



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

**AGENDA OF REGULAR MEETING OF
THE CIVIL SERVICE COMMISSION
APRIL 17, 2013**

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

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Ayodele Akiode
Woodbridge Developmental Center
Department of Human Services
Removal

In the Matter of Jihad Arthur
Juvenile Justice Commission
Department of Law and Public Safety
Suspension

In the Matter of Tonzanette Gibson
Ann Klein Forensic Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Merlise King
Hunterdon Developmental Center
Department of Human Services
Removal

In the Matter of Carmelo Lio
Adult Diagnostic and Treatment Center
Department of Corrections
Removal

In the Matter of Michael G. Mylod
Monmouth County
Department of Health Care Facilities
Suspension

In the Matter of William M. Nino
Passaic Valley Water Commission
Suspension

In the Matter of Miguel Prestan
New Jersey Youth Challenge Academy
Department of Military and Veterans' Affairs
Removal

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

A-2 NEIL LONG

Neil Long, Police Officer, City of Camden, Police Department, fine of \$6,009.46 (equal to a 20 working day suspension) on charges of incompetency, inefficiency or failure to perform duties, chronic or excessive absenteeism, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the fine of \$6,009.46 (equal to a 20 working day suspension).

ACTION:

A-3 EDWIN DYE (REMAND)

Edwin Dye, Building Maintenance Worker, City of Passaic, Department of Public Works, removal May 31, 2012, on charges of incompetency, inefficiency or failure to perform duties, insubordination, conduct unbecoming a public employee, neglect of duty, other sufficient cause and violation of policy, procedure, rules and regulations. Settled to a 35 working day suspension and back pay.

Recommendation of the Administrative Law Judge – Acknowledge the settlement as clarified.

ACTION:

A-4 MARK HULSE

Mark Hulse, Police Officer, City of Newark, Police Department, removal effective May 16, 2012, on charges of violation of Police Department rules and regulations regarding false statement and misuse of public property.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION:

A-5 ZYGMUNT KRAWCZYK

Zygmunt Krawczyk, Senior Correction Officer, Juvenile Justice Commission, removal effective July 10, 2012, on charges of insubordination and inability to perform duties.

Recommendation of the Administrative Law Judge – Modify the removal to a 120-day suspension.

ACTION:

A-6 ALDITH SPENCER-WIDEMAN

Aldith Spencer-Wideman, Human Services Technician, Department Military and Veterans' Affairs, Paramus, removal effective April 30, 2012, on the charge of insubordination.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

SECTION B – MISCELLANEOUS MATTERS

B-1 FRANK TAYLOR

Frank Taylor, a Laborer 1 with Atlantic City, seeks resolution of a dispute concerning back pay and an appointment to the title of Boiler Operator.

ACTION:

B-2 DOUGLAS P. CRAIG

Douglas P. Craig appeals the decision of the Division of Classification and Personnel Management, which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for Automotive Mechanic (S0268L) on the basis of having an unsatisfactory background report.

ACTION:

B-3 DEREK KINES

Derek Kines appeals the decision of the Division of Classification and Personnel Management, which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for County Correction Officer (C9979M), Essex County, on the basis of having an unsatisfactory background report.

ACTION:

B-4 MARIBEL SANCHEZ

Maribel Sanchez appeals her failure of the promotional examination for Human Services Technician (PS9823K), Greystone Park Psychiatric Hospital, on the basis that she was not provided with a sufficient reasonable accommodation for her disability.

ACTION:

B-5 JOYCE SUNKETT

Joyce Sunkett appeals the decision of the Division of Classification and Personnel Management, which found that the appointing authority had presented a sufficient basis to remove her name from the eligible list for Correction Officer Recruit (S9987M), Department of Corrections, because she did not complete preemployment processing.

ACTION:

B-6 ALICIA LOMAS

Alicia Lomas appeals the decision of the former Division of State and Local Operations, which found that the appointing authority had presented a sufficient basis to remove her name from the eligible list for Correction Officer Recruit (S9987M), Department of Corrections, on the basis that she falsified her employment application.

ACTION:

B-7 SHADIRA L. SLATER

Shadira L. Slater, represented by Laurence H. Olive, Esq., appeals the decision of the former Division of State and Local Operations, which found that the Department of Corrections had presented a sufficient basis to remove the appellant's name from the Correction Officer Recruit (S9987M), Department of Corrections, eligible list on the basis that she falsified her employment application.

ACTION:

B-8 STEPHEN PHILLIPS

Stephen Phillips, a former Fire Captain with the Township of West Orange, represented by Patrick P. Toscano, Jr., Esq., requests that the Civil Service Commission reinstate him to his position after a determination by the Police and Firemen's Retirement System (PFRS) that he is no longer disabled.

ACTION:

B-9 MARK DEVINE

Mark Devine, a Trooper 1 with the Division of State Police, Department of Law and Public Safety, represented by Brian E. Joacobs, Esq., appeals the determination of the Chief of Staff of the Attorney General's Office, stating that there was sufficient evidence to support a finding that he had violated the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-10 RICHARD EARL

Richard Earl, a former Assistant Professor at Rowan University, appeals the determination of Rowan's Interim President stating that the appellant failed to 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:

B-11 TRICIA LEONARDI

Tricia Leonardi, an Administrative Analyst 2, Procurement with the Department of Health, appeals the determination of the Chief of Staff stating that the appellant failed to present sufficient evidence to support a finding that she had been subjected to additional violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-12 LEO JABLONSKI

Leo Jablonski, a Senior Technician, Management Information Systems with the Office of Information Technology appeals the determination of the Chief of Staff stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to additional violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-13 JOYCE WILSON

Joyce Wilson, a Speech/Hearing Specialist with Woodbine Developmental Center, Department of Human Services (DHS), appeals the determination of the Assistant Commissioner of the 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:

B-14 RAMONA BRYANT

Ramona Bryant appeals the decision of the Division of Classification and Personnel Management that the proper classification of her position with the Department of Environmental Protection is Senior Clerk. The appellant seeks a Customer Service Representative 3 job classification.

ACTION:

B-15 MARY ANN EZEWUIRO

Mary Ann Ezewuiro, represented by Debbie Parks, AFSCME Council 73, requests that the Civil Service Commission order the City of Trenton to comply with a classification determination concerning her position.

ACTION:

B-16 SUSAN FITZPATRICK

Susan Fitzpatrick appeals the decision of the former Division of State and Local Operations that the proper classification of her position with the Department of Law and Public Safety is Senior Clerk Typist. The appellant seeks a Principal Clerk job classification.

ACTION:

B-17 ALICE OSTROWSKI

Alice Ostrowski appeals the decision of the Division of Classification and Personnel Management that the proper classification of her position with the Department of Environmental Protection is Principal Clerk. The appellant seeks a Customer Service Representative 2 job classification.

ACTION:

B-18 JOSEPH PACE

Joseph Pace appeals the decision of the former Division of State and Local Operations that the proper classification of his position with Vineland School District is Records Support Technician 2. The appellant seeks a Senior Inventory Clerk job classification.

ACTION:

B-19 YVONNE RICHARDSON

Yvonne, Richardson, represented by Debbie Parks, AFSCME Council 73, requests that the Civil Service Commission order the City of Trenton to comply with a classification determination concerning her position.

ACTION:

B-20 DAVID FIORE

David Fiore, represented by Alan C. Roth, Esq., appeals the bypass of his name on the Fire Fighter (M2395H), Union Township, eligible list.

ACTION:

B-21 REALLOCATION OF STATE AND LOCAL GOVERNMENT TITLES FROM THE COMPETITIVE TO THE NON-COMPETITIVE DIVISION OF THE CAREER SERVICES, PHASE4

The Division of Classification and Personnel Management recommends reallocation of various State and Local Government Titles to the non-competitive division of the career service in accordance with *N.J.A.C. 4A:3-1.2*.

ACTION:

B-22 ANAND PATEL

Anand Patel appeals the decision by Hudson County to remove him from his provisional position as a Social Worker.

ACTION:

B-23 JOSEPH PISERCHIO

Joseph Piserchio, represented by Craig Gumpel, Esq., appeals the bypass of his name on the eligible list for Fire Fighter (M2377H), Newark.

ACTION:

B-24 REMONDA SAID

Remonda Said appeals the decision by Hudson County to remove her from her provisional position as a Fiscal Analyst.

ACTION:

B-25 CLERK 4 (PC0521N), MIDDLESEX COUNTY BOARD OF SOCIAL SERVICES

The Middlesex County Board of Social Services requests permission not to make an appointment from the November 21, 2012 certification for Clerk 4 (PC0521N).

ACTION:**B-26 CODE ENFORCEMENT OFFICER (M2269N), MANASQUAN**

In *In the Matter of Code Enforcement Officer (M2269N), Manasquan* (CSC, decided August 15, 2012), the Civil Service Commission (Commission) held in abeyance Manasquan's request for a waiver of the appointment requirement pending the determination of the Division of Classification and Personnel Management (CPM) regarding the classification of Patrick Callahan's position. Thereafter, CPM determined that Callahan was considered to be serving provisionally pending open competitive examination procedures in the title of Supervising Code Enforcement Officer, and the matter of the appointment waiver request is now being presented to the Commission.

ACTION:**B-27 KEYBOARDING CLERK 2 (PM1191N), NEWARK SCHOOL DISTRICT**

Newark School District requests permission not to make an appointment from the July 23, 2012 certification for Keyboarding Clerk 2 (PM1191N).

ACTION:**B-28 SECTION CHIEF, ENVIRONMENTAL PROTECTION (PS2379G) AND (PS2375G), DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Department of Environmental Protection requests the revival of the Section Chief, Environmental Protection (PS2379G) and (PS2375G), Department of Environmental Protection eligible lists.

ACTION:

B-29 SHERIFF'S OFFICER LIEUTENANT (PC1221P), BERGEN COUNTY

The Bergen County Sheriff requests that the one-year service requirement in the title of Sheriff's Officer Sergeant be reduced to the completion of the working test period for the promotional examination for Sheriff's Officer Lieutenant (PC1221P), Bergen County.

ACTION:

B-30 SHERIFF'S OFFICER SERGEANT (PC1228P), BERGEN COUNTY

The Bergen County Sheriff requests that the three-year service requirement in the title of Sheriff's Officer be reduced to the completion of the working test period for the promotional examination for Sheriff's Officer Sergeant (PC1228P), Bergen County.

ACTION:

B-31 SUBSTANCE ABUSE COUNSELOR INTERN (C0275N), CAMDEN COUNTY HEALTH SERVICES

Camden County Health Services requests permission not to make an appointment from the January 25, 2012 certification for Substance Abuse Counselor Intern (C0275N).

ACTION:

B-32 JEFFREY BRACKEN AND GARY BYRNE

Jeffrey Bracken and Gary Byrne petition the Civil Service Commission for reconsideration of the decision rendered on October 3, 2012, in which the correct responses to questions 10, 32, and 63 on the multiple-choice portion of the promotional examination for Fire Lieutenant (PM5178N), Clifton were changed. Mr. Byrne also challenges the correct response to question 21.

ACTION:

B-33 MELISSA BURK-POCINO

Melissa Burk-Pocino petitions the Civil Service Commission for reconsideration of the decision rendered on January 23, 2013, which denied her appeal regarding her ineligibility for the promotional examination for Technical Assistant Personnel (PS0229G), Department of Environmental Protection.

ACTION:

B-34 YENNY GONZALES

Yenny Gonzales, represented by Nelson Gonzalez, Esq., requests reconsideration of the final administrative determination in *In the Matter of Yenny Gonzales* (CSC, decided April 18, 2012), in which the Civil Service Commission upheld Gonzales' removal.

ACTION:

B-35 SANTO BARRACO

Santo Barraco appeals his score for the oral portion of the promotional examination for Fire Captain (PM5219N), Elizabeth.

ACTION:

B-36 VINCENT BEVILAQUE

Vincent Bevilaque appeals his score for the oral portion of the promotional examination for Fire Captain (PM5219N), Elizabeth.

ACTION:

B-37 DAVID BURGOS AND CARRIE REED

David Burgos and Carrie Reed appeal their scores for the multiple choice examination for Police Lieutenant (PM5035P), Newark.

ACTION:

B-38 MARISOL HEREDIA

Marisol Heredia appeals her score for the Bilingual Communication Abilities Test for English/Spanish for Human Services Specialist 1, Bilingual Spanish/English (C0056P), Morris County.

ACTION:

B-39 CLAUDIA HINOJOSA

Claudia Hinojosa appeals her score for the Bilingual Communication Abilities Test (BICAT) for English/Spanish for Human Services Specialist 1, Bilingual Spanish/English (C0056P), Morris County.

ACTION:

B-40 JAMES WILLIAMS

James Williams appeals his score for the oral portion of the promotional examination for Fire Captain (PM5219N), Elizabeth.

ACTION:

B-41 JOHN WRIGHT

John Wright appeals his score for the oral portion of the promotional examination for Fire Captain (PM5219N), Elizabeth.

ACTION:

B-42 RONALD ZACH JR.

Ronald Zach Jr. appeals his score for the oral portion of the promotional examination for Fire Captain (PM5219N), Elizabeth.

ACTION:

B-43 MATTHEW C. DIEM

Matthew C. Diem appeals the determination of the Division of Selection Services and Recruitment which found that he was below the minimum requirements in education for the promotional examination for Assistant Superintendent Mosquito Extermination (PC1086P), Cape May County.

ACTION:

B-44 KRISTIN NELSON

Kristin Nelson appeals the decision of the Division of Selection Services and Recruitment which found that she did not meet the requirements for the promotional examination for Library Director (M0814P), North Arlington.

ACTION:

B-45 ANETRA RIDDRICK

Anetra Riddrick appeals the determination of the Division of Selection Services and Recruitment which found that she was below the minimum requirements in education for the open competitive examination for Human Services (C0770P), Burlington County.

B-46 GINA WHEATLEY AND TODD WIRTH

Gina Wheatley appeals the determination of the Division of Selection Services and Recruitment (Selection Services) which found that, per the substitution clause for education, she was below the minimum requirements in experience of the promotional examination for Management Specialist (PC0343P), Burlington County. Todd Wirth appeals the determination of the Selection Services which found that he was below the minimum requirements in experience for the promotional examination for Management Specialist (PC0343P), Burlington County.

ACTION:

B-47 RONALD CALDERON

The Department of Health requests that the Civil Service Commission (Commission) authorize the promotion of Ronald Calderon from his non-competitive title pursuant to *N.J.A.C. 4A:4-1.1(c)2*. It also requests that the Commission accept Calderon's out-of-title work experience for a prospective promotional examination for the appellant's competitive title of Administrative Analyst 1, Procurement.

ACTION:

B-48 ALBERT FRANCHETTA

Albert Franchetta, represented by Lisa Mellas, Esq., appeals the determination that he was not permanent in the title of Supervisor, Building Services with the Vineland School District and challenges his July 1, 2010 layoff.

ACTION:

B-49 CAROLINA OCAMPO

Carolina Ocampo appeals the administration of the open-competitive examination for Senior Quality Control Reviewer (S0369P).

ACTION:

B-50 ENTRY LEVEL LAW ENFORCEMENT EXAMINATION (S9999M)

The Director, Division of Selection Services and Recruitment, requests that the eligible list for the Entry Level Law Enforcement Examination (S9999M) be extended for six months beyond its original expiration date or until a new list is available.

ACTION:

B-51 SCOTT HAYNES

The appeal of Scott Haynes, a Laborer 1 with the Atlantic City Municipal Utilities Authority, of his 45 working day suspension, on charges, was heard by Administrative Law Judge Bruce M. Gorman (ALJ), who rendered his initial decision on February 14, 2013. At its meeting on April 3, 2013, the Civil Services Commission (Commission) did not adopt the ALJ's recommendation to modify the 45 working day suspension to a 5 working day suspension. Rather, the Commission modified the 45 working day suspension to a 10 working day suspension. The proposed decision is now submitted for the Commission's review.

ACTION:**B-52 SALARY REGULATIONS: FY 2013, SUPPLEMENT 1**

Submitted for the Civil Service Commission's review are the Salary Regulations for Fiscal Year 2013, Supplement 1. The Salary Regulations change Section 3, Special Incentive Programs – Fiscal year 2013, Part D, Miscellaneous Titles. The Salary Regulations have been approved by Robert M. Czech, Chair/CEO, Civil Service Commission, and Charlene M. Holzbaur, Director, Office of Management and Budget. It is recommended that the Commission record these Salary Regulations.

ACTION:**B-53 CIVIL SERVICE COMMISSION MINUTES**

Submitted for adoption are the Civil Service Commission minutes of its meeting of April 3, 2013.

ACTION:**B-54 WILLIAM BILLSON, ET AL**

William Billson, Alexandra Califf and Ryan Ruhl appeal the determinations of the Division of Selection Services and Recruitment which found that they failed to indicate the required certification for the open competitive examination for Hazardous Materials Responder (C0381P), Union County.

ACTION:

B-55 HAROLD NUGENT

Harold Nugent, a former Mechanic Helper with Brick Township, represented by Leslie A. Flora, Esq., requests a review of appointments to the positions of Laborer, Mechanic, and Mechanic Helper on the basis that he should have been appointed to those positions from a special reemployment list.

ACTION:

B-56 DOROTHY HRYNYK

Dorothy Hrynyk appeals the determination of the Division of Selection Services denying her request for a make-up examination for the open competitive examination for Substance Abuse Counselor 1 (S0024P), Statewide.

ACTION:

B-57 CAROL PALMER

Carol Palmer, a Senior Clerk Typist with Woodbine Developmental Center, Department of Human Services (DHS), appeals the determination of the Assistant Commissioner, DHS, which determined that the appellant violated the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-58 ELECTRICAL INSPECTOR (M2399N), MOUNTY HOLLY

Mount Holly requests reconsideration of that part of the decision rendered on January 23, 2013 by the Civil Service Commission in *In the Matter of Electrical Inspector (M2399N), Mount Holly*, which assessed compliance costs in the amount of \$1,000.

ACTION:

B-59 PROPOSED AMENDMENT: N.J.A.C. 4A:3-4.9, ADVANCEMENT PAY ADJUSTMENTS: STATE SERVICE

Attached please find a Notice of Proposal of an amendment to N.J.A.C. 4A:3-4.9, Advancement pay adjustments: State Service. The amendment would clarify that, where the State and a union agree to a promotional pay calculation that does not follow the rule but would not result in an amount greater than that allowed by the rule, the salary adjustment, per contract, applies to all subsections of N.J.A.C. 4A:3-4.9. It is recommended that this proposal be approved for publication in the New Jersey Register for public notice and comment.

ACTION: