



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
SEPTEMBER 4, 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 Marlon Bacon, Jr.
Camden County
Department of Health Services
Removal

In the Matter of Nathan Gibson
Township of Lacey
Police Department
Removal

In the Matter of Donna Hammond
North Jersey Developmental Center
Department of Human Services
Removal

In the Matter of Joanne Julian
Ancora Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Tyrone Major
City of Newark
Police Department
Removal

In the Matter of Richard McGuire
City of Camden
Police Department
Fines (2)

In the Matter of Mahadi Robinson
City of Newark
Department of Neighborhood and Recreation Services
Removal

In the Matter of Daniel Valentine
Hudson County
Department of Family Services
Suspension

In the Matter of Frank Vanaman
Southern State Correctional Facility
Department of Corrections
Suspension

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

ACTION:

A-2 CYNTHIA ARRINGTON

Cynthia Arrington, Personnel Assistant 3, Central Office, Department of Corrections, 45 working day suspension on charges of other sufficient cause, neglect of duty and sleeping while on duty.

Recommendation of the Administrative Law Judge – Uphold the 45 working day suspension.

ACTION:

A-3 KIM SHARPE

Kim Sharpe, Lab Technician, Newark School District, 10 working day suspension on charges of conduct unbecoming a public employee, insubordination and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the 10 working day suspension.

ACTION:

A-4 ANIFATU KARGBO

Anifatu Kargbo, Practical Nurse, Ancora Psychiatric Hospital, Department of Human Services, removal effective February 15, 2012, on charges of inability to perform duties, other sufficient causes and violation of a rule, regulation, policy, procedure, order or administrative decision.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION:

A-5 VICTORIA QUEEN

Victoria Queen, Cottage Training Technician, Hunterdon Developmental Center, Department of Human Services, removal effective November 24, 2010, on charges of neglect of duty, physical or mental abuse of a client, verbal abuse of a patient, client, resident or employee, inappropriate physical contact or mistreatment of a client, violation of behavior support program, failure to perform duties, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-6 DEL THEOWAY

Del Theoway, Human Services Assistant, Trenton Psychiatric Hospital, Department of Human Services, removal effective April 12, 2012, on charges of conduct unbecoming a public employee, other sufficient cause, physical or mental abuse of a patient, client, resident or employee, inappropriate physical contact or mistreatment of a patient, client, resident or employee, violation of a rule, regulation, policy, procedures order or administrative decision, patient abuse and neglect.

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

ACTION:

A-7 KEITH WICKHAM, JR. (REMAND)

Keith Wickham, Jr., Senior Correction Officer, New Jersey State Prison, Department of Corrections, removal effective October 15, 2012, on charges of incompetency, inefficiency or failure to perform duties, conduct unbecoming a public employee, neglect of duty, other sufficient cause, serious mistake due to carelessness which may result in danger and/or injury to persons or property, falsification, and improper or unauthorized contact with inmate, undue familiarity with inmates, paroles, their families or friends.

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

ACTION:

A-8 CRAIG D. WILLIAMS

Craig D. Williams, Truck Driver, Township of Sparta, Department of Public Works, removal effective February 13, 2012, on the charge of inability to perform duties.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

SECTION B – MISCELLANEOUS MATTERS

B-1 ROSS DILLON

Ross Dillon, represented by Courtney M. Spellman, Esq., appeals his rejection as a Police Officer candidate by Morristown and its request to remove his name from the eligible list for Police Officer (S9999K) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-2 RICHARD C. WILLIAMS, JR.

The Superior Court of New Jersey, Appellate Division, has remanded the Civil Service Commission's decision upholding the removal of Richard C. Williams, Jr.

ACTION:

B-3 BRIAN BYRD

Brian Byrd petitions the Civil Service Commission to accept his untimely application for the promotional examination for Technical Support Specialist 1 (PS6430U), Department of the Treasury.

