



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
JUNE 21, 2017**

**Robert M. Czech, Chairperson
Dolores Gorczyca
Daniel W. O'Mullan**

June 21, 2017

A regular meeting of the Civil Service Commission was held on Wednesday, June 21, 2017, in Trenton, New Jersey.

PRESENT: Robert M. Czech, Chairperson, Members Dolores Gorczyca and Daniel W. O'Mullan; Pamela Ullman, Deputy Attorney General; Christopher Myers, Director, Division of Appeals and Regulatory Affairs.

In accordance with L.1975, c.231, the Secretary to the Civil Service Commission opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on November 28, 2016, and posted at the Civil Service Commission, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

Ira R. Fonorow, Urban Renewal Supervisor, Atlantic City Housing Authority, layoff.

Scott Ionno, Senior Correctional Officer, Southern State Correctional Facility, removal.

Kevin Newsome, Correction Sergeant, New Jersey State Prison, Department of Corrections, suspension.

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

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:

Pamela Morton, Youth Worker, Juvenile Justice Commission, 15 working day suspension.

Gary Carter, Maintenance Worker 1 Grounds, Hudson County, Departments of Parks, Engineering and Planning, 90 working day suspension.

Angela Valencia, Clerk 2, Morris County, Department of Human Services, removal.

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

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

Matthew Abrams
Burlington Township
Department of Recreation
Removal

Nilza Campoverde
Middlesex
County Sheriff's Office
Removal

Jobani Dumeng
City of Newark
Newark Police Department
Suspension

Michelina Giuliano
Somerset, Hunterdon and Warren Vicinage
Superior Court of New Jersey
Release at the end of the working test period

Aregawi Kishen
City of Passaic
Department of Public Works
Removal

Daymar Leonard
City of Trenton
Department of Public Works
Removal

Erika Otero
City of Paterson
Paterson Police Department
Suspension

Shakerah Parker
Hunterdon Development Center
Department of Human Services
Suspension

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

ACTION: The Civil Service Commission acknowledged the settlements.

A-2 ANTONIO CRUZ

Antonio Cruz, Firefighter, City of Newark Fire Department, removal effective June 25, 2016 on charges of incompetency, inefficiency or failure to preform duties, inability to preform duties, chronic or excessive absenteeism or lateness, conduct unbecoming a public employee, neglect of duty, and other sufficient cause.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION: The Civil Service Commission rejected the recommendation of the Administrative Law Judge and upheld the removal.

A-3 KEYON GADDIST

Keyon Gaddist, Building Maintenance Worker, Hudson County, Department of Roads and Public Property, 40 working day suspension on charges of conduct unbecoming a public employee, insubordination, neglect of duty, and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the 40 working day suspension to a 30 working day suspension.

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

A-4 ISSAC WILLIAMS

Isaac Williams, Laborer 1, City of Wildwood, Department of Public Works, removal effective November 17, 2015, on charges of conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-5 JOSE MORALES

Jose Morales, Stationary Engineer, Hudson County, six-month suspension, on charges of conduct unbecoming a public employee, neglect of duty, insubordination and other sufficient cause.

Recommendation of the Administrative Law Judge – Reverse the six-month suspension.

ACTION: The Civil Service Commission rejected the recommendation of the Administrative Law Judge and modified the six-month suspension to a five working day suspension.

SECTION B – MISCELLANEOUS MATTERS**B-1 D.F. – CSC DOCKET NO. 2015-2499**

D.F., represented by Lynsey A. Stehling, 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 County Correction Officer (S9999R) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-2 LAQUAN SHAMBERGER – CSC DOCKET NO. 2017-1547

LaQuan Shamberger, represented by Bette R. Grayson, Esq., appeals the removal of his name from the eligible list for Fire Fighter (M2554M), Newark, on the basis of falsification of his employment application and failure to meet the residency requirement.

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

B-3 KIM MYERS – CSC DOCKET NO. 2017-273

Kim Myers appeals the determination of the Division of Agency Services, which found that she did not meet the experience requirement for the promotional examination for Personnel Assistant 2 (PS0710K), Vineland Developmental Center.

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

B-4 OMAR TURNER – CSC DOCKET NO. 2017-2588

Omar Turner appeals the determination of the Division of Agency Services that he was below the minimum requirements in experience for the promotional examination for Institutional Trade Instructor 2, Cooking (PS3485I), Bayside State Prison.

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

B-5 ERIC GRACE – CSC DOCKET NO. 2017-2823

Eric Grace appeals his score for the oral portion of the examination for the second-level Fire Captain (PM0457U) Margate.

ACTION: The Civil Service Commission directed that this appeal be denied, and the score for the oral communication component of the Administration scenario be reduced from 4 to 3, and the score for the oral communication component of the Arrival scenario be reduced from 3 to 2.

B-6 MARVIN FELDER – CSC DOCKET NO. 2017-2468

Marvin Felder, represented by Dudley Burdge, Senior Staff Representative, Communications Workers of America Local 1032, appeals the decision of the Division of Agency Services that the proper classification of his position with the Office of Information Technology is Data Processing Systems Programmer 2. The appellant seeks a Data Processing System Programmer 1 job classification.

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

**B-7 NANCY HOWELL AND STEVEN STOKLEY
CSC DOCKET NOS. 2017-2815 AND 2017-2855**

Nancy Howell and Steven Stokley appeal the decision of the Division of Agency Services, which found that their positions with the Department of the Treasury are properly classified as Assistant Chief, Division of Pensions. Appellants seek a Chief, Division of Pensions job classification.

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

B-8 SANDRA PONTON – CSC DOCKET NO. 2017-3076

Sandra Ponton appeals the decision of the Division of Agency Services that the proper classification of her position with the Department of Health is Data Entry Operator 3. The appellant seeks a Data Entry Operator 4 job classification.

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

B-9 JOSE QUINTELA – CSC DOCKET NO. 2017-2653

Jose Quintela, represented by Dudley Burdge, Senior Staff Representative, Communications Workers of America Local 1032, appeals the decision of the Division of Agency Services that the proper classification of his position with the Office of Information Technology is Technical Support Specialist 1. The appellant seeks a Network Administrator 1 job classification.

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

B-10 MARIA VALTE – CSC DOCKET NO. 2017-756

Maria Valte appeals the decision of the Division of Agency Services, which found that her position with the Department of the Treasury is properly classified as Program Specialist 3. The appellant seeks a Program Specialist 4 job classification.

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

B-11 WENDY LANDUS – CSC DOCKET NO. 2017-1943

Wendy Landus appeals the determination of the Division of Agency Services denying her request for a make-up for the Correction Officer Recruit (S9988U) examination and the Entry Level Law Enforcement Examination (S9999U).

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

B-12 FRANK MORALES – CSC DOCKET NO. 2017-2116

Frank Morales requests a make-up examination for the Entry Level Law Enforcement Examination (S9999U).

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

B-13 GARY PLESCIA – CSC DOCKET NO. 2017-191

Gary Plescia, a Clinical Psychologist 1, Division of Mental Health Services, with the Ann Klein Forensic Center, Department of Human Services, appeals the calculation of his salary upon his appointment to the title effective May 14, 2016.

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

B-14 C.B. – CSC DOCKET NOS. 2017-1322 AND 2017-1391

C.B., a former Adjunct Professor with the Kean University (Kean) appeals the determination of the Chief of Staff, Office of the President, Kean, which determined that she violated the New Jersey State Policy Prohibiting Discrimination in the Workplace. The appellant also appeals the determination that she failed to present sufficient evidence to support a finding that she had been subjected to a violation of the State Policy.

ACTION: The Civil Service Commission directed that these appeals be denied in part and the matter regarding whether the appellant violated the State Policy Prohibiting Discrimination in the Workplace be remanded to the Office of Administrative Law for a hearing.

B-15 LEWIS BATTISTA – CSC DOCKET NO. 2017-3181

Lewis Battista appeals the determination of the Division of Agency Services which found that he did not meet the minimum experience requirements for the open-competitive examination for Field Representative Senior Citizens Program (C0835U), Hudson County.

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

B-16 LUIS FIGUEROA – CSC DOCKET NO. 2017-3195

Luis Figueroa appeals the determination of the Division of Agency Services which found that he did not meet the minimum experience requirements for the open-competitive examination for Senior Traffic Maintenance Worker (M0869U), Newark.

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

B-17 CASONDRA SALES – CSC DOCKET NO. 2017-3078

Casondra Sales appeals the decision of the Division of Agency Services which found that her position with the Department of Labor and Workforce Development is properly classified as Clerk 1, Records. The appellant seeks a Claims Adjudicator Support Specialist 2 job classification.

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

B-18 MAGDALENA MASLOWSKA – CSC DOCKET NO. 2017-3514

The Division of Agency Services, on behalf of the Department of Law and Public Safety, requests that Magdalena Maslowska's out-of-title work experience in the title Librarian 2 be accepted to qualify her for a prospective promotional examination for Grants Specialist.

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

B-19 M.D. – CSC DOCKET NO. 2017-638

M.D., represented by Kara A. MacKenzie, Esq., and the Town of Morristown, represented by H. Thomas Clarke, Esq. petition the Civil Service Commission for acknowledgement of the settlement agreement reached by the parties, which provides for M.D.'s restoration to the Police Officer (S9999R), Town of Morristown, eligible list and appointment effective July 17, 2017.

ACTION: The Civil Service Commission acknowledged the settlement.

B-20 CHARLES FOGARTY – CSC DOCKET NO. 2017-2704

Charles Fogarty appeals the determination of the Division of Agency Services that he was below the minimum requirements in experience for the promotional examination for Senior Technician, Management Information Systems (PS3587I), Department of Corrections.

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

B-21 REGINA GARILLI – CSC DOCKET NO. 2017-3813

Regina Garilli petitions the Civil Service Commission to accept her untimely application for the promotional examination for Supervisory 1 MVC (PS4243T), Motor Vehicle Commission.

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

B-22 ASSISTANT GENERAL SUPERVISOR WATER (M0228U), PARK RIDGE – CSC DOCKET NO. 2017-2392

The Borough of Park Ridge (Park Ridge) request permission not to make an appointment from the August 22, 2016 certification for Assistant General Supervisor Water (M0228U), Park Ridge.

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

B-23 PROPOSED AMENDMENTS: N.J.A.C. 4A:3, CLASSIFICATION, SERVICES, AND COMPENSATION AND N.J.A.C. 4A:6, LEAVES, HOURS OF WORK AND EMPLOYEE DEVELOPMENT

Submitted for the Civil Service Commission's review is a Notice of Proposal regarding amendments to N.J.A.C. 4A:3 (Classification, Services, and Compensation) and N.J.A.C. 4A:6, (Leaves, Hours of Work and Employee Development). It is recommended that the proposed amendments be approved for public notice and comment.

ACTION: The Civil Service Commission approved the proposed amendments for public notice and comment.

B-24 PROPOSED READOPTION WITH AMENDMENTS: N.J.A.C. 4A:4, SELECTION AND APPOINTMENT

Submitted for the Civil Service Commission's review is a Notice of Adoption regarding N.J.A.C. 4A:4 (Selection and Appointment). The Commission proposed the rule chapter for readoption with amendments at its February 8, 2017 meeting. The proposal was published in the March 20, 2017 issue of the *New Jersey Register*. A public hearing was held on April 19, 2017. No comments were received regarding this proposal during the public comment period. It is noted that the Notice of Adoption corrects a technical error that occurred in the proposed amendment to N.J.A.C. 4A:4-2.5(b)3.

ACTION: The Civil Service Commission approved the proposed readoption with non-substantial changes.

B-25 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of June 7, 2017.

ACTION: The Civil Service Commission adopted the minutes of its meeting on June 7, 2017.

B-26 BARBARA WARE – CSC DOCKET NO. 2017-3245

Barbara Ware appeals the decision of the Division of Agency Services which found that her position with the Department of Environmental Protection is properly classified as Environmental Specialist 2. The appellant seeks an Environmental Specialist 3 job classification.

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

**B-27 COUNTY PARK RANGER (C0735T), ATLANTIC COUNTY
CSC DOCKET NO. 2017-3086**

Atlantic County requests that it be permitted to remove eligibles from the certification for County Park Ranger (C0735T), Atlantic County on the basis of good cause as established by the appointing authority.

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

B-28 CAROLYN TAYLOR – CSC DOCKET NO. 2016-2209

Carolyn Taylor, represented by James Katz, Esq., appeals the decision of the Division of Agency Services which ordered the removal of Fire Fighter duties she performed in the Florence Township Fire District #1, Florence Township.

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

B-29 WENDY LANDUS – CSC DOCKET NO. 2016-2616

Wendy Landus, represented by Joel Seltzer, Esq., requests reconsideration of the decision rendered on December 16, 2016 which upheld the determination of the Division of Agency Services removing her name from the eligible list for Correction Officer Recruit (S9988R), Department of Corrections, on the basis of an unsatisfactory criminal record.

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

B-30 PAUL DEJESUS – CSC DOCKET NO. 2017-1577

Paul DeJesus, represented by Bette R. Grayson, Esq., appeals the removal of his name from the eligible list for Fire Fighter (M2554M), Newark, on the basis of his failure to meet the residency requirement.

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

B-31 LILLIAN DUTTON – CSC DOCKET NO. 2017-5

The Division of Agency Services, on behalf of the Department of Law and Public Safety, requests that Lillian Dutton's out-of-title work experience in the title of Clerk Typist be accepted to qualify her for a prospective promotional examination for Technical Assistant 3.

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

B-32 SARAH PERRAMANT – CSC DOCKET NO. 2017-1406

The Division of Agency Services, on behalf of Warren County, requests that Sarah Perramant's out-of-title work experience in the title of Public Health Planner be accepted to qualify her for a prospective promotional examination for Public Health Epidemiologist.

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

B-33 S.A. – CSC DOCKET NO. 2015-551

S.A., represented by Michael L. Prigoff, Esq., appeals his rejection as a Police Officer candidate by Jersey City and its request to remove his name from the eligible list for Police Officer (S9999M), Jersey City on the basis of psychological unfitness to effectively perform the duties of the positions.

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

B-34 L.S. – CSC DOCKET NO. 2015-2619

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

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

B-35 GLORIA MEDINA – CSC DOCKET NO. 2017-2693

The Division of Law and Public Safety requests that the provisions of *N.J.A.C.* 4A:4-1.1(c) be relaxed in order to allow Gloria Medina to be provisionally appointed, pending promotional examination procedures to the title of Technical Assistant 3.

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

B-36 JERMICA CLAYTOR – CSC DOCKET NO. 2017-548

Jermica Claytor appeals the determination of the Division of Agency Services which found that she did not meet the experience requirement for the promotional examination for Senior Fiscal Analyst (PS2690D), Department of Community Affairs.

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

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Thursday, July 5, 2017, at 1:00 p.m., at 3 Station Plaza, Trenton, New Jersey.

Robert M. Czech
Chairperson
Civil Service Commission