



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
OCTOBER 2, 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The following appeals were withdrawn and removed from the hearing calendar:

Mark A. Chadwick, Senior Carpenter, Monmouth County, Department of Public Works, suspension.

Michael Costello, Police Sergeant, City of Hoboken, Police Department, suspension.

Stephon Dinson, Senior Medical Security Officer, Anne Klein Forensic Center, Department of Human Services, removal.

Rocco Georgio, Field Representative of Property Improvement, Atlantic City, Department of License and Inspection, suspension.

Kevin McCourt, Part-time Laborer, City of Hoboken, Department of Environmental Services, removal.

Thomas Menard, County Correction Lieutenant, Burlington County, Burlington County Jail, demotion.

Wray Neushafer, County Corrections Sergeant, Salem County, Sheriff's Department, demotion.

Scott C. Smith, Carpenter, Cape May County, Department of Facilities, release at the end of the working test period.

William Wanko, Correction Officer, Middlesex County, Department of Adult Corrections, layoff.

Michael Watts, Police Officer, Township of West Orange, Police Department, suspension.

ACTION:

DISMISSAL FOR FAILURE TO APPEAR

The Civil Service Commission dismissed the following cases without prejudice for failure to appear at the scheduled hearing before the Office of Administrative Law:

Iveth Emanuelli, Judiciary Clerk 2, Hudson Vicinage, Judiciary, release at the end of the working test period.

Oswald Gravesande, Motor Vehicle Operator of Elderly and Handicapped Persons, Hudson County, Department of Roads and Public Property, suspension.

John Miller, Senior Correction Officer, East Jersey State Prison, Department of Corrections, removal.

ACTION:

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Mary Barrett
Monmouth County
Department of Health Care Facilities
Release at the end of the working test period

In the Matter of Mohamed Conteh
Green Brook Regional Center
Department of Human Services
Removal

In the Matter of Janet Decker
Hunterdon Developmental Center
Department of Human Services
Suspension

In the Matter of Fatima Duckes
Trenton Psychiatric Hospital
Department of Human Services
Suspension and Removal

In the Matter of Henrietta Fraley
Ancora Psychiatric Hospital
Department of Human Services
Resignation not in good standing

In the Matter of Paul Grayson
Judiciary Essex Vicinage
Suspension

In the Matter of Takia Johnson
Camden County
Department of Corrections
Suspension

In the Matter of Wayne Lecator
Cumberland County
Department of Corrections
Suspension

In the Matter of Lucinda Kelly
Ancora Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Carolyn P. Lemieux
Richard Stockton State College
Release at the end of the working test period

In the Matter of Julio Melendez
Camden County
Department of Corrections
Removal

In the Matter of Monique Smith
Northern State Prison
Department of Corrections
Suspension

In the Matter of Robert W. Young, Jr.
Bordentown Township
Police Department
Removal

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

ACTION:

A-2 BARRY ASHFORD

Barry Ashford, Custodial Worker, Newark School District, 15 working day suspension on charges of chronic or excessive absenteeism or lateness, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the 15 working day suspension to a 45 working day suspension.

ACTION:

A-3 SCOTT CURTIS

Scott Curtis, Correction Sergeant, Mountainview Youth Correctional Facility, Department of Corrections, 60 working day suspension on charges of conduct unbecoming a public employee, other sufficient cause and violation of the Department policy prohibiting discrimination, harassment or hostile environments in the workplace.

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

ACTION:

A-4 STEPHANIE WATERS

Stephanie Waters, Senior Correction Officer, South Woods State Prison, Department of Corrections, 20 working day suspension on charges of insubordination, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the 20 working day suspension to a 10 working day suspension.

ACTION:

A-5 JAMES L. BELLINGER

James L. Bellinger, Custodial Worker, Newark School District, removal effective March 31, 2013, on charges of conduct unbecoming a public employee, misuse of public property, neglect of duty, chronic or excessive absenteeism or lateness and other sufficient cause.

Recommendation of the Administrative Law Judge - Dismiss the appeal for lack of prosecution.

