



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
MAY 1, 2013**

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

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

Wonwhe Baker, Institutional Trade Instructor 2 Cooking, New Jersey State Prison, Department of Corrections, removal.

Joseph Bass, Senior Correction Officer, New Jersey State Prison, Department of Corrections, removal.

Jeaneen Bishop, Police Aide, City of Irvington, Police Department, suspension.

Ruddy Castillo, Laborer 1, City of Union City, Department of Public Works, removal.

Matthew Chrzanowski, Water Repairer1/Water Treatment Plant Operator, Department of Utilities Authority, removal.

Elizabeth Crespo, Police Officer, City of Passaic, Police Department, layoff. Field

Omar Diaz, Police Officer, City of Newark, Police Department, suspension.

Priscilla Garcia, Parole Officer Recruit, New Jersey State Parole Board, removal

Jennifer Hiltner, County Correction Officer, Camden County, Correctional Facility, removal.

Michael Mercogliana, Sheriff's Officer, Cumberland County, Sheriff's Department, suspension.

Ann Osterman, Keyboarding Clerk 1, Middlesex County, Prosecutor's Office, suspension.

Kevin Rios, Residential Living Specialist, Greystone Park Psychiatric Hospital, Department, removal.

Norma Roman, Teacher's Aide, Newark School District, layoff.

Marvin Smith, Police Officer, City of Camden, Police Department, suspension.

Marvin Smith, Police Officer, City of Camden, Police Department, suspension.

Marvin Smith, Police Officer, City of Camden, Police Department, suspension.

Marvin Smith, Police Officer, City of Camden, Police Department, removal.

Albert Tarbotton, Recreation Program Coordinator, Department of Recreation, removal.

Jonathan Treacy, School Bus Driver, Township of Brick, Board of Education, removal.

Esther Tyndal, Clerk 1, City of East Orange, Department of Property Taxation, removal.

ACTION:

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Jacqueline Arguello
Hunterdon Developmental Center
Department of Human Services
Removal

In the Matter of Carmen Colon
Borough of Lawnside
Police Department
Suspension

In the Matter of Nicole Espinosa
Passaic County
Board of Social Services
Removal

In the Matter of Darryl Gatewood
Greystone Park Psychiatric Hospital
Department of Human Services
Suspension

In the Matter of Jill Jarrett
Monmouth County
Department of Police Radio
Suspension

In the Matter of Joequan Jenkins
City of Newark
Police Department
Removal

In the Matter of Nacisha Only
Department of Children and Families
Removal

In the Matter of Lorraine Ramsammy
Union County
Runnells Hospital
Removal

In the Matter of Dawn Wilson
Jersey City School District
Suspension

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

ACTION:

A-2 CHRISTOPHER BURLAP

Christopher Burlap, County Correction Officer, Camden County, Department of Corrections, 45 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 – Uphold the 45 working day suspension.

ACTION:

A-3 KEISHA MCGEE

Keisha McGee, Senior Correction Officer, Northern State Prison, Department of Corrections, 30 working day suspension on charges of insubordination, conduct unbecoming a public employee, other sufficient cause and violation of a rule, regulation, policy, procedure, order, or administrative decision.

Recommendation of the Administrative Law Judge – Uphold the 30 working day suspension.

ACTION:

A-4 BRETT SCHMIDT

Brett Schmidt, Senior Correction Officer, Bayside State Prison, Department of Corrections, 120 working day suspension on charges of incompetency or failure to perform duties, other sufficient cause and violation of a rule, regulation, policy, procedure, order, or administrative decision.

Recommendation of the Administrative Law Judge – Modify the 120 working day suspension to a 30 working day suspension.

ACTION:

A-5 HAROLD HOWELL

Harold Howell, Cottage Training Technician, Woodbine Developmental Center, Department of Human Services, removal effective March 31, 2010, on charges of conduct unbecoming a public employee, other sufficient cause and conviction of a criminal offense.

Recommendation of the Administrative Law Judge – Grant motion to dismiss appellant's appeal as moot because appellant's job was forfeited.

ACTION:

SECTION B – MISCELLANEOUS MATTERS

B-1 STEVEN PONTICELLI

Steven Ponticelli, a Senior Correction Officer, Juvenile Justice, with the Juvenile Justice Commission, represented by Donald B. Barbati, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-2 SHARON DELVALLE

Sharon DelValle, an Investigator, County Welfare Agency, with the Department of Human Services, Union County, represented by Clayton Giles, Esq., appeals the determination of her layoff rights by the former Division of State and Local Operations.

ACTION:

B-3 DAVID BERKLEY

David Berkley, a former Claims Adjudicator, Disability Determinations, with the Department of Labor and Workforce Development, appeals the adjustment of his leave allowances due to his resignation.

ACTION:

B-4 KYLE CAMARAZA

Kyle Camaraza appeals the determination by the Division of Classification and Personnel Management which found that the appointing authority had presented a sufficient basis to remove his name from the Correction Officer Recruit (S9987M), Department of Corrections, eligible list due to an unsatisfactory driving record.

ACTION:

B-5 MICHAEL C. JAKUB, JR.

Michael C. Jakub, Jr., appeals the decision of the Division of Classification and Personnel Management, which upheld the removal of his name from the Correction Officer Recruit (S9987M), Department of Corrections, eligible list due to his unsatisfactory criminal record.

ACTION:

B-6 SHAUN MCNEIL

Shaun McNeil, represented by Daniel M. Kurkowski, Esq., 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 his name from the eligible list for Correction Officer Recruit (S9987M), Department of Corrections, on the basis of having an unsatisfactory criminal record and falsification of his employment application.

ACTION:

B-7 THOMAS MOORE IV

Thomas Moore IV 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 his name from the eligible list for Correction Officer Recruit (S9987M), Department of Corrections, due to an unsatisfactory driving record.

ACTION:

B-8 EDWARD MULLER

Edward Muller appeals the determination of the Division of Selection Services and Recruitment that denied his admittance to the promotional examination for Fire Captain (PM0178R), New Brunswick, due to non-receipt of an application.

ACTION:

B-9 WILFREDO RUIZ

Wilfredo Ruiz, represented by Diego F. Navas, Esq., appeals the request of the appointing authority to remove his name from the eligible list for Fire Fighter (M2561M), City of Paterson, on the basis of his age.

ACTION:

B-10 ATIYA WHITTEN

Atiya Whitten 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 (S9999K), Department of Corrections, because she did not complete pre-employment processing.

ACTION:

B-11 JEFFREY CLARK

Jeffrey Clark, a Head Procurement Clerk with the Motor Vehicle Commission, appeals the determination of the Equal Employment Opportunity Officer, 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-12 FRITZ G. FRAGE

Fritz G. Frage, a Sergeant First Class (112 Day Pay Status) with the Division of State Police, appeals the decision of the Chief of Staff, which found that the appellant failed to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-13 SIMAR DHILLON

Simar Dhillon appeals the determination of the Division of Classification and Personnel Management that her position with the Office of Information Technology is properly classified as a Software Development Specialist 2. The appellant seeks a Software Development Specialist 3 job classification.

ACTION:

B-14 MARY ANN DONNELLY

Mary Ann Donnelly appeals the decision of the Division of Classification and Personnel Management which found that her position with the Department of Agriculture is properly classified as Technical Assistant, Agriculture. The appellant seeks a Customer Service Representative 1 job classification.

ACTION:

B-15 JOHN FREISE

John Freise appeals the decision of the Division of Classification and Personnel Management that his position with the Department of the Treasury is properly classified as Network Administrator 1. The appellant seeks a Network Administrator 2 job classification.

ACTION:

B-16 MARIA RICCI

Maria Ricci appeals the determination of the former Division of State and Local Operations that her position with the Office of Information Technology is properly classified as a Data Processing Input/Output Control Specialist 2. The appellant seeks a Data Processing Input/Output Control Specialist 1 job classification.

ACTION:

B-17 WENDY SZELINGOWSKI

Wendy Szelingowski appeals the decision of the former Division of State and Local Operations that her position with the Department of Law and Public Safety is properly classified as Senior Clerk Typist. The appellant seeks a Principal Clerk Typist job classification.

ACTION:

B-18 TINA TOAL WOLFORD

Tina Toal Wolford appeals the determination of the Division of Selection Services and Recruitment denying her request for a make-up examination for the promotional examination for Senior Unemployment Insurance Clerk (PS8071N), Department of Labor and Workforce Development.

ACTION:

B-19 SHAMUS ELLIS

The Borough of Brooklawn requests that Shamus Ellis receive a retroactive date of appointment.

ACTION:

B-20 MICHAEL RATCLIFFE

Lawrence Township requests that Michael Ratcliffe be provided a retroactive appointment, effective January 2, 2013.

ACTION:

B-21 JOSEPH ROBERTAZZI

Berkeley Township, represented by Thomas G. Gannon, Esq., petitions for revival of the Police Sergeant (PM2571J), Berkeley Township, eligible list, in order to effectuate the terms of a settlement agreement between it and Joseph Robertazzi.

ACTION:

B-22 ANTHONY WOODS

The College of New Jersey requests that Anthony Woods be added to the current eligible list for Plumber and Steamfitter.

ACTION:

B-23 ADMINISTRATIVE ANALYST (SPECIAL) AND (M0191M), NEWARK

Newark requests permission not to make an appointment from the April 4, 2011 certification of the Administrative Analyst (Special) and (M0191M) eligible lists.

ACTION:

B-24 POLICE OFFICER (SPECIAL), NEWARK

The Division of Classification and Personnel Management requests that the Civil Service Commission order Newark to return the May 21, 2012 certification of the eligible list for Police Officer (Special) for proper disposition.

ACTION:

B-25 ROBERT ZORN

Robert Zorn, a former Youth Worker with the Youth Detention Center, Mercer County, represented by Susan J. Cameron, Esq., seeks reconsideration of the decision rendered on February 24, 2011 by Administrative Law Judge Susan M. Scarola, reversing his removal, ordering his reinstatement to the Juvenile Justice Commission Training Academy, and imposing a 60 day suspension. The appellant seeks back pay, benefits and seniority pursuant to *N.J.A.C. 4A:2-2.10* and counsel fees pursuant to *N.J.A.C. 4A:2-2.12*.

ACTION:

B-26 PATRICIA ANDERSON AND ROBERT MCNEIL

Patricia Anderson and Robert McNeil appeal the validity of the promotional examination for Assistant Buyer (PS6414T), Department of Transportation.

ACTION:

B-27 VELMA L. BOURNE

Velma L. Bourne, represented by Christopher Young, Staff Representative, CWA Local 1040, appeals the determination of the Division of Selection Services and Recruitment which found that she was below the minimum requirements in education for the promotional examination for Program Coordinator, Mental Health (PS9830K), Greystone Park Psychiatric Hospital, Department of Human Services.

ACTION:

B-28 KENNETH BULGER

Kenneth Bulger appeals his score for the oral portion of the promotional examination for Fire Captain (PM5229N), Kearny.

ACTION:

B-29 ROBERT BUZZETTA

Robert Buzzetta appeals his score for the oral portion of the promotional examination for Fire Captain (PM5243N), Trenton.

ACTION:

B-30 DAMIAN CACERES

Damian Caceres appeals his score for the oral portion of the promotional examination for Fire Captain (PM5229N), Kearny.

ACTION:

B-31 DAVID HOLLYWOOD

David Hollywood appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM5191N), Nutley.

ACTION:

B-32 ANTHONY RINALDI

Anthony Rinaldi appeals his score for the oral portion of the promotional examination for Fire Captain (PM5212N), Bordentown Township.

ACTION:

B-33 JUAN RIVERA III

Juan Rivera III appeals his score for the oral portion of the promotional examination for Fire Captain (PM5243N), Trenton.

ACTION:

B-34 MICHAEL SMITH

Michael Smith appeals his score for the oral portion of the promotional examination for Fire Captain (PM5209N), Bayonne.

ACTION:

B-35 RICHARD SMITH

Richard Smith appeals his score for the oral portion of the promotional examination for Fire Captain (PM5246N), West Orange.

ACTION:

B-36 WILLIAM URBANSKI

William Urbanski appeals his score for the oral portion of the promotional examination for Fire Captain (PM5209N), Bayonne.

ACTION:

B-37 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of April 17, 2013.

ACTION:

B-38 BENJAMIN ORTEGA

Benjamin Ortega, represented by Patrick P. Toscano, Esq., appeals his removal from the promotional list for Police Sergeant (PM2714L) by the North Bergen Police Department on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-39 WILLIAM J. GIEGERICH

William J. Giegerich appeals the determination of the Division of Selection Services and Recruitment which found that he did not meet the requirements for the promotional examination for Economic Development Representative 2 (PS2551S), Department of State.

ACTION:

B-40 JAMES MARNELL

James Marnell, a Police Sergeant with the Hoboken Police Department, represented by Catherine M. Elston, Esq., appeals the bypass of his name on the promotional list for Police Lieutenant (PM2629L).

ACTION:

B-41 HELMUT KRAUTH

Helmut Krauth appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM5200N), Union Township.

ACTION:

B-42 RAYMOND REILLY

Raymon Reilly appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM5200N), Union Township.

ACTION:

B-43 JODY WEINER

Jody Weiner appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM5202N), Vineland.

ACTION: