions and cross exceptions filed by the parties. The proposed decision is now submitted for the Commission's review.

ACTION:

B-31 JAMES MCDONOUGH

The appeal of James McDonough, a former Police Captain with the Town of Harrison, Police Department, of his demotion in lieu of layoff to Police Lieutenant effective April 5, 2010, was heard by Administrative Law Judge Michael Antoniewicz (ALJ), who rendered his initial decision on April 5, 2013. At its meeting on May 15, 2013, the Civil Service Commission adopted the ALJ's recommendation to uphold the layoff. However, the Commission needed to address the exceptions and cross exceptions filed by the parties. The proposed final decision is now submitted for the Commission's review.

ACTION:**B-32 WILLIAM BILLSON AND ALEXANDRA CALIFF**

Christopher J. Scaturo, Director/Chief, Division of Emergency Services, Union County, on behalf of William Billson and Alexandra Califf, petitions the Civil Service Commission for reconsideration of the part of the final administrative decision, rendered on April 17, 2013, in which the Commission found that Billson and Califf failed to indicate possession of the required certification for the open competitive examination for Hazardous Materials Responder (C0381P), Union County.

ACTION:**B-33 ALFONSINA COMUNE**

Alfonsina Comune, a former Executive Assistant 1 with the Office of Information Technology, requests reconsideration of the decision rendered on June 6, 2012, 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 (State Policy).

ACTION:**B-34 LAURA MARTIN**

Laura Martin, a part-time Municipal Director of Welfare with the Borough of Edgewater requests reconsideration of the decision rendered on November 7, 2012, that determined she is not entitled to sick or vacation leave since she is serving in a title that is allocated to the unclassified service.

ACTION:

B-35 YOLANDA N. PHILLIPS-HADDEN

Yolanda N. Phillips-Hadden requests reconsideration of the final administrative determination, rendered on December 19, 2012, which upheld her ineligibility for the promotional examination for Supervisor, Child Care Quality Assurance Inspections (PS9795K), Department of Children and Families.

ACTION:

B-36 SPECIAL LAW ENFORCEMENT OFFICERS, NEWARK SCHOOL DISTRICT

The Director, Division of Classification and Personnel Management, requests reconsideration of the Civil Service Commission decision rendered on January 13, 2010, which ordered that 10 employees currently serving as "Special Police Officers" in the Newark School District be recorded as serving in the title of Campus Police Officer provisionally, pending the certification of the Campus Police Officer (S9999K), eligible list.

ACTION:

B-37 HASAHYA HIRYA

Hasahya Hirya appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM5189N), New Brunswick.

ACTION:

B-38 JOHN HORNBACK, JR.

John Hornback, Jr. appeals the determination of the former Division of Selection Services which found that he did not meet the experience requirements for the examination for Senior Engineering Aide (PC0782P), Camden County.

ACTION:

B-39 LYNNETTE C. HUNT

Lynnette C. Hunt appeals the determination of the Division of Selection Services which found that she did not meet the requirements for the promotional examination for Administrative Analyst 2 (PS6297K), Department of Human Services.

ACTION:

B-40 JOHN LUCARIO

John Lucario appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM5189N), New Brunswick.

ACTION:

B-41 BRENT MEISENHELTER

Brent Meisenhelter appeals his score for the oral portion of the promotional examination for Fire Captain (PM5236N), Ocean City.

ACTION:

B-42 MICHAEL PILCH

Michael Pilch appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM5189N), New Brunswick.

ACTION:

B-43 MICHAEL ROSS

Michael Ross appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM5189N), New Brunswick.

ACTION:

B-44 DANIEL D. SAUNDERS

Daniel D. Saunders appeals the determination of the Division of Selection Services and Recruitment which found that he was below the minimum requirements in education for the promotional examination for Administrator, Historic Preservation Office (PS8531G), Department of Environmental Protection.

ACTION:

B-45 MICHAEL SHINER

Michael Shiner appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM5180N), Hackensack.

ACTION:

B-46 ANGEL WILLIAMS

Angel Williams appeals the determination of the Division of Selection Services and Recruitment that she did not meet the experience requirement for the promotional examination for Word Processing Specialist 1 (PS1418Q), Office of the Public Defender.

ACTION:

B-47 PROPOSED NEW RULE: N.J.A.C. 4A:4-4.6A AND PROPOSED AMENDMENTS: N.J.A.C. 4A:4-2.8, 2.17, 3.6, 6.1 AND 6.2 (CERTAIN PERSONS RETURNING FROM MILITARY LEAVE)

Attached please find a Notice of Adoption of proposed new rule N.J.A.C. 4A:4-4.6A and proposed amendments to N.J.A.C. 4A:4-2.8, 2.17, 3.6, 6.1 and 6.2, intended to implement P.L. 2012, c.49, regarding placement on eligible lists of certain persons returning from military service. This new law addresses situations in which a reservist or a national guard member whose name had been placed on an open competitive eligible list returns from Federal active duty after the list has expired. The remedy provided in the legislation is to give such individuals the opportunity to request, within one year of the list's expiration, placement on an active eligible list for the same title and jurisdiction, utilizing the score he or she had earned for the expired list, for prospective appointment only. No comments were received during the public comment period. Therefore, it is recommended that this proposal be adopted without change.

ACTION:**B-48 CIVIL SERVICE COMMISSION MINUTES**

Submitted for adoption are the Civil Service Commission minutes of its meeting of May 15, 2013.

ACTION:**B-49 CHRISTOPHER HOFFMAN**

Egg Harbor City requests that the provisions of N.J.A.C. 4A:4-7.1A9b) be relaxed in order to permit the retroactive Intergovernmental Transfer of Christopher Hoffman from the title of Sheriff's Officer, Atlantic County Sheriff's Office, to the title of Police Officer, Egg Harbor.

ACTION:**B-50 MOHAMMED ULLAH**

Mohammed Ullah appeals the decision of the Division of Selection Services and Recruitment which found that the appellant did not possess the necessary experience for Principal Engineer, Bridges, (C2206N), Burlington County, and removed his name from the eligible list.

ACTION:

B-51 ELBIA ZEPPELELLI

Elbia Zeppetelli appeals the decision of the Division of Classification and Personnel Management that the proper classification of her position with the Election Law Enforcement Commission is Executive Secretarial Assistant. The appellant seeks an Administrative Assistant 1 job classification.

ACTION: