



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 15, 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 Patrick Barnable
Adult Diagnostic and Treatment Center
Department of Corrections
Suspension

In the Matter of Lamin Baryoh and Miguel Ressurreicao
City of Newark
Police Department
Suspension

In the Matter of Omar Brimage
Department of Transportation
Release at the end of the working test period

In the Matter of Michael Diaz
Passaic County
Preakness Hospital
Release at the end of the working test period

In the Matter of Armando Figueroa, Jr.
Hudson County
Department of Parks Engineering and Planning
Removal

In the Matter of Jason J. Hanlon
Monmouth County
Department of Highways
Removal

In the Matter of Todd McConnell
Ewing Township
Department of Administration Finance Public Works
Removal

In the Matter of Lee Minch
City of Rahway
Department of Public Works
Removal

In the Matter of Brian Mitchell
Mercer County
Department of Public Safety
Suspension

In the Matter of Charles Nemeth
Morris County
Municipal Utilities Authority
Suspension

In the Matter of Seaton Samuel
Greenbrook Regional Center
Department of Human Services
Removal

In the Matter of Anthony Stallworth
Camden County
Municipal Utilities Authority
Suspension

In the Matter of James Stump
Albert C. Wagner Youth Correctional Facility
Department of Corrections
Suspension

In the Matter of Jolandra Thomas
Jersey City School District
Suspension

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

ACTION:

A-2 BARINDERJIT K. BAL

Barinderjit K. Bal, Library Associate, Bloomfield Public Library, appeals the good faith of her layoff effective October 3, 2011, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Uphold the layoff.

ACTION:

A-3 JANEEN CHRISTIAN-TAYLOR

Janeen Christian-Taylor, Senior Correction Officer, Mountainview Youth Correctional Facility, Department of Corrections, 60 working day suspension on charges of insubordination and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the 60 working day suspension.

ACTION:

A-4 ANDREW GALES

Andrew Gales, City of Paterson, Police Department appeals the good faith of his demotion from Police Assistant to Parking Enforcement Officer as a result of a layoff effective April 18, 2011, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Grant appointing authority's motion for summary decision.

ACTION:

A-5 TOWN OF HARRISON

James McDonough, Deputy Police Chief, Town of Harrison, Police Department, appeals the good faith of his demotion in lieu of layoff effective April 5, 2010, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Uphold the layoff.

ACTION:

A-6 SANDRA SINGLETON

Sandra Singleton, County Correction Officer, Mercer County, Department of Public Safety, 15 working day suspension on charges of 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 15 working day suspension.

ACTION:

A-7 ROBERT W. FRETT

Robert W. Frett, Police Sergeant, City of Camden, Police Department, removal and demotion to the title of Police Officer effective June 27, 2011, on charges of violation of several City rules and regulations and insubordination.

Recommendation of the Administrative Law Judge – Grant the motion to allow the withdrawal of CSR 08826-11.

ACTION:

A-8 DOUGLAS LAVERTY (REMAND)

Douglas Laverty, Sheriff's Officer, Passaic County, Sheriff's Department, removal effective August 1, 2012 on charges of inability to perform duties.

Recommendation of the Administrative Law Judge – Dismiss the appeal.

ACTION:

A-9 ALEXANDER LOIZOS

Alexander Loizos, Correction Officer Recruit, New Jersey State Prison, Department of Corrections, removal effective October 1, 2012 on charges of other sufficient cause, violation of a rule, regulation, policy, procedure, order or administrative decision, falsification and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Modify the removal to a 180-day suspension.

ACTION:

A-10 JOHN MCCARTHY

John McCarthy, Laborer 1, City of Bayonne, Housing Authority, removal effective November 13, 2012 on charges of conduct unbecoming a public employee and misconduct.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-11 MICHAEL J. O’GARA

Michael J. O’Gara, Fire Fighter, City of Asbury Park, Fire Department, removal effective October 24, 2012 on charges of conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION:

A-12 TANISHA WILSON

Tanisha Wilson, Senior Correction Officer, Albert C. Wagner Correctional Facility, Department of Corrections, removal effective December 10, 2010 on charges of chronic or excessive absenteeism or lateness and unsatisfactory attendance.

Recommendation of the Administrative Law Judge – Dismiss the appeal with prejudice.

ACTION:

SECTION B – MISCELLANEOUS MATTERS

B-1 SUSAN LILLY

Susan Lilly, a former Habilitation Plan Coordinator with Green Brook Regional Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-2 SEAN SPIDLE

Sean Spidle, represented by Michael L. Prigoff, Esq., appeals his rejection as a Fire Fighter candidate by Clifton and its request to remove his name from the eligible list for Fire Fighter (M2334H) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-3 INEBA DUNBAR

Ineba Dunbar, a Human Services Assistant with the Menlo Park Veterans Memorial Home, represented by Joshua L. Weiner, Esq., appeals an official written reprimand issued by the Department of Military and Veterans Affairs.

ACTION:

B-4 BRETT BUSNARDO

Brett Busnardo, represented by John D. Feeley, Esq., appeals the removal of his name from the Fire Fighter (M2508M), City of Bridgeton, eligible list due to his unsatisfactory background report.

ACTION:

B-5 WALTER HARRIS

The City of East Orange requests that the eligible list for Fire Captain (PM3564J) be revived to record the permanent appointment of Walter Harris effective October 6, 2011.

ACTION:

B-6 DIANE M. CANNATELLA

Diane M. Cannatella appeals the determination of the Division of Classification and Personnel Management which determined that it could not process her request for an intergovernmental transfer from the title of Human Services Specialist 2, Burlington County Board of Social Services, to the title of Principal Income Maintenance Technician, Division of Medical Assistance and Health Services, Department of Human Services.

ACTION:

B-7 PHILLIP CHERRY

Phillip Cherry, represented by Sean F. Byrnes, Esq., appeals the decision of the Division of Classification and Personnel Management which upheld the bypass of his name on the eligible list for Fire Fighter (M2320H), Asbury Park.

ACTION:

B-8 MAHMOUD HASAN

Mahmoud Hasan requests a make-up examination for the open competitive examination for Correction Officer Recruit (S9988R), Statewide.

ACTION:

B-9 DONNA KACZOR

Donna Kaczor appeals the determination of the Division of Selection Services and Recruitment denying her request for a make-up examination for Clerk 3 (C0753P), Bergen County.

ACTION:

B-10 MARK PITCHELL

Mark Pitchell, a Superintendent, Parks and Forestry 1, appeals the decision of the Department of Environmental Protection to reassign him, effective December 17, 2011.

ACTION:

B-11 SCOTT STEIN

Scott Stein, represented by Christopher A. Gray, Esq., appeals the decision of the former Division of State and Local Operations, which upheld the bypass of his name on the Police Sergeant (PM2605K), Lawrence Township, eligible list.

ACTION:

B-12 QIANA BROWN

Qiana Brown, a Police Sergeant with the Township of Hillside, petitions the Civil Service Commission for a retroactive date of permanent appointment and admission to the Police Lieutenant (PM5020P), Hillside examination.

ACTION:

B-13 GLENN CURTIN, ET AL.

The Division of Classification and Personnel Management, on behalf of the City of Linden, requests retroactive regular appointments effective March 1, 2012 for Glenn Curtin, Kevin Konecny, Bryan Kostrey, and Michael Vogel to the title of Fire Lieutenant from the May 15, 2012 certification (PL120616) of the Fire Lieutenant (PM2511C) eligible list and to admit them to the promotional examination for Fire Captain (PM0066R), Linden.

ACTION:

B-14 JERRY MONTALVO AND JASON SKILLERN

The Newark School District requests that Jerry Montalvo and Jason Skillern receive retroactive dates of appointment.

ACTION:

B-15 SHARON REDWANSKI

Sharon Redwanski, an Unemployment Insurance Clerk with the Department of Labor and Workforce Development requests a retroactive date of appointment.

ACTION:

B-16 DIEGO AGUIRRE

Diego Aguirre, a Senior Medical Security Officer with the Ann Klein Forensic Center, Department of Human Services, appeals the determination of the Assistant Commissioner, DHS, which determined that he violated the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-17 CRYSTAL BATES

Crystal Bates, a Family Service Specialist 1 with the Department of Children and Families, appeals the determination of the Director of Administration and Legal Affairs, 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-18 ARTEMIO CHAVEZ

Artemio Chavez, an Assistant Regional Electrical Supervisor with the Department of Transportation, appeals the determination of the Director, Division of Civil Rights and Affirmative Action, 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-19 ERIC SWANN

Eric Swann, a former Assistant District Parole Supervisor with the State Parole Board, appeals the determination of the Executive Director, State Parole Board, stating that there was probable cause to substantiate a finding that he violated the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-20 DANIEL TASSEY

Daniel Tasse, a District Fire Warden with the Division of Forest Fire Service, Department of Environmental Protection, represented by Steven J. Kossup, Esq., appeals the determination of the Chief of Staff, which found that the appellant failed 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-21 LYNN BRZOWSKI AND KIMBERLY SAMPSON

The Jersey City School district, on behalf of Lynn Brzowski and Kimberly Sampson, appeals the decisions of the former Division of State and Local Operations that the proper classification of Brzowski's position is Clerk 4 and the proper classification of Sampson's position is Clerk 3. The appointing authority seeks a Management Assistant classification for Brzowski and Sampson.

ACTION:

B-22 JEFFREY BUTLER

Jeffrey Butler appeals the determination of the Division of Classification and Personnel Management that his 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-23 JOHN HAYES, JR.

John Hayes, Jr., appeals the determination of the former Division of State and Local Operations that his position with the Department of the Treasury is properly classified as a Senior Repairer. The appellant seeks a Mechanical Equipment Specialist job classification.

ACTION:

B-24 AGNIESZKA LIZEWSKA

Agnieszka Lizewska appeals the decision of the former Division of State and Local Operations that her position with the City of Linden is properly classified as Clerk 3. The appellant seeks a Clerk 4 job classification.

ACTION:

B-25 HEATHER LOWERY

Heather Lowery appeals the determination of the Division of Classification and Personnel Management that her position with the Department of the Treasury is properly classified as an Investigator 3, Taxation. The appellant seeks an Investigator 2, Taxation job classification.

ACTION:

B-26 AFRICA J. NELSON

Africa J. Nelson appeals the determination of the Division of Classification and Personnel Management that her position is properly classified as a Senior Fiscal Analyst with the Department of the Treasury. The appellant seeks an Administrative Analyst 2 job classification.

ACTION:

B-27 HEATHER SCHWARTZ

Heather Schwartz appeals the decision of the Division of Classification and Personnel Management which found that her position with the Department of Human Services is correctly classified as Administrative Analyst 2. The appellant seeks an Administrative Analyst 1 job classification.

ACTION:

B-28 DOMINIC SCOLA

Dominic Scola appeals the decision of the Division of Classification and Personnel Management that his position with the Department of the Treasury is properly classified as Administrative Analyst 2 (Data Processing). The appellant seeks an Administrative Analyst 1 (Data Processing) job classification.

ACTION:

B-29 CATHERINE SIMMONS

Catherine Simmons appeals the decision of the Division of Classification and Personnel Management that the proper classification of her position with the Higher Education Student Assistance Authority is Technician, Management Information Systems. The appellant seeks an Administrative Assistant 1 job classification.

ACTION:

B-30 LIBRARIAN REFERENCE (M0923P), CLARK PUBLIC LIBRARY

Clark Public Library requests permission not to make an appointment from the February 28, 2013 certification for Librarian Reference (M0923P).

ACTION:

B-31 WAGE COLLECTION REFEREE

Toni Foskey, Robert Kirkland, and Theodore Tardiff appeal the Change in the State Classification Plan reevaluating the Wage Collection Referee title from class code 25 to class code 26. The appellants seek an evaluation of class code 28.

ACTION:

B-32 TRAVIS MCAULEY

Travis McAuley appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM5178N), Clifton.

ACTION:

B-33 KEVIN BENNETT, ET AL.

Kevin Bennett, Battalion Fire Chief (PM0133P) Atlantic City; John Dunne III, Kevin Fitzhenry, Robert Kleczynski, Kevin McMonagle, Eric Nelson and Francis Pawlowski, Battalion Fire Chief (PM0134P), Bayonne; Steve McConlogue, Battalion Fire Chief (PM0138P), Elizabeth; Brian Crimmins, Battalion Fire Chief (PM0142P), Hoboken; John Johnson, Thomas Jones and Robert Milne, Fire Officer 2 (PM0143P), Jersey City; Thomas Pizzano, II, Battalion Fire Chief (PM0144P), Millburn; Ramon Urena, Battalion Fire Chief (PM0146P), Newark; James Corso and Daniel DeOrio, Fire Officer 2 (PM0147P), North Hudson Regional Fire and Rescue; Orlando Rodriguez, Battalion Fire Chief (PM0148P), Paterson; Edward Mullen, Battalion Fire Chief (PM0150P), Perth Amboy; Paul Kearns Jr., Battalion Fire Chief (PM0154P), Teaneck; Michael Welsh, Battalion Fire Chief (PM0155P), Trenton; and James Bonelli, Battalion Fire Chief (PM0162P), Passaic, appeal the correct responses to various questions on their respective promotional examinations.

ACTION:

B-34 CARNEY CONKLIN

Carney Conklin appeals the test administration of the examination for Fire Captain (PM5207N), Asbury Park.

ACTION:

B-35 WILLIAM ESPINOZA

William Espinoza appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM5178N), Clifton.

ACTION:

B-36 LUTHER GRAHAM

Luther Graham appeals the determination of the Division of Selection Services and Recruitment which found that he was below the minimum requirements in experience for the promotional examination for General Supervisor, Trades (PC0741P), Monmouth County.

ACTION:

B-37 ERICH HOCHSTUHL

Erich Hochstuhl appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM5245N), Belleville.

ACTION:

B-38 MARTIN KACZMARCZYK

Martin Kaczmarczyk appeals his score, and the test administration, for the oral portion of the promotional examination for Fire Captain (PM5211N), Bloomfield.

ACTION:

B-39 DAMON KOSLOW

Damon Koslow appeals the determination of the Division of Selection Services and Recruitment which found that he was below the minimum requirements in experience for a prospective appointment to the title of Administrative Analyst 1, Data Processing.

ACTION:

B-40 MICHAEL MASTELLONE

Michael Mastellone appeals his score for the oral portion of the promotional examination for Fire Officer 1 (PM5206N), North Hudson Fire and Rescue Service.

ACTION:

B-41 JOSEPHINE MORELAND

Josephine F. Moreland appeals the determination of the former Division of Selection Services which found that he did not meet the experience requirements for the examination for Program Development Specialist 1, Mental Health Services (PS3662K).

ACTION:

B-42 JOSEPH PRATO

Joseph Prato appeals his score for the oral portion of the promotional examination for Fire Captain (PM5211N), Bloomfield.

ACTION:

B-43 STEVEN SALZER

Steven Salzer appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM5245N), Belleville.

ACTION:

B-44 STEFAN VASSALLO

Stefan Vassallo appeals his score for the oral portion of the promotional examination for Fire Officer 1 (PM5206N), North Hudson Fire and Rescue Service.

ACTION:

B-45 JOHN YOUNG

John Young appeals his score for the oral portion of the promotional examination for Fire Lieutenant (PM5196N), Ridgewood.

ACTION:

B-46 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of May 1, 2013.

ACTION:

B-47 RECENT COURT DECISIONS

Submitted for the Civil Service Commission's review are summaries of recent court decisions involving Civil Service Commission determinations.

ACTION:

B-48 CHIN-YU CHEN

Chin-Yu Chen appeals the determination of the Division of Classification and Personnel Management that her position with the Department of the Treasury is properly classified as an Accountant 2. The appellant seeks an Accountant 1 job classification.

ACTION:

B-49 MARC FERRARA

Marc Ferrara appeals the administration of the promotional examination for Correction Sergeant (PS6436I), Department of Corrections.

ACTION:

B-50 JASON PURSELL

Jason Pursell appeals the administration of the open competitive examination for Correction Officer Recruit (S9988R), Statewide.

ACTION:

B-51 NORMAN EHRKE

The Department of Transportation, on behalf of Norman Ehrke, requests that the effective date of Ehrke's provisional appointment to Storekeeper 1 be adjusted to May 19, 2012.

ACTION: