



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
MARCH 10, 2010**

**Robert M. Czech, Chairperson
Flavella Branham
John Currie
Vincent E. Giordano**

MARCH 10, 2010

A regular meeting of the Civil Service Commission was held on Wednesday, March 10, 2010, in Trenton, New Jersey.

PRESENT: Robert M. Czech, Chairperson, Members Flavella Branham, John Currie, and Vincent E. Giordano; Pamela Ullman, Deputy Attorney General; Henry Maurer, Director, Division of Merit System Practices and Labor Relations.

In accordance with L.1975, c.231, Robert M. Czech, Chairperson, 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 20, 2009 and posted at the Civil Service Commission, 3 Station Plaza, Trenton, New Jersey.

All other actions were by unanimous vote unless otherwise specified.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Shakeema Butler
Hudson County
Department of Corrections
Removal

In the Matter of John Cataldo
Monmouth County
Department of Building and Grounds
Suspension

In the Matter of Megan Conover
Middlesex County
Department of Aging
Removal

In the Matter of Gynnie DeJesus
Hudson County
Superintendent of Schools Department
Removal and Resignation not in good standing

In the Matter of Steven Ferranto
Burlington County
County Jail
Suspensions (2)

In the Matter of Tina Loving
Mercer County
Department of Human Services
Removal

In the Matter of Eunice Olowookere
Department of Community Affairs
List Removal

In the Matter of Francis Tate
Hunterdon Developmental Center
Department of Human Services
Removal

In the Matter of Simbia Williams
Monmouth County
Department of Health Care Facilities
Suspension

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

ACTION: The Civil Service Commission acknowledged the settlements.

A-2 SANTO BENCIVENNI

Santo Bencivenni, Aide, Commission for the Blind and Visually Impaired, Department of Human Services, 20-day suspension on charges of insubordination, and violation of a rule, regulation, policy, procedure, order or administrative decision.

Recommendation of the Administrative Law Judge – Uphold the 20-day suspension.

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

A-3 ROSEANN SERBIO

Roseann Serbio, Ominbus Operator, Clark Township, Department of Public Works, appeals the good faith of her demotion in lieu of layoff effective March 12, 2009, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Uphold the demotion in lieu of layoff.

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

A-4 JOSEPH DESMOND

Joseph Desmond, Senior Correction Officer, South Woods State Prison, Department of Corrections, 10-working day suspension on the charge of verbal abuse of an inmate, patient, client, resident or employee.

Recommendation of the Administrative Law Judge – Modify the 10-working day suspension to an oral reprimand.

ACTION: The Civil Service Commission modified the recommendation of the Administrative Law Judge to an official written reprimand.

A-5 RANKO KANDIC

Ranko Kandic, Mechanical Equipment Specialist, Rowan College of New Jersey, 10-day suspension on charges of incompetency, inefficiency, or failure to perform duties and neglect of duty.

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

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

A-6 NANCY RACHMIEL

Nancy Rachmiel, Family Service Worker, Essex County, Department of Citizen Services, release at the end of the working test period effective August 7, 2009.

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 STEPHANIE ANDERSON-DAVIS

Stephanie Anderson-Davis, County Correction Officer, Essex County, Department of Corrections, removal effective October 1, 2008 on charges of incompetency, inability to perform duties, and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the removal to a resignation in good standing.

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

A-8 SHERWIN JONES

Sherwin Jones, Police Officer, Jersey City, Police Department, removal, on charges of conduct unbecoming a public employee, and violation of rules regarding obedience to laws, regulations and orders, knowledge of laws and regulations, care and use of weapons, change in personal data and neglect of duty.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-9 BRIAN OWENS

Brian Owens County Correction Officer, Cumberland County, Department of Corrections, removal effective June 23, 2008, on the charge of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Dismiss the appeal without prejudice.

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

A-10 GREGORY PETTEY

Gregory Pettey, Senior Correction Officer, Riverfront State Prison, Department of Corrections, removal effective December 17, 2008, on charges of conduct unbecoming a public employee, use, possession or sale of any controlled dangerous substance and other sufficient cause.

Recommendation of the Administrative Law Judge – Grant appointing authority’s motion for summary decision and uphold the removal.

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

VOTE:	Robert M. Czech	(Yes)
	Flavella Branham	(Yes)
	John Currie	(Yes)
	Vincent E. Giordano	(No)

A-11 RICHARD SANTIAGO

Richard Santiago, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, removal effective July 8, 2008, on charges of conduct unbecoming a public employee, neglect of duty, other sufficient cause, physical abuse of a patient, verbal abuse of a patient and violation of a policy.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-12 AMY ROBLES

Amy Robles, Senior Therapy Program Assistant, New Lisbon Developmental Center, Department of Human Services, removal effective January 26, 2009, on charges of inappropriate physical contact of a patient, client, or resident, falsification, insubordination, improper and unauthorized conduct with inmate work details, violation of a rule, regulation, policy, procedure, order or administrative decision, intentional abuse or misuse of authority or position, 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 SANFORD THIGPEN

Sanford Thigpen, Police Officer, East Orange, Police Department, removal effective March 27, 2009, 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-14 DEREK WADUD

Derek Wadud, Senior Correction Officer, Mountainview Youth Correctional Facility, Department of Corrections, 1) removal effective April 7, 2009, on charges of other sufficient cause and conduct unbecoming a public employee, 2) removal effective April 7, 2009, on charges of abuse of sick leave, personal conduct, insubordination, conduct unbecoming a public employee and violation of a rule, regulation, policy, procedure, order or administrative decision, 3) removal effective April 7, 2009, on charges of violation of a rule, regulation, policy, procedure, order, or administrative decision, and 4) removal effective April 20, 2009 on charges of violation of a rule, regulation, policy, procedure, order, or administrative decision.

Recommendation of the Administrative Law Judge – Grant appointing authority's motion for summary decision, dismiss the appeals and uphold the removal.

ACTION: The Civil Service Commission modified removal number 3 to a 90-day suspension and remanded the remaining removals to the Office of Administrative Law for further proceedings.

SECTION B – MISCELLANEOUS MATTERS**B-1 PATRICK RODIER**

Patrick Rodier, represented by Michael D. Miller, Esq., appeals his rejection as a Sheriff's Officer candidate by Camden County and its request to remove his name from the eligible list for Sheriff's Officer (S9999H) 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-2 EUGENE ASKIN

Eugene Askin, an Equipment Operator with the Department of Transportation, represented by Laura J. Glenn, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-3 JOSEPH CONNORS

Joseph Connors, a former Plumber and Steamfitter with Ancora Psychiatric Hospital, Department of Human Services, represented by Benjamin Spivack, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-4 JEFFREY KURZ

Jeffrey Kurz, a Senior Correction Officer with the Mid-State Correctional Facility, Department of Corrections, represented by Daniel Geddes, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-5 CHARLENE LUCAS-WEBB

Charlene Lucas-Webb, a Senior Correction Officer with Southern State Correctional Facility, Department of Corrections, represented by Daniel Geddes, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-6 PETER RIMASSA

Peter Rimassa, a Judiciary Clerk 2 with the Judiciary, Monmouth Vicinage, appeals the denial of sick leave injury (SLI) benefits.

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

B-7 CLEVELAND ATWATER, IV

Cleveland Atwater, IV, appeals the decision of the Division of Local Human Resource Management, which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for County Correction Officer (S9999H), Bergen County based on an unsatisfactory background report.

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

B-8 HENRY KNAZ

Henry Knaz, represented by Craig J. Kobrin, Esq., appeals the decision of the Division of State Human Resource Management which found that the Department of Corrections had presented a sufficient basis to remove his name from the Correction Officer Recruit (S9999H), eligible list due to an unsatisfactory criminal record.

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

B-9 DIANE LEE

Diane Lee appeals the decision of the Department of Corrections to remove her name from the Correction Officer Recruit (S9999H), eligible list due to an unsatisfactory criminal record.

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

B-10 JOHN MACQUESTEN

John MacQuesten, represented by Anthony M. Arbore, Esq., appeals the decision of the Division of Local Human Resource Management which found that the appointing authority had presented a sufficient basis to remove his name from the Police Officer (S9999H), Rockaway, eligible list due to an unsatisfactory criminal record.

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

B-11 MICHAEL MADDOX

Michael Maddox appeals the decision of the Division of State Human Resource Management which found that the Department of Corrections had presented a sufficient basis to remove his name from the Correction Officer Recruit (S9999H), eligible list due to an unsatisfactory criminal record and for falsification of his preemployment application.

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

B-12 SALADEEN MOORE

Saladeen Moore appeals the decision of the Division of State Human Resource Management which found that the Department of Corrections had presented a sufficient basis to remove his name from the Correction Officer Recruit (S9999H), eligible list due to an unsatisfactory criminal record.

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

B-13 GWAN MUSONG

Morristown appeals the decision of the Division of Local Human Resource Management, which restored Gwan Musong's name to the eligible list for Technical Assistant to the Construction Official (M1823J), Morristown, after the appointing authority had requested the removal of his name for his failure to respond to the Notice of Certification.

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

B-14 KEITH WHITE

Keith White appeals the decision of the Division of Local Human Resource Management, which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for County Correction Officer (S9999H), Union County for falsification of his preemployment application.

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

B-15 LIBRARIAN CHILDREN'S (M0660K) AND (M0480L), BLOOMFIELD PUBLIC LIBRARY

Bloomfield Public Library requests permission not to make an appointment from the August 20, 2009 certification for Librarian Children's (M0660K) and (M0480L).

ACTION: The Civil Service Commission granted the request for an appointment waiver but assessed selection costs in the amount of \$2,048.

B-16 POLICE AIDE (M0019L), CITY OF ORANGE TOWNSHIP

The City of Orange Township requests permission not to make an appointment from the August 3, 2009 certification for Police Aide (M0019L).

ACTION: The Civil Service Commission granted the request for an appointment waiver but assessed no selection costs at this time.

B-17 SOCIAL WORKER DRUG ABUSE (M0093K), EAST ORANGE

The matter of whether East Orange should be granted permission not to make an appointment from the December 23, 2008 certification for Social Worker Drug Abuse (M0093K) has been referred to the Civil Service Commission for review.

ACTION: The Civil Service Commission granted the request for an appointment waiver but assessed selection costs in the amount of \$2,048.

B-18 DENNY ALLISON

Denny Allison, an Unemployment Insurance Clerk with the Department of Labor and Workforce Development (DL&WD), appeals the determination of the Commissioner of DL&WD stating that the appellant 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 (State Policy). Additionally, the Commissioner for DL&WD indicated that there was probable cause to substantiate a finding that the appellant violated the State Policy.

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

B-19 CYNTHIA CAMP

Cynthia Camp, a Correction Lieutenant with Albert C. Wagner Youth Correctional Facility, Department of Corrections, appeals the determination of the Director, Equal Employment Division, stating that the appellant 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: The Civil Service Commission directed that this appeal be denied.

B-20 MARGARET KIRKUFF

Margaret Kirkuff, a Quality Assurance Specialist, Health Services with the Department of Health and Senior Services (DHSS), appeals the determination of the Commissioner of DHSS stating that the appellant 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: The Civil Service Commission directed that this appeal be denied.

B-21 DOUGLAS NELSON

Douglas Nelson, a Vice President of Institutional Advancement with Kean University, appeals the determination of the President of Kean University, stating that there was probable cause to substantiate a finding that he violated the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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

B-22 ELLEN REICHART

Ellen Reichart, a Deputy Attorney General 3 with the Department of Law and Public Safety, appeals the determination of the Chief of Staff, Office of the Attorney General, 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: The Civil Service Commission directed that this appeal be denied.

B-23 CARLOS SANTIAGO

Carlos Santiago, a Correction Sergeant with Mid-State Correctional Facility, 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 he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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

B-24 MA'RITA SAUNDERS

Ma'Rita Saunders, a Supervisor of Professional Residential Services, Developmental Disabilities with Vineland Developmental Center, Department of Human Services (DHS), appeals the determination of the Chief of Staff of DHS stating that the appellant 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: The Civil Service Commission directed that this appeal be denied.

B-25 CYNTHIA WEBSTER

Cynthia Webster, a Communications Operator, Secured Facilities, with South Woods State Prison, Department of Corrections, appeals the determination of the Director, Equal Employment Division, stating that the appellant 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: The Civil Service Commission directed that this appeal be denied.

B-26 SELENA WHITFIELD

Selena Whitfield, a Senior Medical Security Officer with Ann Klein Forensic Center, Department of Human Services, appeals the determination of the Assistant Commissioner, stating that the appellant 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: The Civil Service Commission directed that this appeal be denied.

B-27 EDWARD J. PENGEL

Edward J. Pengel, a former Groundskeeper with Morris County, represented by Michael G. Kane, Esq., appeals his resignation in good standing.

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

B-28 FREDERICK RODDY

The Division of Selection Services, on behalf of the Department of the Treasury, requests that the provisions of N.J.A.C. 4A:4-1.1(c) be relaxed in order to allow Frederick Roddy to be provisionally appointed, pending promotional examination procedures, to the competitive title of Truck Driver, Tandem Axle.

ACTION: The Civil Service Commission granted the request.

B-29 PAUL ZIMMERMAN AND JACK BOWEN

Paul Zimmerman, represented by Lauren Young-Boukema, Staff Representative, CWA Local 1034, and Jack Bowen, former Laborers with Burlington Township, appeal the determinations of their layoff rights by the Division of Local Human Resource Management.

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

B-30 CHRISTINE GEORGE

Christine George appeals the determination of the Division of State and Local Operations that her position is properly classified as a Senior Clerk Typist. The appellant seeks a Principal Clerk Typist classification in this proceeding.

ACTION: The Civil Service Commission directed that this appeal be denied, but directed that the matter of the current classification of the appellant's position be referred to the Division of State and Local Operations for further review.

B-31 CHRISTINA ALBIZATI, ET AL.

Christina Albizati, Kimberly Kerkuska, Jo Legg, Stacey MacEwan, Christopher Squazzo, and Kristen Symanski, represented by Joseph Novemsky, Staff Representative, Communications Workers of America, Local 1036, request reconsideration of the decision rendered on December 2, 2009 which upheld the determinations of the Division of Selection Services which found that they were below the minimum requirements in experience for the promotional examination for Principal Environmental Specialist (Coastal Resources) (PS1401G), Department of Environmental Protection.

ACTION: The Civil Service Commission granted the requests for reconsideration.

B-32 ANTHONY CARBONE

Anthony Carbone, represented by Brett Richter, Primary Level Vice-President, CWA Local 1039, petitions the Civil Service Commission (Commission) for reconsideration of the final administrative decision, rendered on August 27, 2008, in which the Commission found that he did not meet the requirements for the open competitive examination for Field Representative, Housing (Housing Assistance Program) (S0649J).

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

B-33 TIMOTHY DORE, ET AL.

Timothy Dore requests reconsideration of the decision rendered on October 21, 2009 which upheld the determination of the Division of Selection Services (Selection Services) that, per the substitution clause for education, he was below the minimum requirements in experience for the promotional examination for State Park Police Sergeant (PS2110G), Department of Environmental Protection. Steven Franzone and Timothy Kasony request reconsideration of the decision rendered on October 21, 2009 which upheld the determinations of Selection Services that they were below the minimum requirements in experience for the promotional examination for State Park Police Sergeant (PS2110G), Department of Environmental Protection.

ACTION: The Civil Commission denied the requests for reconsideration.

B-34 IRINA EYCHIS, ET AL.

Irina Eychis, Manju Goel, Helen Longo, represented by Daniel S. Sweetser, Esq., and Mamta Patel, request reconsideration of the decision rendered on August 19, 2009, which rescinded the eligible list for Software Development Specialist 2 (PS7470U) and ordered the development and administration of a new examination for the subject title.

ACTION: The Civil Service Commission granted the requests for reconsideration but affirmed its prior decision

B-35 ROBERT MCCANN

Robert McCann, represented by Michael Prigoff, Esq., petitions the Civil Service Commission for reconsideration of the decision rendered on March 26, 2008 which denied Mr. McCann's appeal of retroactive seniority.

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

B-36 KAMLESH MEHROTRA

Kamlesh Mehrotra requests reconsideration of the decision rendered on December 2, 2009, which upheld the validity of and her score on the promotional examination for Program Planning and Development Specialist (Vocational Rehabilitation Services) (PS9574N), Department of Labor and Workforce Development.

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

B-37 JOHN C. WELSH

John C. Welsh, represented by Patrick P. Toscano, Jr., petitions for reconsideration of the final decision rendered on April 15, 2009, which acknowledged his settlement agreement with Passaic County. Welsh also appeals the decision of the Division of Selection Services which found him ineligible for the promotional examination for County Correction Sergeant (PC2660K), Passaic County, on the basis that he did not possess an aggregate of three years of continuous permanent service as a County Correction Officer.

ACTION: The Civil Service Commission denied the request for reconsideration and denied the appellant's ineligibility appeal.

VOTE:

Robert M. Czech	(Yes)
Flavella Branham	(Yes)
John Currie	(Abstained)
Vincent E. Giordano	(Yes)

B-38 MICHAEL WOLFF

The appeal of Michael Wolff, a County Correction Officer with Salem County, of his removal, effective June 17, 2009, on charges, was heard by Administrative Law Judge Bruce M. Gorman (ALJ), who rendered his initial decision on January 21, 2010. At his meeting on February 24, 2010, the Civil Service Commission (Commission) adopted the ALJ's recommendation to modify the removal to a six-month suspension. The proposed decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the decision.

B-39 KELLY MITCHELL AND RYAN REILLY

Kelly Mitchell 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 open competitive examination for Program Development Specialist 1 (C0695L), Ocean County. Ms. Mitchell also appeals the determination 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 Program Development Specialist 1 (PC0445L), Ocean County. Ryan Reilly appeals the determinations of Selection Services which found that he was below the minimum requirement in experience for the open competitive examination for Program Development Specialist (C0695L), Ocean County.

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

B-40 LEROY PIERCE

Leroy Pierce appeals the determination of the Division of Selection Services that found that, per the substitution clause for education, he did not meet the experience requirements for the open competitive examination for Director Fire Academy (C0999L), Salem County.

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

B-41 ELEAZAR S. SPRATLEY AND SAMUEL E. WISE

Eleazar S. Spratley and Samuel E. Wise, represented by Marcia J. Tapia, Esq., appeal the determinations of the Division of Selection Services which found that, per the substitution clause for education, they were below the minimum requirements in experience for the promotional examination for Senior Investigator, Secured Facilities (PS1420I), Department of Corrections.

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

B-42 JAMES WATT

James Watt appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the promotional examination for Program Development Specialist 1, Environmental Protection (PS3811G), Department of Environmental Protection.

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

B-43 AMERICO ARZOLA

Americo Arzola, represented by Raymond C. Staub, Esq., appeals his disqualification from the promotional examination for Correction Sergeant (PS1818I), Department of Corrections.

ACTION: The Civil Service Commission granted a hearing.

B-44 MICHAEL BLAHA, ET AL.

Michael Blaha, Willard Branoriff and Kevin Wilson appeal the determinations of the Division of Selection Services denying their requests for a make-up examination for Correction Sergeant (PS1818I), Department of Corrections.

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

B-45 LARRY MANTILLA

Larry Mantilla appeals the determination of the Division of Selection Services which found him ineligible for the promotional examination for Sheriff's Officer Sergeant (PC2660K), Passaic County due to an untimely application.

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

VOTE:	Robert M. Czech	(Yes)
	Flavella Branham	(Yes)
	John Currie	(Abstained)
	Vincent E. Giordano	(Yes)

B-46 FREDERICK BUTLER

The Board of Public Utilities, on behalf of Frederick Butler, requests the relaxation of the provisions of N.J.A.C. 4A:6-1.22 so as to permit him to donate more than 10 sick days to Barbara Robinson and Enit Torres, who are participating in the donated leave program.

ACTION: The Civil Service Commission granted the request.

B-47 INVESTIGATOR, SECURED FACILITIES TITLE SERIES AND STATE FIRST LEVEL LAW ENFORCEMENT SUPERVISORY TITLES

The Governor's Office of Employee Relations requests that the provisions of N.J.A.C. 4A:3-4.9(a) be relaxed in order to implement a Memorandum of Agreement between the State and the New Jersey Internal Investigation Association, Fraternal Order of Police Lodge 174, and an Interest Arbitration Award between the State and the New Jersey Law Enforcement Supervisors Association.

ACTION: The Civil Service Commission granted the requests.

B-48 CIVIL SERVICE COMMISSION MEETING MINUTES

The Civil Service Commission Minutes of its meeting of February 24, 2010 are submitted for adoption.

ACTION: The Civil Service Commission adopted the minutes of its meeting of February 24, 2010.

B-49 JOSEPH KLAG (ORDER OF CONSOLIDATION AND PREDOMINANT INTEREST)

Joseph Klag, a Laborer with the Township of North Bergen, appealed his removal from his position effective March 23, 2009, on charges. On April 6, 2009, Klag's union, Teamsters Local 11, filed an unfair practice charge with the Public Employment Relations Commission (PERC) arguing that Klag's removal was in retaliation for his filing of a grievance. Administrative Law Judge Daniel B. McKeown issued an order on February 3, 2010, which consolidated the matters and found that the PERC had the predominant interest. Based on this determination, the Civil Service Commission and PERC developed a joint order adopting the ALJ's order. This joint order is now submitted to the Commission for consideration and approval.

ACTION: The Civil Service Commission adopted the joint order.

B-50 VERNON ALLEN

The appeal of Vernon Allen, a Motor Vehicle Operator 1 at the New Jersey Veterans' Memorial Home – Paramus, Department of Military and Veterans Affairs, of his 22 and five working day suspensions, on charges, was heard by Administrative Law Judge James A. Geraghty (ALJ), who rendered his initial decision on January 11, 2010. At its meeting on February 24, 2010, the Civil Service Commission (Commission) adopted the recommendation of the ALJ to increase the appellant's penalties to 30 and 15 working day suspensions, respectively. 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)
	Flavella Branham	(Yes)
	John Currie	(Yes)
	Vincent E. Giordano	(Abstained)

B-51 LEON LINTHICUM

The appeal of Leon Linthicum, a Police Officer with Middle Township, of his two removals effective November 27, 2007, on charges, was heard by Administrative Judge W. Todd Miller (ALJ), who rendered his initial decision on January 19, 2010. At its meeting on February 24, 2010, the Civil Service Commission (Commission), adopted the ALJ's recommendation to reverse the removals. The proposed decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the decision.

B-52 SCOTT KRAUS

The appeal of Scott Kraus, an Assistant Grounds Worker at the New Jersey Veterans' Memorial Home – Paramus, Department of Military and Veterans Affairs, of his 30-day suspension and removal, effective October 2, 2008, on charges, was heard by Administrative Law Judge Caridad F. Rigo (ALJ), who rendered her initial decision on December 31, 2009. At its meeting on February 24, 2010, the Civil Service Commission (Commission) adopted the recommendation of the ALJ to uphold the appellant's 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)
	Flavella Branham	(Yes)
	John Currie	(Yes)
	Vincent E. Giordano	(Abstained)

B-53 ARNALDO LOPEZ

The appeal of Arnaldo Lopez, a Police Officer with Brick Township, of his removal effective May 23, 2008, on charges, was heard by Administrative Law Judge Jeff S. Masin (ALJ), who rendered his initial decision on December 28, 2009. At its meeting on February 24, 2010, the Civil Service Commission (Commission) did not adopt the ALJ's recommendation to modify the removal to a six-month 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)
	Flavella Branham	(Yes)
	John Currie	(Yes)
	Vincent E. Giordano	(Abstained)

B-54 SHAE NORRIS

The appeal of Shae Norris, a Judiciary Clerk 2 with the Essex Vicinage, Judiciary, of his removal effective December 5, 2006, on charges, was heard by Administrative Law Judge Gail M. Cookson (ALJ), who rendered her initial decision on December 23, 2009. At its meeting on February 24, 2010, the Civil Service Commission (Commission) adopted the ALJ's recommendation to uphold the appellant's removal. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

B-55 GLENNIE HAMMONDS

The appeal of Glennie Hammonds, a Human Services Assistant at Ancora Psychiatric Hospital, Department of Human Services, of her removal effective December 13, 2007, on charges, was heard by Administrative Law Judge Lisa James-Beavers (ALJ), who rendered her initial decision on January 21, 2010. At its meeting on February 24, 2010, the Civil Service Commission (Commission) adopted the ALJ's recommendation to uphold the removal. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

B-56 CHRISTOPHER MARUCCI

The appeal of Christopher Marucci, a Police Officer with West Orange, of his removal effective June 1, 2009, on charges was heard by Administrative Law Judge Ellen S. Bass (ALJ), who rendered her initial decision on January 4, 2010, modifying the removal to a six-month suspension. At its meeting on February 24, 2010, the Civil Service Commission (Commission) did not adopt the ALJ's recommendation to modify the removal to a six-month 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)**
 Flavella Branham **(Yes)**
 John Currie **(Yes)**
 Vincent E. Giordano **(Abstained)**

B-57 WALTER ZAPOLUCH

The appeal of Walter Zapoluch, a Sheriff's Officer Sergeant with the Hudson County Sheriff's Office, of his 30 working day suspension on charges, was heard by Administrative Law Judge Kelly J. Kirk (ALJ), who rendered her initial decision on December 16, 2009. At its meeting on February 24, 2010, the Civil Service Commission (Commission) did not adopt the ALJ's recommendation to reverse the 30 working day suspension. Rather the Commission imposed an official written reprimand. 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)**
 Flavella Branham **(Yes)**
 John Currie **(Yes)**
 Vincent E. Giordano **(Abstained)**

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Wednesday, March 24, 2010, at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

Robert M. Czech
Chairperson
Civil Service Commission