ACTION:

A-6 JENNIFER BOYER

Jennifer Boyer, Court Services Supervisor 2, Superior Court of New Jersey, Essex Vicinage, removal effective March 23, 2012, on charges of insubordination, conduct unbecoming a public employee, neglect of duty, other sufficient cause, falsification and violation of code of conduct and performance of duties. It is noted that Ms. Boyer's permanent Civil Service title is Master Probation Officer. This matter was held over from the September 18, 2013, Civil Service Commission meeting for cross exceptions.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-7 FERRIS BROWN

Ferris Brown, Laborer 1, City of Newark, Department of Water and Sewer, removal effective February 21, 2013, on charges of conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss the appeal for lack of prosecution.

ACTION:

A-8 TYRONE HART

Tyrone Hart, Cottage Training Technician, New Lisbon Developmental Center, Department of Human Services, removal and resignation not in good standing effective September 20, 2012, on charges of abandonment of a job as a result of absence from work as scheduled without permission for five consecutive days and violation of a rule, regulation, policy, procedure, order, or administrative decision.

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

ACTION:

A-9 TATYANA VAYNSHTEYN

Tatyana Vaynshteyn, Tentative Title Processional Case, Superior Court of New Jersey, Middlesex Vicinage, removal effective April 13, 2011, on charges of conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

SECTION B – MISCELLANEOUS MATTERS

B-1 JOSHUA BURTON, IV

Joshua Burton, IV appeals the request by the Department of Corrections to remove his name from the Correction Officer Recruit (S9987M) eligible list for medical unfitness to perform effectively the duties of the position.

ACTION:

B-2 CRYSTAL LYNCH

Crystal Lynch appeals the request by the Department of Corrections to remove her name from the Correction Officer Recruit (S9987M) eligible list for medical unfitness to perform effectively the duties of the position.

ACTION:

B-3 SHEILA M. MIMS

Sheila M. Mims appeals the request by the Department of Corrections to remove her name from the Correction Officer Recruit (S9987M) eligible list for medical unfitness to perform effectively the duties of the position.

ACTION:

B-4 DANIEL S. BALDASSANO

Daniel S. Baldassano, represented by Robert J. DeGroot, Esq., appeals his rejection as a Police Officer candidate by Woodbridge Township and its request to remove his name from the eligible list for Police Officer (S9999M) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-5 JACQUES COLEMAN

Jacques Coleman appeals her rejection as a Police Officer candidate by the City of Plainfield and its request to remove her name from the eligible list for Police Officer (S9999M) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-6 DANIEL KAZMIERCZAK

Daniel Kazmierczak, represented by Catherine Elston, Esq., appeals his rejection as a Police Officer candidate by the Township of Teaneck and its request to remove his name from the eligible list for Police Officer (S9999M) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-7 AARON SPIVEY

Aaron Spivey, represented by Ciro Spina, Esq., appeals his rejection as a Police Officer candidate by the City of Plainfield and its request to remove his name from the eligible list for Police Officer (S9999M) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-8 WILLIAM B. WAGNER

William B. Wagner, represented by William D. Sayers, Esq., appeals his rejection as a Fire Fighter candidate by West Orange and its request to remove his name from the eligible list for Fire Fighter (M2578M) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-9 JONATHAN TAYLOR

Jonathan Taylor, a Police Officer with the City of Newark, represented by Anthony Fusco, Jr., Esq., petitions the Civil Service Commission for interim relief of his indefinite suspension, commencing on June 4, 2013, pending the disposition of criminal charges.

ACTION:

B-10 REBECCA CROKE AND LORIE GUERIERI

The Department of Environmental Protection, on behalf of Rebecca Croke, a Senior Management Assistant, and Lorie Guerieri, a Principal Technician, Management Information Systems, requests a waiver of repayment of a salary overpayment, pursuant to *N.J.S.A. 11A:3-7*.

ACTION:

B-11 SHA-KEANA DAVIS

Sha-keana Davis, a County Correction Officer with Mercer County, Department of Public Safety, represented by Paul Kleinbaum, Esq., petitions the Civil Service Commission for a hearing with respect to her 10 working day suspension effective July 1, 2013.

ACTION:

B-12 RASHEEMA HANSEN

Rasheema Hansen, a Cashier with Atlantic City, represented by Robert F. O'Brien, Esq., requests a hearing for her 180 working day suspension effective January 13, 2012 to June 3, 2012 and from February 4, 2013 to May 23, 2013.

ACTION:

B-13 DENISE FARFALLA

The Division of Classification and Personnel Management, on behalf of the Department of Law and Public Safety, requests that the provisions of *N.J.A.C. 4A:4-1.1(c)* be relaxed in order to allow Denise Farfalla to be provisionally appointed, pending promotional examination procedures, to the competitive title of Administrative Assistant 3.

ACTION:

B-14 ANGELA MCMILLON

The Division of Classification and Personnel Management, on behalf of the Department of Education, requests that Angela McMillon's out-of-title work experience be accepted to qualify her for prospective future promotional examinations for Management Assistant, Department of Education.

ACTION:

B-15 ROBERT TAPP

Beachwood Borough requests that Robert Tapp receive a retroactive date of appointment as a Police Lieutenant.

ACTION:

B-16 JOHN VOTTA

John Votta appeals the determination of the Division of Selection Services denying his request for a make-up for the oral portion of the examination for Police Captain (PM7528P), Margate.

ACTION:

B-17 JOSEPH NELSON

The Division of Classification and Personnel Management requests that the Civil Service Commission revive the eligible list for Correction Officer Recruit (S9987M), Department of Corrections, so that Joseph Nelson's name may be certified to the appointing authority for consideration at the time of the next certification.

ACTION:

B-18 RICHARD PORBANSKY

Richard Porbansky appeals the request of the Department of Law and Public Safety to remove his name from the eligible list for Aviation Mechanic (S1023P), Statewide, on the basis that he did not meet the eligibility requirements for the subject examination.

ACTION:

B-19 WAYNE TONNESEN

Wayne Tonnesen appeals the decision of the Division of Classification and Personnel Management which found that the effective date of his position reclassification to Senior Biologist Educator with the Department of Environmental Protection was March 23, 2013. He seeks a February 23, 2013 effective date.

ACTION:

B-20 DOUGLAS (DRAGOLJUB) ILIC

Douglas (Dragoljub) Ilic, represented by Patrick Caserta, Esq., 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 Police Officer (Special), City of Paterson, on the basis of having an unsatisfactory criminal record.

ACTION:

B-21 ANURADHA RAMACHANDRAN

Anuradha Ramachandran 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 Taxpayer Service Representative 1 (PS4014U), Department of the Treasury, eligible list due to her failure to respond to the Notice of Certification.

ACTION:

B-22 MARC VERO

Marc Vero, represented by Anthony J. Marinello, Esq., appeals the decision of the Division of Classification and Personnel Management, which found a sufficient basis to remove the appellant's name from the Police Officer (S9999M), Boonton, eligible list on the basis of an unsatisfactory background report.

ACTION:

B-23 ALEX BADAMO, ET. AL.

Alex Badamo, Ralph Eusebio, and Samuel Torres, represented by Louis Zayas, Esq., appeal the decisions of the Division of Classification and Personnel Management that their positions with the Hoboken Fire Department are properly classified as Fire Fighter. The appellants seek Fire Captain job classifications.

ACTION:

B-24 JENNIFER CHASE

Jennifer Chase 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 Data Base Analyst 2. The appellant seeks a Data Base Analyst 1 job classification.

ACTION:

B-25 DOUGLAS HALTMEIER

Douglas Haltmeier appeals the decision of the Division of Classification and Personnel Management that the proper classification of his position with the Department of Health is Chemist 4. The appellant seeks a Research Scientist 1, Chemistry job classification.

ACTION:

B-26 ARLENE JONES-ALLEYNE

Arlene Jones-Alleyne appeals the decision of the Division of Classification and Personnel Management that the proper classification of her position with the Department of Community Affairs is Technical Support Specialist 2. The appellant seeks a Technical Support Specialist 1 job classification.

ACTION:

B-27 KATHERINE MOLINA

Katherine Molina 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 Auditor 3, Taxation. The appellant seeks an Auditor 2, Taxation job classification.

ACTION:

B-28 THOMAS SANFILIPPO

Thomas Sanfilippo 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 Supervising Computer Operator. The appellant seeks an Operations Shift Superintendent job classification.

ACTION:

B-29 SALIMAH SCOTT

Salimah Scott appeals the determination of the Division of Classification and Personnel Management which found that her position with the Department of the Treasury is properly classified as Auditor 3, Taxation. The appellant seeks an Auditor 2, Taxation job classification.

ACTION:

B-30 A. S.

A.S., a Human Services Assistant with Vineland Developmental Center, Department of Human Services, appeals the determination of the Assistant Commissioner, which found that the appellant failed 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-31 C. D.-G

C. D.-G., formerly an Agent with the Motor Vehicle Commission, appeals the determination of the Equal Employment Opportunity Officer, 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-32 D. A.

D. A., a Professor with Kean University, appeals the determination of the President of Kean University, stating that there was sufficient evidence to support a finding that she had violated the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-33 J. T.

J. T., a former Supervising Family Service Specialist 2 with the Department of Children and Families, appeals the decision of the Director of Administration and Legal Affairs, which found that the appellant did not 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 (State Policy).

ACTION:

B-34 DEPARTMENT OF CORRECTIONS CERTIFICATIONS

The Department of Corrections (DOC) and the Division of Classification and Personnel Management request that the Civil Service Commission approve two Memoranda of Understanding, which provide for the delegation of open competitive certification processing for the title of Correction Officer Recruit, and promotional certification processing for the titles of Correction Sergeant, Correction Lieutenant and Correction Major to the DOC.

ACTION:

B-35 SOCIAL WORKER, BURLINGTON BOARD OF SOCIAL SERVICES

The Burlington County Board of Social Services requests that the provisions of *N.J.A.C. 4A:4-1.1(c)2* be relaxed in order to allow a promotional examination for Social Worker to be announced open to employees in the competitive and non-competitive division, who meet the open-competitive requirements and who have at least one year of continuous permanent service.

ACTION:

B-36 JOYCE MALDONADO

Joyce Maldonado, a former Clerk 3 with Berkeley Township, represented by Laura Shaw, Association President, Berkeley Township White Collar Workers Association, petitions the Civil Service Commission for reconsideration of the decision rendered on August 9, 2013, in which the Director of the Division of Appeals and Regulatory Affairs denied her request for a hearing with respect to her demotion to the position of Clerk 2.

ACTION:

B-37 JESSE SUTTOR

Jesse Suttor requests reconsideration of the final administrative determination *In the Matter of Jesse Suttor* (CSC, decided June 6, 2012) which upheld the bypass of his name on the County Correction Officer (S9999K), Passaic County eligible list.

ACTION:

B-38 RAUL YEPEZ

Raul Yepez, a Senior Correction Officer with the Juvenile Justice Commission, requests reconsideration of the final decision of the Civil Service Commission rendered on May 16, 2012, which granted him partial sick leave injury (SLI) benefits.

ACTION:

B-39 SHANNON ADAMS

Shannon Adams appeals the decision of the Division of Selection Services and Recruitment which found that she did not meet the experience requirements for the open-competitive examination for Deputy Municipal Court Administrator (M0235P), Jersey City.

ACTION:

B-40 PATRICK CALLAHAN

Patrick Callahan 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 Supervising Code Enforcement Officer (M0285R), Manasquan.

ACTION:

B-41 BARBARA COAKLEY

Barbara Coakley, a Principal Engineer, Transportation, appeals her score on the promotional examinations for Project Engineer, Construction (PS3722T); Project Engineer, Materials (PS3723T); and Project Engineer, Surface Design (PS3726T), Department of Transportation.

ACTION:

B-42 COLIN DEMONICK, JR.

Colin Demonick, Jr., appeals the determination of the former Division of Selection Services that he did not meet the license requirement for the promotional examination for Operating Engineer, Heating and Air Conditioning (PS9828K), Department of Human Services.

ACTION:

B-43 LORI GHAVAMI

Lori Ghavami appeals the determination of the Division of Selection Services and Recruitment which found that she was below the minimum requirements in experience for the open-competitive examination for Administrative Analyst 1, Fiscal Management (S0931P).

ACTION:

B-44 LORI GHAVAMI

Lori Ghavami appeals the determination of the Division of Selection Services and Recruitment which found that she was below the minimum requirements in experience for the open-competitive examination for Administrative Analyst 3 (S0708P).

ACTION:

B-45 LORI GHAVAMI

Lori Ghavami appeals the determination of the Division of Selection Services and Recruitment which found that she was below the minimum requirements in experience for the open-competitive examination for Records Management Analyst (M0806P), East Orange.

ACTION:

B-46 LORI GHAVAMI

Lori Ghavami appeals the determination of the Division of Selection Services and Recruitment which found that she was below the minimum requirements in experience for the open-competitive examination for Senior Income Maintenance Technician (S0926P).

ACTION:

B-47 SUSAN HIRSHBERG

Susan Hirshberg 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 Supervisor of Patient Accounts 1 (PS2531K), Department of Human Services.

ACTION:

B-48 HOLLY A. KELLY

Holly A. Kelly 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 Assistant Supervisor of Patient Accounts (PC0470R), Monmouth County.

ACTION:

B-49 WILLIAM MCDANIEL

William McDaniel appeals the determination of the Division of Selection Services and Recruitment which found that he was not eligible for the promotional examination for Coordinator of Monitoring and Evaluation (PC0216R), Essex County.

ACTION:

B-50 JOHN MORRIS AND MICHAEL HALL

John Morris and Michael Hall appeal the determinations of the former Division of Selection Services that they did not meet the experience requirement for the promotional examination for Assistant Coordinator of School Transportation Services (PM0728P), Vineland School District.

ACTION:

B-51 DANA PARRELLO

Dana Parrello appeals the determination of the Division of Selection Services and Recruitment which found that she was below the minimum requirements in experience for the open-competitive examination for Violations Clerk (M0256R), West Milford.

ACTION:

B-52 KELLY VENCE

Kelly Vence appeals the determinations of the Division of Selection Services and Recruitment that she did not meet the experience requirement for the promotional examination for Assistant Public Information Officer (PM0954P), City of Elizabeth.

ACTION:

B-53 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of September 18, 2013.

ACTION:

B-54 JAMIE J. BROWN

Jamie J. Brown, represented by Brooke M. Barnett, Esq., appeals the decision of the Division of Classification and Personnel Management which upheld the removal of his name from the Fire Fighter (M2339H), City of Elizabeth, eligible list due to an unsatisfactory criminal record.

ACTION:

B-55 DARRYL TAYLOR

Darryl Taylor, a former Police Officer with the City of Newark, represented by Matthew D. Areman, Esq., petitions the Civil Service Commission for enforcement of the settlement agreement acknowledged by the Commission at its meeting on November 7, 2012.

ACTION:

B-56 NOEL BARBOSA

Noel Barbosa appeals the decision of the Division of Classification and Personnel Management that the proper classification of his position with the Department of Transportation is Engineering Technician 2. The appellant seeks an Engineering Technician 1 job classification.

ACTION:

B-57 F. P.

F. P., a former Executive Assistant 2 with South Woods State Prison, Department of Corrections, appeals the determination of the Director, Equal Employment Division, 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-58 AUGUSTO CACOILO

The appeals of Augusto Cacoilo, a Senior Correction Officer with the Adult Diagnostic and Treatment Center, Department of Corrections, of his 15 working day suspension and removal, effective August 10, 2011, on charges, was heard by Administrative Law Judge Caridad F. Rigo (ALJ), who rendered her initial decision on August 5, 2013. At its meeting on September 18, 2013, the Civil Service Commission accepted the ALJ's recommendation to reverse the appellant's 15 working day suspension but did not adopt the recommendation to reverse the appellant's removal. Rather the Commission modified the penalty to a 15 working day suspension.

ACTION:

B-59 DAVID GHAUL

David Ghaul appeals the determination of the Division of Selection Services and Recruitment which found that, per the substitution clause for education, he was below the minimum requirements in experience for the promotional examination for Records Manager (PC0359P), Burlington County.

ACTION:

B-60 JENNIFER PINEDA

Jennifer Pineda appeals the determination of the Division of Selection Services and Recruitment which found that she was not eligible for the promotional examination for Personnel Assistant 4 (PS5847U), Department of the Treasury.

ACTION: