



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION

Philip D. Murphy
Governor
Sheila Y. Oliver
Lt. Governor

Deirdré L. Webster Cobb
Chairperson

**MINUTES OF REGULAR MEETING OF
THE CIVIL SERVICE COMMISSION
MAY 20, 2020**

**Deirdré L. Webster Cobb, Chairperson
Dolores Gorczyca
Daniel W. O'Mullan
Diomedes Tsitouras**

May 20, 2020

A regular meeting of the Civil Service Commission was held on Wednesday, May 20, 2020, at 10:00 a.m., in Trenton, New Jersey.

PRESENT: Deirdré L. Webster Cobb, Chairperson, Members Dolores Gorczyca, Daniel W. O'Mullan and Diomedes Tsitouras; Pamula Ullman, Deputy Attorney General; Christopher Myers, Director, Division of Appeals and Regulatory Affairs. All individuals listed participated via teleconference.

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 13, 2019, and posted at the Civil Service Commission, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of April 29, 2020.

ACTION: The Civil Service Commission adopted the minutes of its meeting of April 29, 2020

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

Phillip White
Township of Pennsauken
Fire Department
Removal

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

ACTION: The Civil Service Commission acknowledged the settlement.

A-2 NICHOLAS ARACO

Nicholas Araco, Police Officer, Delran Township Police Department, removal effective December 3, 2019, on charges including 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 affirmed the recommendation of the Administrative Law Judge.

A-3 TERENCE BRITT

Terence Britt, Investigator 1, Department of Children and Families, 90 working day suspension (30 days served - 60 days held in abeyance) on charges of conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Grant the appointing authority’s motion for summary decision and uphold the 90 working day suspension.

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

A-4 SELWYN CORLEY

Selwyn Corley, County Correction Officer, Department of Corrections, six working day suspension on charges of conduct unbecoming a public employee, neglect of duty and other sufficient cause.

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

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

A-5 FREDERICK DOLL, III (consolidated)

Frederick Doll, III, Senior Food Service Handler, Ancora Psychiatric Hospital, Department of Health, removal and resignation not in good standing effective October 19, 2017, on charges of chronic or excessive absenteeism or lateness, conduct unbecoming a public employee, job abandonment and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal and resignation not in good standing.

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

A-6 ARTURO GONZALEZ

Arturo Gonzalez, Mechanic, Town of West New York, removal effective February 20, 2018, on charges of incompetency, inefficiency or failure to perform duties, insubordination, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Grant the appointing authority’s motion for summary decision and dismissed the appeal as moot.

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

A-7 KEITH HARKCOM

Keith Harkcom, Senior Correctional Police Officer, South Woods State Prison, Department of Corrections, removal effective October 8, 2019, on charges of conduct unbecoming a public employee and other sufficient cause.

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

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

VOTE:

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| Deirdrè L. Webster Cobb | (Yes) |
| Dolores Gorczyca | (Yes) |
| Daniel W. O'Mullan | (No) |
| Diomedes Tsitouras | (Yes) |

A-8 CLIFFORD HICKMAN

Clifford Hickman, Senior Mechanic, Diesel, City of Vineland School District, removal effective June 14, 2019, on charges conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the removal to a 90 working day suspension.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge. In addition, the Commission imposed a demotion.

A-9 VALERIE HICKS

Valerie Hicks, Code Enforcement Officer, City of Newark, Department of Engineering, 15 working day suspension, on charges of insubordination, inability to perform duties, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the 15 working day suspension to a five working day suspension.

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

A-10 ALEJANDRO PEREZ

Alejandro Perez, Campus Police Officer, Kean University, removal effective August 23, 2019, 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 – Grant the appointing authority’s motion for summary decision and uphold the removal.

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

A-11 ROBERT PHARO

Robert Pharo, County Correction Officer, Atlantic County, Department of Public Safety, removal effective August 28, 2019, on charges of neglect of duty, incompetency, inefficiency or failure to perform duties, insubordination, inability to perform duties and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Civil Service Commission modified the recommendation of the Administrative Law Judge and imposed a 45 working day suspension.

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| VOTE: | Deirdrè L. Webster Cobb | (Yes) |
| | Dolores Gorczyca | (Yes) |
| | Daniel W. O’Mullan | (No) |
| | Diomedes Tsitouras | (Yes) |

A-12 RICHARD SECULA

Richard Secula, Safety Specialist 2, MVC, Motor Vehicle Commission, 15 working day suspension on charges of insubordination, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the 15 working day suspension to a 10 working day suspension.

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

SECTION B – MISCELLANEOUS MATTERS

B-1 J.M.G. – CSC DOCKET NO. 2020-94

J.M.G., represented by Katrina M. Register, Esq., appeals her rejection as a Sheriff's Officer candidate by the Atlantic County Sheriff's Department and its request to remove her name from the eligible list for Sheriff's Officer (S9999U) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-2 P.M.M. – CSC DOCKET NO. 2019-3260

P.M.M., represented by Corey M. Sargent, Esq., appeals his rejection as a Correctional Police Officer candidate by the Department of Corrections and its request to remove his name from the eligible list for Correctional Police Officer (S9999U) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-3 N.B. – CSC DOCKET NOS. 2019-2442 AND 2019-3076

N.B., represented by Patrick P. Toscano, Jr., Esq., appeals the removal of his name from the Sheriff's Officer (S9999U), Essex County and from Police Officer (S9999U), South Orange eligible lists on the basis of falsification of the employment application, unsatisfactory criminal record and an unsatisfactory driving record.

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

B-4 JOEL GONZALEZ – CSC DOCKET NO. 2019-2442

Joel Gonzalez appeals the removal of his name from the Correctional Police Officer (S9999U), Department of Corrections eligible list on the basis of an unsatisfactory background report.

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

B-5 S.K. – CSC DOCKET NO. 2020-530

S.K. appeals the removal of his name from the Correctional Police Officer (S9988U), Department of Corrections eligible list on the basis of an unsatisfactory background report and unsatisfactory criminal record.

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

B-6 WILNEYDA LUNA – CSC DOCKET NO. 2020-2315

Wilneyda Luna, represented by Francisco S. Guzman, Esq., appeals the removal of her name from the Principal Account Clerk (M0380U), Jersey City, eligible list for failure to respond to the certification notice.

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

B-7 MICHAEL PEREZ – CSC DOCKET NO. 2020-1229

Michael Perez, represented by Leonard C. Shiro, Esq., appeals the removal of his name from the Correctional Police Officer (S9988A), Department of Corrections eligible list on the basis of an unsatisfactory criminal background and an unsatisfactory driving record.

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

B-8 JAMES WILLIAMS – CSC DOCKET NO. 2020-733

James Williams appeals the removal of his name from the eligible list for County Correction Officer (S9999U), Union County on the basis of an unsatisfactory driving record.

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

B-9 I.Y. – CSC DOCKET NO. 2020-1407

I.Y. appeals the removal of his name from the Correctional Police Officer (S9988A), Department of Corrections eligible list on the basis of an unsatisfactory criminal record.

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

B-10 CODE ENFORCMENT OFFICER (M0677A), OCEAN CITY – CSC DOCKET NO. 2020-2485

Ocean City requests permission not to make an appointment from the December 23, 2019 certification for Code Enforcement Officer (M0677A), Ocean City.

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

B-11 SEWAGE METER REPAIRER (C0287A), BERGEN COUNTY UTILITIES AUTHORITY-CSC DOCKET NO. 2020-2279

The Bergen County Utilities Authority requests permission not to make an appointment from the October 22, 2019 certification for Sewage Meter Repairer (C0287A), Bergen County Utilities Authority.

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

B-12 SUSAN CATLETT-OXENDINE – CSC DOCKET NO. 2020-2474

Susan Catlett-Oxendine appeals the decision of the Division of Agency Services which found that her position with the Department of Labor and Workforce Development is correctly classified as Technical Assistant 3. Appellant seeks a Contract Administrator 2 job classification.

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

B-13 CAMILLE PORTER – CSC DOCKET NO. 2019-3386

Camille Porter appeals the decision of the Division of Agency Services which found that her position with the Department of Children and Families is properly classified as Senior Audit Account Clerk. Appellant seeks a Senior Fiscal Analyst job classification.

ACTION: The Civil Service Commission directed that this appeal be denied, but ordered that the appellant's position remain classified as Head Audit Account Clerk.

B-14 JOE ARKU – CSC DOCKET NO. 2020-1721

Joe Arku appeals the determination of the Division of Agency Services, which found that he did not meet the experience requirement for the open-competitive examination for Program Specialist 1 Social/Human Services (S0745A), Statewide.

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

B-15 ROBERT BERMAN – CSC DOCKET NO. 2020-2095

Robert Berman appeals the determination of the Division of Agency Services that he did not meet the requirements for the promotional examination for Vocational Rehabilitation Counselor 2, Deaf Language Specialist (PS0748N), Department of Labor and Workforce Development.

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

B-16 LEO BLAKE – CSC DOCKET NO. 2020-1019

Leo Blake appeals the determination of the Division of Agency Services, which found that he did not meet the education requirements for the promotional examination for Resource Interpretive Specialist 3 (PS9470G), Department of Environmental Protection.

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

B-17 CONNIE BERMUDEZ – CSC DOCKET NO. 2020-2263

Connie Bermudez appeals the determination of the Division of Agency Services that she did not meet the experience requirements for the open competitive examination for Supervising Library Assistant (M0881A), Parsippany Troy-Hills.

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

B-18 RENE CICCHETTI AND BRUNILDA RODRIGUEZ – CSC DOCKET NOS. 2020-2305 AND 2020-2320

Rene Cicchetti and Brunilda Rodriguez appeal the determinations of the Division of Agency Services that they did not meet the experience requirements for the open competitive examination for Assistant Chief of Administrative Services (C0845A), Hudson County.

ACTION: The Civil Service Commission directed that these appeals be denied and the matter of the Rene Cicchetti's provisional position classification be referred to Agency Services for review.

B-19 ORLANDO IRIZARRY – CSC DOCKET NO. 2020-2392

Orlando Irizarry appeals the determination of the Division of Agency Services, which found that he did not meet the experience requirement for the promotional examination for Institutional Trade Instructor 2, Warehousing (PS0684I), Albert C. Wagner Youth Correctional Facility.

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

B-20 PETER NEVINS – CSC DOCKET NO. 2020-2318

Peter Nevins appeals the determination of the Division of Agency Services that he did not meet the requirements for the promotional examination for County Emergency Management Planner (C0790A), Hudson County.

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

B-21 FERET FENELUS – CSC DOCKET NO. 2019-2815

Feret Fenelus requests to be permitted to submit a late application for the Clerk 2 (PM0018A), City of Elizabeth, examination.

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

B-22 MATTHEW TOMASZEWSKI – CSC DOCKET NO. 2020-1836

Burlington Township Fire District #1, represented by Jay C. Sendzik, Esq., requests a lateral title change, pending qualifying examination, for Matthew Tomaszewski, to Fire Official, Uniformed Fire Department, effective July 14, 2010.

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

B-23 CODE ENFORCEMENT OFFICER (M0424V), NEWARK – CSC DOCKET NO. 2020-2236

The Division of Agency Services seeks enforcement of the Civil Service Commission decision rendered on December 18, 2019, which ordered the City of Newark to immediately dispose of the May 21, 2018 certification of the Code Enforcement Officer (M0424V) eligible list pursuant to *N.J.A.C. 4A:4-4.2(c)2i*, immediately separate Regina Woodson and Shakeemah Foster, against whom a salary disapproval was issued, if they did not receive an appointment from the outstanding certification and remit \$1,000 in compliance costs, within 30 days from the issuance of the decision.

ACTION: The Civil Service Commission directed that this request be granted in part, and fines in the amount of \$4,200 and costs in the amount of \$1,000 be immediately remitted.

B-24 POLICE OFFICER, SCOTCH PLAINS – CSC DOCKET NO. 2020-1812

The Division of Agency Services requests that the Civil Service Commission order Scotch Plains to return the February 22, 2019 certification of the eligible list for Police Officer (S9999U) for proper disposition.

ACTION: The Civil Service Commission ordered Scotch Plains to properly dispose of the certification and remit a fine of \$1,000 for its non-compliance.

B-25 IRA HOCK – CSC DOCKET NO. 2019-2542

Ira Hock, a former Management Improvement Specialist 1, Department of Human Services, requests a waiver of repayment of a salary overpayment, pursuant to *N.J.S.A. 11A:3-7*, which provides that when an employee has erroneously received a salary overpayment, the Civil Service Commission may waive repayment based on a review of the case.

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

B-26 WILLIAM APSLEY – CSC DOCKET NO. 2020-1908

Hudson County, on behalf of William Apsley, requests reconsideration of the decision rendered on December 18, 2019, which upheld the determination of the Division of Agency Services that he did not meet the experience requirements for the open competitive examination for Fire Instructor, (C0205A), Hunterdon County.

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

B-27 CARLOS AROCHO – CSC DOCKET NO. 2020-2221

Carlos Arocho, represented by Bette R. Grayson, Esq., requests reconsideration of *In the Matter of Carlos Arocho* (CSC, decided January 29, 2020) where the Civil Service Commission granted his appeal that his name should not have been removed from the subject list but ordered that his name on certification OL151503 be recorded as bypassed.

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

B-28 T.C. – CSC DOCKET NO. 2020-859

T.C., an Investigator 2, Taxation with the Department of the Treasury, appeals the determination of the Deputy Director stating that the appellant violated the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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

B-29 K.P. – CSC DOCKET NO. 2020-2023

K.P., a Technician MVC with the Motor Vehicle Commission, appeals the decision of the Equal Employment Opportunity Office, which did not substantiate her allegation that she was 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-30 MORGAN PATRICK AND KRISTA REALE – CSC DOCKET NOS. 2020-2513 AND 2020-2402

Morgan Patrick and Krista Reale appeal the determinations of the Division of Agency Services that they did not meet the education requirements for the open competitive examination for Public Health Consultant 2, Health Education (S0984A), Statewide.

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

B-31 COVID-19 TEMPORARY RULE RELAXATIONS

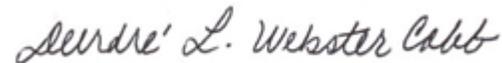
Proposed Notice of Adoption for Temporary Rule Relaxations and Modifications to various provisions of *N.J.A.C.* 4A in accordance with Section 6 of Executive Order 103, issued in response to the COVID-19 pandemic.

ACTION: The Civil Service Commission directed that these requests be granted and the rules be relaxed and modified as indicated.

PUBLIC PORTION

No comments.

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Wednesday, June 17, 2020, at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.



**Deirdre L. Webster Cobb
Chairperson
Civil Service Commission**