ACTION:

B-4 CARMELLA ELMER

The Department of Corrections, on behalf of Carmella Elmer, requests the relaxation of the provisions of *N.J.A.C.* 4A:6-1.22 so as to permit her to donate more than 30 sick days to Carol A. Davis, who is participating in the donated leave program.

ACTION:

B-5 STEVEN CHESTNUT

Steven Chestnut, a Personnel Assistant 1 with the Department of Children and Families, appeals the determination of his vacation leave allowances upon his return to State government through an intergovernmental transfer.

ACTION:

B-6 WILLIAM BRAY

William Bray 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 an unsatisfactory criminal record.

ACTION:

B-7 ALLEN DESOUZA

Allen DeSouza appeals the decision of the Division of Classification and Personnel Management which upheld the removal of his name from the Police Officer (S9999M), City of Elizabeth, eligible list on the basis that he did not complete pre-employment processing.

ACTION:

B-8 STEVEN HILES

Steven Hiles, represented by Fred M. Parker, Jr., Esq., 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 an unsatisfactory criminal record.

ACTION:

B-9 BECKY MATLACK

Becky Matlack, represented by Jessica Shaw, Staff Representative, CWA Local 1040, appeals the decision of the Division of Classification and Personnel Management which found that Hunterdon Developmental Center had presented a sufficient basis to remove her name from the eligible list for Director of Nursing Services 1, Developmental Disabilities (PS7795K), HDC, on the basis that she was no longer serving in the correct unit scope.

ACTION:

B-10 WILLIAM MAURO

William Mauro appeals the decision of the Division of Classification and Personnel Management which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the County Correction Officer (C9972M), Morris County, eligible list on the basis that he falsified his employment application.

ACTION:

B-11 JOSEPH SOTO

Joseph Soto appeals the decision of the Division of Classification and Personnel Management, which found that the Department of Corrections had presented a sufficient basis to remove the appellant's name from the Correction Officer Recruit (S9987M), DOC, eligible list on the basis that he falsified his employment application.

ACTION:

B-12 WAYDALE WRIGHT

Waydale Wright, represented by Paul Ferrell, Jr., Esq., 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 an unsatisfactory criminal record.

ACTION:

B-13 VICTOR CORREIA AND MICHAEL WITTEVRONGEL

The Township of Union, represented by Robert J. Merryman, Esq., requests that the eligible list for Police Sergeant (PM2638K) be revived to record the permanent appointments of Victor Correia and Michael Wittevrongel, effective May 24, 2011 and December 27, 2011, respectively.

ACTION:

B-14 LISA DANYANOVITCH

Lisa Danyanovitch appeals the determination of the Division of Selection Services and Recruitment denying her request for a make-up examination for Judiciary Clerk 4 (S0089R).

ACTION:

B-15 FERGUSON H. REEVES, JR.

Ferguson H. Reeves, Jr., appeals the determination of the Division of Selection Services and Recruitment denying his request for a make-up examination for the promotional examination for Project Engineer Surface Design (PS3726T), Department of Transportation.

ACTION:

B-16 RICHARD MERZ, JR.

Richard Merz, Jr. appeals the determination of the Division of Selection Services and Recruitment which found him ineligible for the promotional examination for Assistant Supervisor of Public Works (PM0090R), Teaneck Township because he was not permanent in the competitive division as of the closing date.

ACTION:

B-17 KATHY RODRIGUEZ

The Division of Classification and Personnel Management, on behalf of the Cumberland County Board of Social Services, requests that Kathy Rodriguez's out-of-title work experience be accepted to allow her to meet the eligibility requirements for Chief of Administrative Services.

ACTION:

B-18 J. C.

J. C., a Senior Correction Officer with New Jersey State Prison, Department of Corrections, appeals the determination of the Equal Employment Division, 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-19 J. K.

J. K., a Program Specialist 4, Green Brook Regional Center, Department of Human Services, appeals the determination of the Assistant Commissioner, stating that the appellant violated the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

ACTION:

B-20 J. W.

J. W., a Senior Medical Security Officer with the Ann Klein Forensic Center, Department of Human Services (DS), represented by Daniel A. Horowitz, Esq., appeals the determination of the Assistant Commissioner, DHS, 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-21 R. F.

R. F., a Classification Officer 2 with the Department of Corrections, appeals the determination of the Director, Equal Employment Division, which found 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-22 KIRTI TANK

Kirti Tank appeals the determination of the former Division of State and Local Operations that her position with the Department of Health is properly classified as an Administrative Analyst 2, Data Processing. The appellant seeks an Administrative Analyst 1, Data Processing job classification.

ACTION:

B-23 KATHY GRAYSON

The appeal of Kathy Grayson, a Police Communications Clerk with the City of Newark, of her removal, effective April 17, 2012, on charges, was heard by Administrative Law Judge Jeffrey A. Gerson (ALJ), who rendered his initial decision on July 1, 2013. At its meeting on August 15, 2013, the Civil Service Commission adopted the ALJ's recommendation to uphold the appellant's removal. However, the Commission found it necessary to address the exceptions and cross exceptions filed by the parties. The proposed final decision is now submitted for the Commission's review.

ACTION:

B-24 DENNIS LEWIS

The appeal of Dennis Lewis, a Senior Correction Officer with East Jersey State Prison, Department of Corrections, of his removal, effective October 10, 2012, on charges, was heard by Administrative Law Judge Gail M. Cookson (ALJ), who rendered her initial decision on June 14, 2013. At its meeting on August 15, 2013, the Civil Service Commission adopted the ALJ's recommendation to uphold the appellant's removal. However, the Commission found it necessary to address the exceptions filed on behalf of the appellant. The proposed final decision is now submitted for the Commission's review.

ACTION:

B-25 VINCENT PEDULLA

The appeal of Vincent Pedulla, a Senior Carpenter with Monmouth County, of his three-month suspension, on charges, was heard by Administrative Law Judge Elia A. Pelios (ALJ), who rendered his initial decision on July 15, 2013 recommending upholding the three-month suspension. At its meeting on August 15, 2013, the Civil Service Commission modified the three-month suspension to a 45 calendar day suspension. The proposed final decision is now submitted for the Commission's review.

ACTION:

B-26 COMMUNITY RELATIONS SPECIALIST (M0342L), HAMILTON TOWNSHIP

Hamilton Township requests permission not to make an appointment from the January 3, 2013 certification for Community Relations Specialist (M0324P).

ACTION:

B-27 PARK NATURALIST (C0454P), ESSEX COUNTY

The matter of whether Essex County should be granted permission not to make an appointment from the October 9, 2012 certification for Park Naturalist (C0454P) has been referred to the Civil Service Commission for review.

ACTION:

B-28 PUBLIC WORKS REPAIRER (PM0185M), POINT PLEASANT BOROUGH

The Division of Classification and Personnel Management requests that the appointing authority be ordered to return the April 27, 2010 certification for Public Works Repairer (PM0185M) for proper disposition.

ACTION:

B-29 ERIC GARBRAH

Eric Garbrah, a former Senior Youth Worker with the Juvenile Justice Commission, petitions the Civil Service Commission for reconsideration of the final administrative decision, rendered on October 24, 2007, in which the Director of the Division of Merit System Practices and Labor Relations denied his request for a hearing with respect to his removal effective July 6, 2006.

ACTION:

B-30 CONRAD HUGGINS

Conrad Huggins, a former Senior Security Guard with the Jersey City School District, petitions the Civil Service Commission for reconsideration of the final administrative decision, rendered on June 20, 2013, in which the Director of the Division of Appeals and Regulatory Affairs denied his request for a hearing with respect to his removal effective May 16, 2013.

ACTION:

B-31 DANIEL COLLINS, ET AL.

Daniel Collins and Patrick Tanski, Fire Captain (PM0056R), Clifton; Bryan Kostrey, Anthony Principato and Salvatore Principato, Fire Captain (PM0066R), Linden; Chris Hornig, Fire Captain (PM0067R), Margate; Dean Ferdinandi, Fire Captain (PM0076R), Union Township; John Hayowyk Jr., Fire Captain (PM0179R), Passaic; and Richard Burchell, Fire Captain (PM0181R), Teaneck, appeal the correct responses to various questions on their respective promotional examinations.

ACTION:

B-32 STEVEN CRAMPTON

Steven Crampton appeals his score for the oral portion of the promotional examination for Fire Captain (PM5238N), Paterson.

ACTION:

B-33 PAUL GODDARD

Paul Goddard 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 Senior Traffic Maintenance Worker/Sign Maker 2 (PC1166P), Warren County.

ACTION:

B-34 EDWARD KRUPA

Edward Krupa appeals the determinations of the Division of Selection Services and Recruitment which found that he did not meet the experience requirements for the promotional examination for Contract Administrator 2 (PS4559T), Motor Vehicle Commission, and the open competitive examination for Contract Administrator 2 (S0029R), Statewide.

ACTION:

B-35 JAMES LAPP AND STEPHEN NAGY

James Lapp (PC1208P), Bergen County; and Stephen Nagy (PC1212P), Union County; appeal the promotional examination for County Correction Sergeant (various jurisdictions). These appeals have been consolidated due to common issues presented by the appellants.

ACTION:

B-36 RICHARD LECLERCQ, JR.

Richard Leclercq, Jr., appeals the determination of the Division of Selection Services and Recruitment, which found that he did not meet the experience requirements for the promotional examination for Assistant Director of Information Technology (PC0814P), Monmouth County Sheriff's Office.

ACTION:

B-37 MARY MARTELLI

Mary Martelli appeals the decision of the Division of Selection Services and Recruitment which found that, per the substitution clause for experience, she did not meet the experience requirements for the promotional examination for Assistant Municipal Tax Collector (PM0088R), Belleville.

ACTION:

B-38 NANETTE MATHIS-BRIDGETT

Nanette Mathis-Bridgett appeals the determination of the Division of Selection Services and Recruitment which found that she was below the experience requirements for the promotional examination for Executive Assistant 1 (PS4614G), Department of Environmental Protection.

ACTION:

B-39 SAMUEL MUNOZ, ET AL.

Samuel Munoz, Phillip Tally and King Whitfield, Fire Captain (PM0054R), Camden, Steve Fostek, Jr., Fire Captain (PM0157R), Harrison; and Brian Pfeiffer, Fire Captain (PM0171R), Hamilton, appeal the correct responses to various questions on their respective promotional examinations.

ACTION:

B-40 CHRISTINE ONDRIS

Christine Ondris appeals the determination of the Division of Selection Services and Recruitment which found that she was not eligible for the open competitive examination for Legal Secretary (C1017P), Sussex County.

ACTION:

B-41 DONALD PARKINS

Donald Parkins appeals the determination of the Division of Selection Services and Recruitment which denied his admittance to the promotional examination for Fire Captain (PM0178R), New Brunswick.

ACTION:

B-42 ADOLPH PEREZ

Adolph Perez appeals his oral scores on the promotional examination for Police Captain (PM7534P), Newark.

ACTION:

B-43 DAVID RAUZINO AND MUKESH SHAH

David Rauzino and Mukesh Shah appeal the determinations of the Division of Selection Services and Recruitment which found that they were not eligible for the promotional examination for Principal Engineer, Transportation (PS3716T), Department of Transportation, because they were not employed in the announced unit scope. These appeals have been consolidated given the common issues presented.

ACTION:

B-44 LAURA REEVES

Laura Reeves appeals the determination of the Division of Selection Services and Recruitment which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Management Assistant (PC1000P), Middlesex County.

ACTION:

B-45 GARY E. ROYER

Gary E. Royer appeals the determination of the Division of Selection Services and Recruitment which found that he was below the minimum requirements in experience for the open competitive examination for the dual title of Code Enforcement Officer/Zoning Officer (M1014P), Lavallette Borough.

ACTION:

B-46 JOSE RUIZ

Jose Ruiz, appeals his score for the oral portion of the promotional examination for Fire Captain (PM5234N), Newark.

ACTION:

B-47 DOMENICO SACCA

Domenico Sacca 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 Road Repairer Supervisor (PM0244P), Elizabeth.

ACTION:

B-48 PATRICIA SEIF

Patricia Seif appeals the determination of the Division of Selection Services and Recruitment which found that she was below the minimum requirement in experience for the promotional examination for Traffic Analyst (PM1062P), Atlantic City.

ACTION:

B-49 TRACEY SHIMONIS-KAMINSKI, ET AL.

Tracey Shimonis-Kaminski, Luis Soto and Otis Truitt appeal the promotional examination for Correction Major (PS3833I), Department of Corrections.

ACTION:

B-50 EVELYN TODD

Evelyn Todd appeals the determination of the Division of Selection Services and Recruitment which found that she was below the minimum requirements in experience for the promotional examination for Keyboarding Clerk 2 (PC1271P), Cape May County.

ACTION:

B-51 FRANCISCO TORRES, JR.

Francisco Torres, Jr. appeals the determination of the Division of Selection Services and Recruitment which found that, per the substitution clause for education, he did not meet the experience requirements for promotional examination for Safety Officer, Developmental Disabilities (PS6721K), Department of Human Services.

ACTION:

B-52 JOHN J. COLLINS

John J. Collins, represented by Constantine Bardis, Esq., appeals his rejection as a Fire Fighter candidate by Jersey City and its request to remove his name from the eligible list for Fire Fighter (M2365H) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-53 WILLIAM HOLDER

William Holder, represented by John D. Feeley, Esq., appeals his rejection as a Fire Fighter candidate by West Orange and its request to remove his name from the eligible list for West Orange (M2400H) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-54 DINAI S. PARKER

DiNai S. Parker appeals her rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove her name from the eligible list for Correction Officer Recruit (S9987M) on the basis of medical unfitness to perform effectively the duties of the position.

ACTION:

B-55 SHARON GAZZERO

Sharon Gazzero appeals the decision of the Division of Classification and Personnel Management that the proper classification of her position with the Office of the Attorney General is Principal Clerk Typist. The appellant seeks an Administrative Assistant 3 job classification.

ACTION:

B-56 ALLISON GOSLEY, ET. AL.

The Director, Division of Classification and Personnel Management, on behalf of the Department of Law and Public Safety, requests the relaxation of the provisions of *N.J.A.C. 4A:4-1.1(c)* so as to permit Allison Gosley, Julian Mendez-Lima, and Kate Pascucci to be provisionally appointed, pending promotional examination procedures, to the competitive title of Fingerprint Processing Technician Apprentice.

ACTION:

B-57 NERMIN MESSIHA

The Director, Division of Classification and Personnel Management, on behalf of the Department of Law and Public Safety, requests the relaxation of the provisions of *N.J.A.C. 4A:4-1.1(c)* so as to permit Nermin Messiha to be provisionally appointed, pending promotional examination procedures, to the competitive title of Customer Service Representative 2.

ACTION:

B-58 C. P.

C. P., a Senior Rehabilitation Counselor, Mental Health with the Ann Klein Forensic Center, Department of Human Services (DHS), appeals the determination of the Assistant Commissioner of the DHS, stating that there was sufficient evidence to support a finding that the appellant had violated the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-59 M. F.

M. F., a former Government Representative 1 with the Department of Human Services, 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-60 KERRI LONG, ET. AL.

The Division of Classification and Personnel Management, on behalf of the Department of Education, requests that the title scope for an examination for Examiner 2, Credentials include the non-competitive title Education Planner, and that the out-of-title work experience of Kerri Long, Craig Eskow, Michelle Herbster, Tamaysha Bryan, Melissa Orlowski, Denise Whaley, Heather Furman and William Kalyna be accepted to qualify them for a prospective promotional examination for Examiner 2, Credentials.

ACTION: