



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION

Phil Murphy
Governor
Shelia Oliver
Lt. Governor

Deirdre L. Webster Cobb
Chairperson

**MINUTES OF REGULAR MEETING OF
THE CIVIL SERVICE COMMISSION
APRIL 18, 2018**

**Deirdre L. Webster Cobb, Chairperson
Dolores Gorczyca
Daniel W. O'Mullan**

April 18, 2018

A regular meeting of the Civil Service Commission was held on Tuesday, April 18, 2018, in Trenton, New Jersey.

PRESENT: Deirdre L. Webster Cobb, Chairperson, Members Dolores Gorczyca and Daniel W. O'Mullan; Susan Scott, 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 17, 2017, and posted at the Civil Service Commission, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

DISMISSAL FOR FAILURE TO APPEAR

The Civil Service Commission dismissed the following cases without prejudice for failure to appear at the scheduled hearing before the Office of Administrative Law:

Christina Rodriguez, Cottage Training Technician, Hunterdon Developmental Center, Department of Human Services, removal.

Christina Rodriguez, Cottage Training Technician, Hunterdon Developmental Center, Department of Human Services, removal.

Jakheira Rhett, Residential Service Worker, Woodbine Developmental Center, Department of Human Services, 20 working day suspension.

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

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

Alan Klask, Messenger, Hudson County, Department of Corrections, seven working day suspension.

Alan Klask, Messenger, Hudson County, Department of Corrections, 25 working day suspension.

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

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

Geneva Bergen
Ancora Psychiatric Hospital
Department of Health
Removal

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Removal

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Removal

Geneva Bergen
Ancora Psychiatric Hospital
Department of Health
Removal

Geneva Bergen
Ancora Psychiatric Hospital
Department of Health
Removal

Michelle Bruno
Hunterdon Developmental Center
Department of Human Services
Resignation no in good standing

Sarah Cooke
Ancora Psychiatric Hospital
Department of Health
Release at the end of the working test period

Michael Gismondi
County of Gloucester
Department of Public Works
Removal

Kimberly Hampton
Superior Court of New Jersey
Atlantic and Cape May Vicinage
Suspension

Kerianne Hefferon
Department of Children and Families
Ocean South Local
Release at the end of the working test period

Anthony J. Rogers

City of East Orange
Police Department
Suspension

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

ACTION: The Civil Service Commission acknowledged the settlements.

A-2 PETER DELCOLLO

Peter Delcollo, Institutional Trade Instructor 1, South Woods State Prison, Department of Corrections, 45 working day suspension on charges of conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the 45 working day suspension.

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

A-3 JOSEPH EHIOSA

Joseph Ehiosa, Cottage Training Technician, Hunterdon Developmental Center, Department of Human Services, removal effective January 6, 2017 on charges of failure to perform 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-4 LUIS FERMIN

Luis Fermin, Police Officer, City of Paterson, Police Department, 180 calendar day suspension on charges of conduct unbecoming a public employee, misuse of public property including automobiles and other sufficient cause.

Recommendation of the Administrative Law Judge - Uphold the 180 calendar day suspension.

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

A-5 KEISHA LEWIS

Keisha Lewis, Police Officer, City of Orange Township, Police Department, removal effective March 29, 2017 on charges of incompetency, inefficiency or failure to perform duties and inability to perform duties.

Recommendation of the Administrative Law Judge - Uphold the removal.

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

A-6 SEAN MCGOVERN

Sean McGovern, Sheriff's Officer Sergeant, Hudson County Sheriff's Office, 30 working day suspension on charges of insubordination.

Recommendation of the Administrative Law Judge - Modify the 30 working day suspension to a 10 working day suspension.

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

A-7 TAHRON MILES (consolidated)

Tahron Miles, Police Officer, City of Newark, Police Department, indefinite suspension effective June 6, 2014 and removal effective September 15, 2014 on charges of incompetency, inefficiency or failure to perform duties, neglect of duty and violating several departmental regulations.

Recommendation of the Administrative Law Judge - Uphold the removal.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge to uphold the removal and also upheld the indefinite suspension.

A-8 AMY J. ROBITALLE

Amy Robitalle, Emergency Medical Technician, Gloucester County, Department of Emergency Response, removal effective February 22, 2016 on charges of incompetency, inefficiency or failure to perform duties, conduct unbecoming a public employee 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.

VOTE: **Deirdrè L. Webster Cobb** **(No)**
 Dolores Gorczyca **(Yes)**
 Daniel W. O'Mullan **(Yes)**

A-9 ERIC WARREN

Eric Warren, County Correction Officer, Burlington County, removal effective October 16, 2017 on charges of incompetency, inefficiency or 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 directed that this matter be remanded to the Office of Administrative Law.

A-10 SHANDOR WINE

Shandor Wine, Building Maintenance Worker, Jersey City Public Library, removal effective April 28, 2016 on charges of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge - Uphold the removal.

ACTION: The Civil Service Commission modified the removal to a 45 working day suspension.

VOTE: **Deirdrè L. Webster Cobb** **(Yes)**
 Dolores Gorczyca **(Yes)**
 Daniel W. O'Mullan **(No)**

SECTION B – MISCELLANEOUS MATTERS**B-1 ACCOUNT CLERK TYPING, BILINGUAL IN SPANISH AND ENGLISH AND ACCOUNT CLERK TYPING, MULTILINGUAL IN SPANISH, PORTUGUESE AND ENGLISH – CSC DOCKET NO. 2018-2782**

The Division of Agency Services recommends reallocation of the local government titles of Account Clerk Typing, Bilingual in Spanish and English and Account Clerk Typing, Multilingual in Spanish, Portuguese and English to the non-competitive division of the career service in accordance with *N.J.A.C. 4A:3-1.2*.

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

B-2 S.J.D. – CSC DOCKET NO. 2017-1648

S.J.D., represented by Nicholas J. Palma, Esq., appeals his rejection as a County Correction Officer candidate by Essex County and its request to remove his name from the eligible list for Essex County (S9999R) on the basis of psychological unfitness to perform effectively the duties of the positions.

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

B-3 RAY LEE – CSC DOCKET NO. 2018-570

Ray Lee appeals the removal of his name from the eligible list for Fire Fighter (M1548T), Linden on the basis of an unsatisfactory driving record.

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

B-4 LEA ANN LIBRERA – CSC DOCKET NO. 2018-2381 AND 2018-2381

Lea Ann Librera appeals the removal of her name from the eligible list for Investigator (S0382S), Judiciary, Vicinage 11 - Passaic County and Vicinage 2 - Bergen County on the basis that she failed to respond to certification notices.

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

B-5 KODY SMITH – CSC DOCKET NO. 2018-2438

Kody Smith appeals the removal of his name from the Police Officer (S9999U), Voorhees Township, eligible list.

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

B-6 CLAIMS ADJUDICATOR TRAINEE DISABILITY DETERMINATIONS (S0694U) – CSC DOCKET NO. 2018-2784

The Department of Labor and Workforce Development requests the extension of the eligible list for Claims Adjudicator Trainee, Disability Determinations (S0694U).

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

B-7 ELECTRIC METER WORKER (M0338V), CITY OF VINELAND – CSC DOCKET NO. 2018-2343

The City of Vineland requests permission not to make an appointment from the August 21, 2017 certification for Electric Meter Worker (M0338V).

ACTION: The Civil Service Commission granted the appointment waiver.

B-8 PROGRAM COORDINATOR MENTAL HEALTH (S0036V), DEPARTMENT OF MILITARY AND VETERANS AFFAIRS – CSC DOCKET NO. 2018-2509

The Department of Military and Veterans Affairs requests permission not to make an appointment from the September 29, 2017 certification for Program Coordinator Mental Health (S0036V).

ACTION: The Civil Service Commission granted the appointment waiver and assessed no current costs.

B-9 SUPERINTENDENT RECREATION (M0096U), TOWN OF MORRISTOWN – CSC DOCKET NO. 2018-2419

The Town of Morristown requests permission not to make an appointment from the August 8, 2016 certification for Superintendent Recreation (M0096U).

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

B-10 DANIELLE LONDON – CSC DOCKET NO. 2017-2690

Danielle London appeals the determination of the Division of Agency Services which found that, per the substation clause for education, she did not meet the experience requirements for the promotional examination for Senior Administrative Analyst (PM1919U), Trenton.

ACTION: The Civil Service Commission directed that this appeal be denied and the appellant's position undergo a classification review.

B-11 NATALIYA PASICHNYK – CSC DOCKET NO. 2018-2069

Nataliya Pasichnyk 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 Employment Specialist (C0786V), Cumberland County.

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

B-12 SHILPA GANDHI – CSC DOCKET NO. 2018-2748

Shilpa Gandhi petitions the Civil Service Commission to allow him to change his Work Location Preference Area for Software Development Specialist 2 (S0065U), Statewide and to add his name to the issued certifications for the subject examination for retroactive and current opportunities.

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

B-13 TERRY BELL – CSC DOCKET NO. 2018-2689

Terry Bell appeals the administration of the oral portion of the examination for Fire Captain (PM1055V), Rahway.

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

B-14 SHERRY MAKO – CSC DOCKET NO. 2018-1525

Sherry Mako appeals her rank and score for the promotional examination for Administrative Assistant 1 (PS5769P), Department of Law and Public Safety.

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

B-15 KEVIN BRINK AND BRIAN DUFFEY – CSC DOCKET NOS. 2018-2606 AND 2018-2751

Kevin Brink and Brian Duffey appeal the determinations of the Division of Agency Services denying their requests for make-up examinations for Fire Lieutenant (PM1043V), Lakewood and Fire Lieutenant (PM1084V), Margate, respectively.

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

B-16 EUGENE MARRA – CSC DOCKET NO. 2017-3936

Eugene Marra appeals the determination of the Division of Administrative Support and Logistics denying his request for a make-up examination for County Correction Sergeant (PC2080U), Middlesex County.

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

B-17 HOUSING COORDINATOR (M0942R), NEWARK – CSC DOCKET NO. 2018-570

Elmore Gaines requests reconsideration of the attached final administrative decision, rendered on July 17, 2015, which granted the City of Newark's request for a waiver of the appointment requirement from the Housing Coordinator (M0942R), eligible list.

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

B-18 LISA BROWN – CSC DOCKET NO. 2018-1507

Lisa Brown, a Family Service Specialist 2 with the Department of Children and Families, represented by Manuel B. Oasin, Esq., requests reconsideration of the decision rendered on October 4, 2017, which upheld the removal of her name from the eligible list for Family Service Specialist 2 (PS2267K), on the basis of an unsatisfactory employment record.

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

B-19 JOINT ORDER ON CONSOLIDATION AND PREDOMINANT INTEREST – RICHARD DENTROUX v. TOWNSHIP OF FREEHOLD – CSC DOCKET NO. 2017-3845

Administrative Law Judge Joseph A. Ascione (ALJ) issued an Order on Consolidation and Predominant Interest in the matters of Richard Dentroux v. Township of Freehold and Richard Dentroux v. Police and Firemen's Retirement System. Based on the ALJ's Order, the Civil Service Commission and the Police and Firemen's Retirement System developed a Joint Order.

ACTION: The Civil Service Commission adopted the joint order.

B-20 N.G. – CSC DOCKET NO. 2018-877

N.G., a Cottage Training Technician with the Department of Human Services, appeals the determination of the Assistant Commissioner, Office of Legal Affairs, that the appellant did not present sufficient evidence 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-21 P.L. – CSC DOCKET NO. 2018-1884

P.L., a Principal Clerk Typist with the Department of Human Services, appeals the determination of the Assistant Commissioner, Office of Operations, that the appellant did not 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-22 M.W. – CSC DOCKET NO. 2018-21

M.W., a Senior Technician, Management Information Systems with the Department of Human Services, appeals the determination of the Assistant Commissioner, Office of Legal Affairs, that the appellant did not present sufficient evidence 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-23 PAUL DZIALO - CSC DOCKET NO. 2016-4333

The appeal of Paul Dzialo, a County Police Officer, Camden County Police Department, of his 20 working day suspension, on charges, was heard by Administrative Law Judge Kathleen M. Calemme (ALJ), who rendered her initial decision on December 21, 2017. At its meeting on March 27, 2018, the Civil Service Commission (Commission) did not adopt the ALJ's recommendation to uphold the 20 working day suspension. Rather, the Commission modified the penalty to a 10 working day suspension. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

B-24 MATTHEW GOMM - CSC DOCKET NO. 2016-3502

The appeal of Matthew Gomm, a Police Officer with the Borough of Carteret, of his 45-working day suspension, on charges, was heard by Administrative Law Judge Carl V. Buck, III (ALJ), who rendered his initial decision on December 22, 2017. At its meeting on March 27, 2018, the Civil Service Commission (Commission) did not adopt the ALJ's recommendation to modify the 45 working day suspension to a 30 working day suspension. Rather, the Commission modified the penalty to a 20 working day suspension and ordered that the appellant undergo retraining. The proposed decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the decision.

B-25 TONYA HOWARD - CSC DOCKET NO. 2017-2286

The appeal of Tonya Howard, a Police Communications Clerk with the City of Newark, of her removal effective September 22, 2016, on charges, was heard by Administrative Law Judge Jude-Anthony Tiscornia (ALJ), who rendered his initial decision on January 17, 2018. At its meeting on April 4, 2018, the Civil Service Commission (Commission) did not adopt the ALJ's recommendation to uphold the removal. Rather, the Commission modified the removal to a 45 working day suspension and ordered that the appellant undergo a pre-reinstatement drug test. The proposed decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the decision.

B-26 FRANK MAISANO – CSC DOCKET NO. 2016-2614

The appeal of Frank Maisano, a Police Officer with Aberdeen Township, of his 10 working day suspension, on charges, was heard by Administrative Law Judge Kathleen M. Calemno (ALJ), who rendered her initial decision on October 31, 2017. At its meeting on March 27, 2018, the Civil Service Commission (Commission) did not adopt the ALJ's recommendation to uphold the 10 working day suspension. Rather, the Commission modified the penalty to a six working day suspension. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

B-27 PHYLLIS SLADE – CSC DOCKET NO. 2015-2912

The appeal of Phyllis Slade, a County Correction Sergeant with the County of Essex, Department of Corrections of her 15 working day suspension, on charges, was considered by Administrative Law Judge Joann LaSala Candido (ALJ), who rendered her initial decision on December 19, 2017. At its meeting on March 27, 2018, the Civil Service Commission (Commission) did not adopt the ALJ's recommendation to uphold the 15 working day suspension. Rather, the Commission modified the penalty to a 10 working day suspension. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

B-28 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of April 4, 2018.

ACTION: The Civil Service Commission adopted the minutes of its meeting on April 4, 2018.

B-29 RICHARD GIZZI, ET AL. - CSC DOCKET NOS. 2018-1505, ET AL.

Richard Gizzi, Sean McCarry, Kelly McKeand, Ashley Munoz and Drew Raslowsky (PM0762V), Bayonne; Daynel Ozorio and Marc Rispoli (PM0767V), Bergenfield; Erik Aksdal, Michael Feeney and William Vendrell (PM0772V), Brick; Ryan Kimble (PM0777V), Burlington; Michael Curran (PM0782V), Cinnaminson; Andrew Alvarez and Robert Marks (PM0784V), Clifton; Jason Smith (PM0790V), East Rutherford; Joseph Winowski (PM0799V), Freehold; David Bacsik, Eirnvn Papafilipakis and Matthew Quarino (PM0804V), Hamilton; Anthony Caruso, Robert Roman and Luke Zeszotarski (PM0809V), Hoboken; Sean Greenberger, Michael Kelly and Vincent Rubio (PM0813V), Jackson; John Fabula, Michael Farinola, Jason Ward and Benjamin Wuelfing (PM0815V), Kearny; Christopher Di Biase,

Stephen Meyer and Justin Pederson (PM0819V), Lakewood; Brian Murphy and Jason Sweitzer (PM0831V), Middletown; Sean Cahill, Ryan Daughton and Erika DiMarcello (PM0840V), New Brunswick; David Hudak and Anthony Scala (PM0842V), North Arlington; Ryan Uzunis and Jason Zier (PM0843V), North Brunswick; Christopher Vivarelli and Patrick Walsh (PM0847V), Ocean City; Kevin McKeon (PM0859V), Ridgewood; Stephen Jankowski (PM0868V), Sea Isle City; An Wang (PM0870V), South Amboy; William Heater (PM0875V), Stanhope; Charles Antinori (PM0876V), Teaneck; Michelle Aviles, Yalinett Cartas, Patricia Lazzarini and Samantha Martinez (PM0877V), Union City; Joseph Rubel, Peter Simon and Salvatore Valentino (PM0878V), Union; Annmarie McCormick (PM0882V), Vineland; Joseph Angelo, Richard Hilliard and Andrew Lyszyk (PM0895V), Woodbridge; Edward Cunningham, Gregory Hollo and Diane Otero (PM0901V), Trenton; Edward Benenati, Jorge Cabral, David Haverty and Richard Hernandez (PM2030V), Elizabeth; Valerie Carriere, Lydiana Diaz, Sanny Fernandez, Maciej Kuzmicki, Luz Rojas, Matthew Scalcione and Juan Velazquez (PM2041V), Jersey City; Jimmy Michel and George Tsimpedes (PM2048V), Parsippany-Troy Hills; appeal the examination for Police Sergeant (various jurisdictions).

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

B-30 B.N. – CSC DOCKET NO. 2017-1541

B.N., represented by Anthony J. Chirles, 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 (M1518T) 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-31 FORTUNATO MONTELLA – CSC DOCKET NO. 2017-3408

The Borough of Stanhope, represented by Deborah J. Bracaglia, Esq., petitions the Civil Service Commission for a stay of the final decision rendered on March 22, 2017, which ordered Stanhope to pay Fortunato Montella \$34,862.21 in gross back pay and \$2,825.82 to maintain his health benefits, pending the outcome of its appeal to the Superior Court, Appellate Division.

ACTION: The Civil Service Commission directed that this petition be denied and ordered the Borough of Stanhope to pay Fortunato Montella back pay in the amount of \$34,862.21 and \$2,825.82 for maintaining health benefits.

B-32 RECORDS SUPPORT TECHNICIAN 2 (M0157S), EAST ORANGE – CSC DOCKET NO. 2018-1330

In In the Matter of Records Support Technician 2 (M0157S), East Orange (CSC, decided October 19, 2016), the Civil Service Commission (Commission) held in abeyance East Orange's request for waiver of the appointment requirement pending the determination of the Division of Agency Services (Agency Services) regarding India Cole's position. Agency Services determined that based on a classification review of Cole's position, that she was to be considered serving provisionally, pending promotional examination procedures, in the title of Records Support Technician 2, effective December 8, 2017, and the matter is now being presented to the Commission.

ACTION: The Civil Service Commission denied the appointment waiver and ordered the appointing authority to properly dispose of the certification and assessed compliance costs in the amount of \$1,000.

B-33 JOHN TOMASONE – CSC DOCKET NO. 2017-4071

John Tomasone appeals the decision of the Division of Agency Services which found that his position with the Department of Community Affairs is properly classified as Construction Official. The appellant seeks a Supervisor of Enforcement job classification.

ACTION: The Civil Service Commission directed that this appeal be denied, and the classification of the position be Sub-code Official.

B-34 ANTHONY DUARDO – CSC DOCKET NO. 2018-334

Anthony Duardo requests that he be permitted to submit an application for the promotional examination for Police Sergeant (PM0802V), Hackensack, after the application filing deadline.

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

PUBLIC PORTION

No comment.

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Wednesday, May 2, 2018, at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission