



**STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION**

**MINUTES OF REGULAR MEETING OF
THE CIVIL SERVICE COMMISSION
September 10, 2008**

**Hope L. Cooper, Acting Chairperson
Flavella Branham
John Currie
Margaret E. L. Howard**

September 10, 2008

A regular meeting of the Civil Service Commission was held on Wednesday, September 10, 2008, in Trenton, New Jersey.

PRESENT: Hope L. Cooper, Acting Chairperson, Members Flavella Branham, John Currie and Margaret E. L. Howard; Pamela Ullman, Deputy Attorney General; Henry Maurer, Director, Division of Merit System Practices and Labor Relations.

In accordance with L.1975, c.231, Hope L. Cooper, Acting Chairperson, opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on November 21, 2007, and posted at the Department of Personnel, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Herbert Bates
Newark School District
Suspension

In the Matter of Keith Davis
City of Newark
Indefinite Suspension

In the Matter of Dorothy Dutta
County of Hudson
Department of Corrections
Suspension

In the Matter of Danielle Eckerd
Woodbine Developmental Center
Department of Human Services
Release at the end of the working test period

In the Matter of Robert Heaney
East Jersey State Prison
Department of Corrections
Suspension

In the Matter of Alfred Ippoliti
Township of Brick
Department of Public Works
Removals (2)

In the Matter of Bobby Sanders
County of Burlington
County Jail
Suspension

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

ACTION: The Civil Service Commission acknowledged the settlements.

A-2 DENISE CANNULI

Denise Cannuli, Secretarial Assistant 1 (Non Stenographic), Department of Agriculture, resignation not in good standing effective December 28, 2006, on the charge of being absent from duty for five or more consecutive business days without approval.

Recommendation of the Administrative Law Judge – Modify the resignation not in good standing to a 30-day suspension.

ACTION: The Civil Service Commission modified the recommendation of the Administrative Law Judge to a 15-day suspension.

A-3 STEPHANIE CARTER-GREEN

Stephanie Carter-Green, Correction Sergeant, Albert C. Wagner Youth Correctional Facility, Department of Corrections, 10-working day suspension on charges of violation of Department rules regarding verbal abuse of an inmate, patient, client, resident or employee, prohibiting discrimination, harassment or hostile environments in the workplace and conduct unbecoming a public employee.

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

ACTION: The Civil Service Commission modified the recommendation of the Administrative Law Judge to a 10-working day suspension.

A-4 LUIS OYOLA

Luis Oyola, County Correction Lieutenant, Hudson County, Corrections Department, 60-day suspension on charges of insubordination, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the 60-day suspension to a 30-working day suspension.

ACTION: The Civil Service Commission modified the recommendation of the Administrative Law Judge to uphold the 60-day suspension.

A-5 BRYANT HAMILTON (REMAND)

Bryant Hamilton, Police Officer, City of Camden, Police Department, six-month suspension and two 15-day fines (one fine equal to 10 days and five days held in abeyance, and one fine equal to five days and 10 days held in abeyance) on charges of insubordination, and violation of various Police Department rules including firearms and compliance with orders. Additionally, another matter of undetermined penalty was transmitted to the OAL. Appellant was charged with violation of rules, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the six-month suspension, uphold the two 15-day fines (one fine equal to 10 days and five days held in abeyance, and one fine equal to five days and 10 days held in abeyance) and uphold the removal.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge.

A-6 KELVIN MACK

Kelvin Mack, County Correction Sergeant, County of Burlington, County Jail, 60-working day suspension and demotion to the position of County Correction Officer effective August 18, 2006, on charges of incompetency, inefficiency, or failure to perform duties, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the 60-working day suspension and the demotion to the position of Correction Officer.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge.

A-7 CHRISTOPHER GIALANELLA AND FIORE PURCELL

Appellants Christopher Gialanella and Fiore Purcell, City of Newark, appeal their disqualification from the promotional examination for Police Lieutenant (PM2622G) for allegedly sharing answers during the test which resulted not only in their disqualification from that test, but from taking any further Police Lieutenant examinations for a period of three years.

Recommendation of the Administrative Law Judge – Dismiss the appellants' appeals with prejudice.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge to uphold the disqualification from Police Lieutenant (PM2622G); The Commission modified the duration of the disqualification to allow the appellants to file and compete for Police Lieutenant (PM2539K).

VOTE:

Hope L. Cooper	(Abstained)
Flavella Branham	(Yes)
John Currie	(Yes)
Margaret E.L. Howard	(Yes)

A-8 SAKETHA BROWN (CONSOLIDATION)

Saketha Brown, County Correction Officer, County of Essex, Department of Corrections, removal effective March 19, 2007, on charges of incompetency, inability to perform duties and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge.

A-9 LATIEF DICKERSON

Latief Dickerson, County Correction Officer, County of Hudson, Department of Corrections, removal effective July 19, 2006 on the charges of incompetency, inefficiency or failure to perform duties, insubordination, conduct unbecoming a public employee, neglect of duty, other sufficient cause and violation of rules and regulations regarding outside employment and neglect of duty.

Recommendation of the Administrative Law Judge – Modify the removal to a fine equal to 90-working days' pay.

ACTION: The Civil Service Commission modified the recommendation of the Administrative Law Judge to uphold the removal.

A-10 PHILLIP FAIRMON

Phillip Fairmon, Cottage Training Technician, North Jersey Developmental Center, Department of Human Services, removal effective November 29, 2007, on charges of physical abuse of a client and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge.

A-11 MICHELE MOORE

Michele Moore, County Correction Lieutenant, County of Hudson, Department of Corrections, removal effective June 3, 2007, on the charge of inability to perform duties.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge.

A-12 GERALD NAPOLIELLO

Gerald Napoliello, Police Officer, City of Newark, Police Department, removal effective May 7, 2007, on charges of violation of Department rules and regulations regarding conviction of a crime, conduct in public and private, conduct unbecoming a public employee, inefficiency, incompetency, failure to perform duties and inability to perform duties.

Recommendation of the Administrative Law Judge – Modify the removal to a 30-day suspension.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge.

A-13 EUGENE I. OTTO

Eugene I. Otto, Police Officer, Township of Irvington, Police Department, six removals effective June 12, 2006, on numerous charges of violation of Department rules and regulations.

Recommendation of the Administrative Law Judge – Uphold the removals.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge.

VOTE:

Hope L. Cooper	(Yes)
Flavella Branham	(Abstained)
John Currie	(Yes)
Margaret E.L. Howard	(Yes)

A-14 SHELLY DIXON

Shelly Dixon, Safety Specialist 2, Motor Vehicle Commission, 15-day suspension, removal and resignation not in good standing effective February 13, 2007, on charges of other sufficient cause and job abandonment.

Recommendation of the Administrative Law Judge – Uphold the 15-day suspension, removal and resignation not in good standing.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge.

A-15 SYED TARIQ SHUAIB

Syed Tariq Shuaib, Principal Engineer, County of Hudson, Department of Parks Engineering and Planning, 1) 30-day suspension on charges of insubordination, failure to perform duties and neglect of duty, 2) 60-day suspension on charges of conduct unbecoming a public employee, insubordination, leaving job without permission, neglect of duty, unauthorized and inappropriate use of County equipment, 3) 90-day suspension on charges of unexcused absence on a scheduled work day and falsification of County records, 4) removal effective November 28, 2007, on charges of neglect of duty and falsification of County records.

Recommendation of the Administrative Law Judge – 1) Modify the 30-day suspension to a 15-day suspension, 2) reverse the 60-day suspension, 3) Modify the 90-day suspension to a 30-day suspension and 4) reverse the removal.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge.

A-16 FREDERICK WHITAKER

Frederick Whitaker, Cottage Training Technician, Hunterdon Developmental Center, removal effective December 13, 2007, on the charge of violation of a rule, regulation, policy, procedure order or administrative decision.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge.

A-17 STEVEN J. WINTERS

Steven J. Winters, Fire Officer 1, North Hudson Regional Fire and Rescue, removal effective November 30, 2006, on charges of incompetency, inefficiency or failure to perform duties, insubordination, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Grant appointing authority's motion for partial summary decision and uphold the removal and appellant's motion for partial summary decision.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge.

A-18 THOMAS ZIAH

Thomas Ziah, Cottage Training Technician, Hunterdon Developmental Center, Department of Human Services, removal effective September 27, 2007, on the charge of physical or mental abuse of a client.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION: The Civil Service Commission directed that this matter be held over.

A-19 JOHN TEGANO AND PATRICK FLYNN

John Tegano and Patrick Flynn, Senior Correction Officers, Garden State Correctional Facility, removals effective January 17, 2006 and January 19, 2006 respectively, on charges of conduct unbecoming a public employee, physical or mental abuse of an inmate, patient, client, resident or employee, inappropriate physical contact or mistreatment of an inmate, patient, client, resident or employee and neglect of duty. This matter was held over from the July 16, 2008 Merit System Board meeting for a testimony summary.

Recommendation of the Administrative Law Judge – Reverse the removal of Officer Tegano and uphold the removal of Officer Flynn.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge.

SECTION B – MISCELLANEOUS MATTERS

B-1 KELLY BUTLER

Kelly Butler appeals the removal of her name from the (S9999H) eligible list for the title of Correction Officer Recruit, Department of Corrections on the basis of psychological unfitness.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-2 RICHARD GALLARDO

Richard Gallardo, represented by John A. Young, Jr., Esq., appeals his rejection as a Police Officer candidate by Jersey City and its request to remove his name from the eligible list for Police Officer (S9999H), on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Civil Service Commission directed that this appeal be referred for an independent psychological evaluation.

B-3 ANGEL SANTIAGO

Angel Santiago appeals his rejection as a Police Officer candidate by North Bergen and its request to remove his name from the eligible list for Police Officer (S9999H), on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Civil Service Commission directed that this appeal be referred for an independent psychological evaluation.

B-4 MICHAEL SANTORO

Michael Santoro, represented by Camille Joseph Kassar, Esq., appeals the removal of his name from the (S9999H) eligible list for the title of Correction Officer Recruit, Department of Corrections on the basis of psychological unfitness.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-5 DENNIS GRATTON

Dennis Gratton, a Highway Marker with the Department of Transportation, represented by Dominick M. Manco, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Civil Service Commission directed that this appeal be granted.

B-6 KAREN LUCKIE

Karen Luckie, an Administrative Assistant 3, with the Department of Community Affairs, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Civil Service Commission directed that this appeal be granted.

B-7 LINDA MILLER

Linda Miller, a Customer Service Information Specialist 1 with the Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Civil Service Commission directed that this appeal be granted in part.

B-8 OTIS SMITH

Otis Smith, a former Senior Correction Officer at New Jersey State Prison, Department of Corrections, represented by Henry J. Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-9 DAVID WILLIAMS

David Williams, a Senior Correction Officer at South Woods State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Civil Service Commission directed that this appeal be granted.

B-10 JAMES F. REED

James F. Reed appeals the decision of the Division of Local Human Resource Management (LHRM), which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the Motor Vehicle Operator, Elderly and Handicapped (C6496G), Mercer County eligible list due to failure to possess a Commercial Drivers' License (CDL) with passenger endorsement.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-11 ELAINE FLOWERS

The Department of Human Services, represented by Betty Ng, Deputy Attorney General, requests reconsideration of the decision rendered on November 8, 2007, which modified the removal of Elaine Flowers to a six-month suspension.

ACTION: The Civil Service Commission denied the request for reconsideration.

B-12 CLARA LANGLEY

Clara Langley, a Management Improvement Specialist 1 with the Department of Law and Public Safety (DLPS), appeals the determination of the former First Assistant Attorney General, DLPS, stating that the appellant did not present a 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: The Civil Service Commission directed that this appeal be denied.

B-13 GARY RICE

Gary Rice, a Consultant with the Department of Environmental Protection (DEP), appeals the determination of the Assistant Commissioner, Management and Budget, with the DEP, 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 (State Policy).

ACTION: The Civil Service Commission directed that this appeal be denied.

B-14 ASA PARIS

Asa Paris, a County Correction Officer with Mercer County, represented by Sidney H. Lehmann, Esq., requests reconsideration of the final decision rendered on February 13, 2008, which upheld his return to his permanent title. The appellant also appeals the bypass of his name on the August 28, 2007 certification of the County Correction Sergeant (PC2666G), Mercer County, eligible list.

ACTION: The Civil Service Commission directed that these appeals be denied and that the certification be returned to the appointing authority for proper disposition.

B-15 ACCOUNTANT (M1857J), CITY OF CAMDEN

The City of Camden requests permission not to make an appointment from the March 7, 2008 certification for Accountant (M1857J).

ACTION: The Civil Service Commission granted the request for an appointment waiver but assessed partial selection costs in the amount of \$1,024.

B-16 ADVOCATE VICTIM WITNESS PROGRAM (C1900J), ESSEX COUNTY

Essex County requests permission not to make an appointment from the January 28, 2008 certification for Advocate Victim Witness Program (C1900J).

ACTION: The Civil Service Commission granted the request for an appointment waiver but assessed selection costs in the amount of \$2,048.

B-17 JESSICA HEWITT

Salem County petitions the Civil Service Commission for a retroactive regular appointment date as a Principal Clerk Typist for Jessica Hewitt.

ACTION: The Civil Service Commission directed that this petition be granted.

B-18 PERSONNEL AIDE 2 (S6956J), STATEWIDE

The College of New Jersey requests permission not to make an appointment from the April 14, 2008 certification for Personnel Aide 2 (S6956J), Statewide.

ACTION: The Civil Service Commission granted the request for an appointment waiver and assessed no selection costs at this time.

B-19 MICHAEL CAMPBELL, ET AL.

The Newark School District requests that Michael Campbell, Donnel McKoy, and Ktone Harris be appointed to the title of Painter, effective July 8, 1998, and that Ramon Cruz, Norris Jones, and John Sneed be appointed to the title of Electrician, effective June 20, 1994.

ACTION: The Civil Service Commission directed that this request be granted in part.

B-20 RAYMOND MILEWSKI

Jackson Township requests that the eligible list for Police Sergeant (PM2526D) be revived in order to effectuate the permanent appointment of Raymond Milewski, effective January 1, 2006.

ACTION: The Civil Service Commission directed that this request be granted.

B-21 MICHAEL FERM, ET AL.

The Borough of Keyport petitions the Civil Service Commission for retroactive appointment dates as Police Sergeants for Michael Ferm, Steven Dixon, and Kevin Cassidy.

ACTION: The Civil Service Commission directed that this petition be granted.

B-22 BRIAN C. SZUMOWSKI

Middlesex County petitions the Civil Service Commission for a retroactive regular appointment date as a County Correction Officer for Brian C. Szumowski.

ACTION: The Civil Service Commission directed that this petition be granted.

B-23 JOHN M. BARRY

The Department of Law & Public Safety, on behalf of John M. Barry, requests the relaxation of the provisions of *N.J.A.C. 4A:6-1.22* so as to permit him to donate more than 10 leave days to Maryann Pullen, who is participating in the donated leave program.

ACTION: The Civil Service Commission directed that this request be granted.

B-24 DEBRA BEETEL-SPARANO

The Department of the Treasury, on behalf of Debra Beetel-Sparano, requests the relaxation of the provisions of *N.J.A.C. 4A:6-1.22* so as to permit Ms. Beetel-Sparano, who is participating in the donated leave program, to receive more than the 180 donated leave days allowed to a recipient.

ACTION: The Civil Service Commission directed that this request be granted.

B-25 FRANCIS MAHON

The Department of the Treasury, on behalf of Francis Mahon, requests the relaxation of the provisions of *N.J.A.C. 4A:6-1.22* so as to permit him to donate more than 10 leave days to Elizabeth Lipari-Walsh, who is participating in the donated leave program.

ACTION: The Civil Service Commission directed that this request be granted.

B-26 CHRISTOPHER AVERSA

The Township of Scotch Plains requests relaxation of *N.J.A.C. 4A:4-7.1A(c)* so as to permit the intergovernmental transfer of Christopher Aversa from the title of Sheriff's Officer, Union County Sheriff's Office, to the title of Police Officer, Scotch Plains.

ACTION: The Civil Service Commission directed that this request be granted.

B-27 CHRISTOPHER BOLLER

The Township of Ewing requests relaxation of *N.J.A.C. 4A:4-7.1A(c)* so as to permit the intergovernmental transfer of Christopher Boller from the title of Sheriff's Officer, Hunterdon County Sheriff's Office, to the title of Police Officer, Ewing.

ACTION: The Civil Service Commission directed that this request be granted.

B-28 KIMBERLY BROWN

The Division of Local Human Resource Management, on behalf of Cumberland County, requests that Kimberly Brown's out-of-title work experience be accepted to qualify her for a prospective promotional examination for County Emergency Management Planner, Cumberland County.

ACTION: The Civil Service Commission directed that this request be granted.

B-29 DOREEN SEDDON

The Division of Local Human Resource Management, on behalf of the City of Millville, requests that Doreen Seddon's out-of-title work experience be accepted to qualify her for a prospective promotional examination for the "dual" title of Administrative Secretary/Office Services Manager, Millville.

ACTION: The Civil Service Commission directed that this request be granted.

B-30 MARK VOGEL

The Sheriff's Office, Sussex County, requests that the provisions of *N.J.A.C. 4A:4-7.6* be relaxed in order to effectuate the lateral title change for Mark Vogel from the title of County Correction Officer, Sussex County Sheriff's Office, to the title of Sheriff's Officer, Sussex County Sheriff's Office.

ACTION: The Civil Service Commission directed that this request be granted.

B-31 CRYSTAL FELICIANO

Crystal Feliciano appeals the decision of the Division of State Human Resource Management (SHRM) that the proper classification for her position is Auditor, 1. The appellant seeks a Planning Associate 2 classification.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-32 ANISSA MILLER

Anissa Miller appeals the determination of the Division of State Human Resource Management that her position is properly classified as a Principal Clerk Typist with the Department of the Treasury. The appellant seeks a Technical Assistant 3 classification.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-33 CLEVELAND JOHNSON

Cleveland Johnson, a Paralegal Specialist with Newark, represented by Clayton Giles, Esq., requests counsel fees in accordance with the decision rendered on April 9, 2008, which reversed his removal.

ACTION: The Civil Service Commission directed that this request be granted and awarded counsel fees in the amount of \$7,840.

B-34 JOHN M. METZGER

John M. Metzger, a former Assistant Chief, Tax Services, with the Department of the Treasury, appeals the denial of his grievance at Step Two.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-35 SHARON CAROLINA-JONES

Sharon Carolina-Jones, represented by Michele Long Vickers, Staff Representative, Communications Workers of America, Local 1040, seeks a lump sum payment for asserted out-of-title work performed in an acting capacity between February 19, 2005 and April 29, 2005.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-36 LARRY DABNEY

Larry Dabney, a former Laborer with Atlantic City, Department of Public Works requests reinstatement of his appeal of his removal, which was dismissed based on his failure to appear at a scheduled hearing.

ACTION: The Civil Service Commission directed that this appeal be denied.

B-37 DANETA GRAHAM

Daneta Graham appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Social Worker 2, Corrections (PS7123I), Southern State Correctional Facility.

ACTION: The Civil Service Commission directed that this appeal be granted.

B-38 HUMAN SERVICES SPECIALIST 1 (PC0041K), PASSAIC COUNTY BOARD OF SOCIAL SERVICES

The Director, Division of Local Human Resource Management (LHRM), on behalf of the Passaic County Board of Social Services, requests relaxation of *N.J.A.C. 4A:4-2.4(a)3* in order to allow employees in the non-competitive title of Clerk Typist to be admitted to the promotional examination for Human Services Specialist 1 (PC0041K), Passaic County Board of Social Services. Marilyn Hill, represented by Wanda Sawyer, Vice President, Communications Workers of America, Local 1037, appeals the determination of the Division of Selection Services that, per the substitution clause, she was below the minimum requirements in education for the promotional examination for Human Services Specialist 1 (PC0041K).

ACTION: The Civil Service Commission directed that this request and appeal be granted.

VOTE: **Hope L. Cooper** **(Yes)**
 Flavella Branham **(Yes)**
 John Currie **(Abstained)**
 Margaret E.L. Howard **(Yes)**

B-39 STEPHEN LONG

Stephen Long appeals the determination of the Division of Selection Services that per the substitution clause for education, he did not meet the experience requirements for the promotional examination for Assistant Supervisor of Professional Residential Services, Developmental Disabilities (PS0792K), Woodbridge Developmental Center.

ACTION: The Civil Service Commission directed that this appeal be denied, the Division of Classification and Compensation review the job specification to determine the proper experience requirements for the subject title, and no further examination announcements be issued for this title until the review and amendment of the job specification is complete.

B-40 PEGGY LOTT, ET AL.

Peggy Lott, Anthony Robinson and Curtis Wilson, represented by Sarah A. Evans, Staff Representative, CWA Local 1040, appeal the decisions of the Division of Selection Services which found that per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Instructor Counselor (PS8557K), Department of Human Services.

ACTION: The Civil Service Commission directed that these appeals be denied.

B-41 KELLYE SMITH

Kellye Smith appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the qualifying examination for Program Development Specialist (Youth Services), Morris County.

ACTION: The Civil Service Commission directed that this appeal be granted.

B-42 PROPOSED READOPTION WITH ADMENDMENTS: N.J.A.C. 4A:4, SELECTION AND APPOINTMENT

Submitted for the Commission's review is a Notice of Proposal regarding the proposed readoption with Amendments of *N.J.A.C.* 4A:4, Selection and Appointment. This rule chapter is scheduled to expire on September 10, 2008 but will be automatically extended for six months upon the filing of a proposed readoption with the Office of Administrative Law. The proposed readoption includes amendments regarding seniority in resignation/new appointment situations. It is recommended that this proposal be approved for publication in the New Jersey Register.

ACTION: The Civil Service Commission directed that this proposal be approved for publication.

B-43 CIVIL SERVICE COMMISSION MINUTES

The minutes of the Civil Service Commission meeting of August 27, 2008 are submitted for adoption.

ACTION: The Civil Service Commission adopted the minutes of its meeting of August 27, 2008.

VOTE: **Hope L. Cooper** **(Abstained)**
 Flavella Branham **(Yes)**
 John Currie **(Abstained)**
 Margaret E.L. Howard **(Yes)**

B-44 SARAH TALPAS

The Department of Law and Public Safety, on behalf of Sarah Talpas, requests the relaxation of the provisions of *N.J.A.C. 4A:6-1.22* so as to permit Ms. Talpas, who is participating in the donated sick leave program, to receive more than the 180 donated leave days allowed to a recipient.

ACTION: The Civil Service Commission directed that this request be granted.

B-45 EDWARD DAY

The appeal of Edward Day, a Correction Sergeant, Juvenile Justice with the Juvenile Justice Commission, of his 15-day suspension, on charges, was heard by Administrative Law Judge John R. Futey (ALJ), who rendered his initial decision on January 22, 2008. At its meeting on August 27, 2008, the Civil Service Commission did not adopt the ALJ's recommendation to uphold the 15-day suspension. Rather, the Commission remanded the matter to the Office of Administrative Law for further proceedings.

ACTION: The Civil Service Commission adopted the decision.

VOTE: **Hope L. Cooper** **(Abstained)**
 Flavella Branham **(Yes)**
 John Currie **(Abstained)**
 Margaret E.L. Howard **(Yes)**

B-46 MARTY DIAS

The appeals of Marty Dias, a Police Officer with East Orange, of his 10-working day and 90-working day suspensions, on charges, were heard by Administrative Law Judge Leslie Z. Celentano (ALJ), who rendered her initial decision on July 7, 2008. At its meeting on August 27, 2008, the Civil Service Commission adopted the ALJ's recommendation to modify the 10-working day and 90-working day suspensions to a six-month suspension.

ACTION: The Civil Service Commission adopted the decision.

VOTE: **Hope L. Cooper** **(Abstained)**
 Flavella Branham **(Yes)**
 John Currie **(Abstained)**
 Margaret E.L. Howard **(Yes)**

B-47 LIZETTE IRIZARRY

The appeal of Lizette Irizarry, a County Correction Officer with the County of Hudson, of her 30-day suspension, on charges, was heard by Administrative Law Judge Jesse H. Strauss (ALJ), who rendered his initial decision on June 4, 2008. At its meeting on August 27, 2008, the Civil Service Commission adopted the ALJ's recommendation to reverse the 30-day suspension.

ACTION: The Civil Service Commission adopted the decision.

VOTE: **Hope L. Cooper** **(Abstained)**
 Flavella Branham **(Yes)**
 John Currie **(Abstained)**
 Margaret E.L. Howard **(Yes)**

B-48 JUDY JILES

The appeal of Judy Jiles, an Assistant Family Service Worker 3 with the Department of Children and Families, of her removal effective May 30, 2007, on charges, was heard by Administrative Law Judge Daniel B. McKeown (ALJ), who rendered his initial decision on July 16, 2008. At its meeting on August 27, 2008, the Civil Service Commission did not adopt the ALJ's recommendation to modify the removal to a six-month suspension. Rather, the Commission upheld the removal.

ACTION: The Civil Service Commission adopted the final decision.

VOTE: **Hope L. Cooper** **(Abstained)**
 Flavella Branham **(Yes)**
 John Currie **(Abstained)**
 Margaret E.L. Howard **(Yes)**

B-49 CORINE JOHNSON

The appeal of Corine Johnson, a School Traffic Guard with the Irvington Township Police Department, of her removal effective April 23, 2007, on charges, was heard by Administrative Law Judge Leslie Z. Celentano (ALJ), who rendered her initial decision on July 7, 2008. At its meeting on August 27, 2008, the Civil Service Commission did not adopt the ALJ's recommendation to uphold the removal. Rather, the Commission dismissed the appeal for lack of jurisdiction.

ACTION: The Civil Service Commission adopted the final decision.

VOTE: **Hope L. Cooper** **(Abstained)**
 Flavella Branham **(Yes)**
 John Currie **(Abstained)**
 Margaret E.L. Howard **(Yes)**

B-50 YVONNE PINCKNEY

The appeal of Yvonne Pinckney, a Technical Assistant 1, Treasury, with the Division of Lottery, Department of the Treasury, of her return to her formerly held permanent title of Technical Assistant 2, Treasury, at the end of her working test period, effective June 25, 2007, was heard by Administrative Law Judge Douglas H. Hurd (ALJ), who rendered his initial decision on April 16, 2008. At its meeting on August 27, 2008, the Civil Service Commission did not adopt the ALJ's recommendation to provide the appellant with a new working test period. Rather, the Commission upheld the appellant's return to her formerly held permanent title of Technical Assistant 2, Treasury, at the end of her working test period.

ACTION: The Civil Service Commission adopted the final decision.

VOTE: **Hope L. Cooper** **(Abstained)**
 Flavella Branham **(Yes)**
 John Currie **(Abstained)**
 Margaret E.L. Howard **(Yes)**

B-51 LORENZO VALENTIN

The appeal of Lorenzo Valentin, a Police Officer with the City of Newark, of a 12-day suspension, on charges, was heard by Administrative Law Judge Sandra Ann Robinson (ALJ), who rendered her initial decision on June 12, 2008. At its meeting on August 27, 2008, the Civil Service Commission adopted the ALJ's recommendation to reverse the 12-day suspension.

ACTION: The Civil Service Commission adopted the decision.

VOTE: **Hope L. Cooper** **(Abstained)**
 Flavella Branham **(Yes)**
 John Currie **(Abstained)**
 Margaret E.L. Howard **(Yes)**

B-52 RESOLUTION HONORING ROBERT J. LONG

Submitted for the Commission's adoption is a Resolution Honoring Robert J. Long, for his service on the Civil Service Commission.

ACTION: The Civil Service Commission adopted the resolution.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, September 24, 2008, at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

Hope L. Cooper
Acting Chairperson
Civil Service Commission