



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

**MINUTES OF REGULAR MEETING OF
THE CIVIL SERVICE COMMISSION
MAY 17, 2017**

**Robert M. Czech, Chairperson
Dolores Gorczyca
Daniel W. O'Mullan**

May 17, 2017

A regular meeting of the Civil Service Commission was held on Wednesday, May 17, 2017, in Trenton, New Jersey.

PRESENT: Robert M. Czech, Chairperson, Members Dolores Gorczyca and Daniel W. O'Mullan; Pamela Ullman, Deputy Attorney General; Christopher Myers, Director, Division of Appeals and Regulatory Affairs.

In accordance with L.1975, c.231, the Secretary to the Civil Service Commission 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 28, 2016, and posted at the Civil Service Commission, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

Richard Arlaus, Environmental Health Specialist, Bergen County, Department of Health, removal.

Ashely Brown, Sheriff's Officer, Union County, Department of Public Safety, removal.

Deborah Crawford, Practical Nurse, Passaic County, Preakness Healthcare Center, removal.

Albert Daniels, County Correction Sergeant, Camden County, Department of Corrections, removal.

Danielle Ford, County Correction Officer, Essex County, Department of Public Safety and Corrections, removal.

Michael Jacob, County Correction Officer, Camden County, Department of Corrections, removal.

Jeff Knitowski, Investigator, Middlesex Vicinage, Judiciary, suspension.

ACTION: The Civil Service Commission noted the withdrawal of appeals without prejudice.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

Ashley Hinds
Plainfield
Department of Public Affairs and Public Safety
Removal

Donzella Mears
Vineland Developmental Center
Department of Human Services
Removal

Suzette Ravix
Hunterdon Developmental Center
Department of Human Services
Suspension

Bijoy Rodriguez
Paterson
Police Department
Removal

Rashaan Sampson
Irvington Township
Department of Public Safety
Suspension

Danyell Smith-Ekhaguere
Hunterdon Developmental Center
Department of Human Services
Removal

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

ACTION: The Civil Service Commission acknowledged the settlements.

A-2 ANN PEARL

Ann Pearl, Keyboarding Clerk 2, Hudson County Sheriff's Department, removal effective July 5, 2016, on charges of incompetency, inefficiency, or failure to perform duties; insubordination; conduct unbecoming a public employee; 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.

VOTE: **Robert M. Czech** **(Yes)**
 Dolores Gorczyca **(No)**
 Daniel W. O'Mullan **(Yes)**

A-3 NADEYAH SARMAD

Nadeyah Sarmad, a Family Service Specialist II with the Department of Children and Families, Passaic North, appeals her release at the end of the working test period, effective September 9, 2013.

Recommendation of the Administrative Law Judge – Uphold the release at the end of the working test period.

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

SECTION B – MISCELLANEOUS MATTERS**B-1 CHANGE IN CLASSIFICATION PLAN – TITLE REACTIVATION/
INACTIVATION**

The Division of Agency Services requests the reactivation of the Assistant Biologist, Plant Industry title and the inactivation of the Supervisor of Horserace Activities title.

**MEMORANDUM**

DATE: April 27, 2017
 TO: Civil Service Commission
 FROM: Kelly Glenn, Director *KG*
 Division of Agency Services
 SUBJECT: Change in State Classification Plan

TITLE REACTIVATION / INACTIVATION

The New Jersey Department of Agriculture (NJDA) requests the reactivation of the title Assistant Biologist, Plant Industry (01752D). They would like to use this title as the advancement opportunity for their Biologist Trainees in the Division of Animal Health. Currently, there are no journeyman level Assistant Biologist titles available or appropriate for use by the NJDA. Based on the Division of assignment, NJDA requests a verbiage change for the title to Assistant Biologist, Animal Health.

NJDA also requests to inactivate the Supervisor of Horserace Activities (54780), as it has no future use for it. The title has been unencumbered for more than five (5) years and was recently made archaic.

Appropriate negotiations representatives have been notified.

Effective Date: Changes will be effective the first pay period following the Commission's approval.

TITLES REQUESTED FOR REACTIVATION

Assistant Biologist, **Plant Industry**
 P19 – 01752D Competitive H NE12

VERBIAGE CHANGE

FROM
 Assistant Biologist, **Plant Industry**
 P19 – 01752D Competitive H NE12

TO
 Assistant Biologist, **Animal Health**
 P19 – 01752D Competitive H NE12

TITLE REQUESTED FOR INACTIVATION

Supervisor of Horserace Activities
 R22 – 54780 Competitive # NL12

KG/SF/PM/AS

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

B-2 STEVEN RUZEK – CSC DOCKET NO. 2017-1473

Steven Ruzek, represented by Jeffrey J. Berezny, Esq., appeals the removal of his name from the eligible list for Sheriff's Officer (S9999R), Union County Sheriff on the basis of a positive drug test.

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

B-3 TIMOTHY BAGGITT – DOCKET NO. 2017-2196

Timothy Baggitt appeals the determination of the Division of Agency Services, which found that he was ineligible for the promotional examination for Sheriff's Officer Lieutenant (PC3000U), Monmouth County.

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

B-4 KEVIN BRIGLEY AND STEPHEN CHASE – CSC DOCKET NOS. 2017-2188 AND 2017-2151

Kevin Brigley and Stephen Chase appeal the decisions of the Division of Agency Services which found that they did not meet the experience requirements for the promotional examination for Maintenance Supervisor (PC1663U), Bergen County.

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

B-5 MICHAEL MARTINEZ – CSC DOCKET NO. 2017-2186

Michael Martinez appeals the determination of the Division of Agency Services that he was below the minimum requirements in experience for the promotional examination for General Supervisor Traffic Maintenance (PM1640U), Newark.

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

B-6 RAYMOND NELSON – CSC DOCKET NO. 2017-2150

Raymond Nelson appeals the determination of the Division of Agency Services, which found that he was ineligible for the promotional examination for Sheriff's Officer Lieutenant (PC2094U), Essex County.

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

B-7 SHAUN PETERSON – CSC DOCKET NO. 2017-2190

Shaun Peterson appeals the determination of the Division of Agency Services that he did not meet the experience requirements for the promotional examination for Senior Traffic Maintenance Worker (PM1710U), Woodbridge.

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

B-8 JOHN WEBER – CSC DOCKET NO. 2017-2429

John Weber appeals the determination of the Division of Agency Services that he was below the minimum requirements in experience for the promotional examination for Assistant Supervisor Public Works (PM1750U), Edgewater.

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

B-9 SUPERVISOR BUILDING SERVICES (M0418T), MILLVILLE SCHOOL DISTRICT – CSC DOCKET NO. 2016-4275

Millville School District requests permission not to make an appointment from the December 8, 2015 certification for Supervisor Building Services (M0418T), Millville School District.

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

B-10 SEAN GAVEN, *ET AL.* – CSC DOCKET NOS. 2017-2400, *ET AL.*

Sean Gaven, Rory Murphy, Cesar Soares, Christopher Brown, Celso Velez, Matthew Ruane, Lee Douglas III, and Marlin Easter, represented by Patrick Toscano, Jr., Esq., petition the Civil Service Commission for retroactive regular appointments effective December 26, 2011 to the title of Police Lieutenant, and for admittance to the promotional examination for Police Captain (PM1345U), Newark.

ACTION: The Civil Service Commission directed that these requests be granted.

B-11 NICHOLAS VANDERVOORT – CSC DOCKET NO. 2017-3142

Nicolas Vandervoort requests a retest of the physical performance portion of the examination for Fire Fighter (M1563T), Paterson.

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

B-12 SPERO LEAKAS – CSC DOCKET NO. 2017-2711

Spero Leakas appeals his score for the oral portion of the examination for the second-level Fire Captain (PM0449U), Hackensack.

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

B-13 JACINTO LOPEZ, JR. – CSC DOCKET NO. 2017-2587

Jacinto Lopez, Jr., appeals his score on the examination for Battalion Fire Chief (PM1491T), Bayonne.

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

B-14 BRUCE DAVIS, JR. – CSC DOCKET NO. 2017-2504

Bruce Davis, Jr. appeals his oral scores on the promotional examination for Fire Chief (PM1583U), East Orange.

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

B-15 WILLIAM DEVENNY – CSC DOCKET NO. 2017-2479

William Devenny appeals his score for the oral portion of the examination for the second-level Fire Captain (PM0466U), Ventnor City.

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

B-16 MICHAEL KEENAN, SR. – CSC DOCKET NO. 2017-2730

Michael Keenan, Sr. appeals his score for the oral portion of the examination for the second-level Fire Captain (PM0464U), Teaneck.

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

B-17 KEVIN MCELROY – CSC DOCKET NO. 2017-2451

Kevin McElroy appeals his oral scores on the promotional examination for Fire Chief (PM1748U), Hamilton Fire District #2.

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

B-18 FREDERIC SCHATZMAN III – CSC DOCKET NO. 2017-2869

Frederic Schatzman III appeals his score for the oral portion of the examination for the second-level Fire Captain (PM0460U), New Brunswick.

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

B-19 ANDREA BRISCESE – CSC DOCKET NO. 2017-1217

The Division of Agency Services, on behalf of Hamilton Township, requests that Andrea Brisceese's out-of-title work experience in the title of Keyboarding Clerk 3 be accepted to qualify her for a prospective promotional examination for Administrative Secretary.

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

B-20 MICHELLE HENNESSY – CSC DOCKET NO. 2017-2535

The Division of Agency Services, on behalf of the Department of Corrections, requests that Michelle Hennessy's out-of-title work experience be accepted to qualify her for a prospective promotional examination for Personnel Assistant 4.

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

B-21 BILLY RICKLEY – CSC DOCKET NO. 2017-2779

The Division of Agency Services, on behalf of the Village of Ridgewood, request's out-of-title work experience be accepted to qualify him for a lateral qualifying examination to Sewage Plant Operator/Sewage Plant Repairer.

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

B-22 COURT ADMINISTRATOR, PALISADES INTERSTATE PARK AND REALLOCATION OF THE COURT ADMINISTRATOR, PALISADES INTERSTATE PARK – CSC DOCKET NO. 2017-3465

The Division of Agency Services recommends reallocation of the Court Administrator, Palisades Interstate Park, and Deputy Court Administrator, Palisades Interstate Park, titles to the non-competitive division of the career service in accordance with *N.J.A.C. 4A:3-1.2*.

ACTION: The Civil Service Commission directed to reallocate the subject titles to the non-competitive division of the career service.

**B-23 SENIOR PUBLIC WORKS REPAIRER (PM0094U)
CSC DOCKET NO. 2017-2721**

Vernon requests permission not to make an appointment from the May 12, 2016 certification for Senior Public Works Repairer (PM0094U).

ACTION: The Civil Service Commission directed that this request be granted, but no selection costs presently be assessed.

B-24 JUSTIN KLAMA – CSC DOCKET NO. 2017-839

Justin Klama appeals the decision of the Division of Agency Services which found that his position is properly classified as Technical Assistant 3. The appellant seeks a Technical Assistant 2, Treasury job classification.

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

B-25 MARC WARTENBERG – CSC DOCKET NO. 2017-2395

Marc Wartenberg appeals the decision of the Division of Agency Services which found that his position with the Department of Human Services is correctly classified as Senior Technician, Management Information Systems. The appellant seeks an Administrative Analyst 3, Information Systems or Network Administrator 1 job classification.

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

B-26 ANTHONY VALDIVIA – CSC DOCKET NO. 2017-3382

The City of Union City requests that the provisions of *N.J.A.C. 4A:4-7.1A* be relaxed in order to permit the retroactive intergovernmental transfer of Anthony Valdivia from the title of Sheriff's Officer, Hudson County to the title of Police Officer, Union City.

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

B-27 JACQUELINE P. BYK – CSC DOCKET NO. 2017-1857

Jacqueline P. Byk, represented by Brian Powers, Staff Representative, CWA Local 1033, requests reconsideration of the final decision of the Civil Service Commission, rendered on November 10, 2016, which upheld the removal of her name from the Legal Secretary 2 (S0398T), Department of Law and Public Safety, eligible list for failing the qualifying typing test.

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

B-28 VALERIE BRADBURY – CSC DOCKET NO. 2017-2949

The Superior Court of New Jersey, Appellate Division, has remanded the matter of the original 45 working day suspension imposed upon Valerie Bradbury, a Police Officer, City of Newark, by the Civil Service Commission for reconsideration of the penalty.

ACTION: The Civil Service Commission imposed a 45 working day suspension.

B-29 JOHANNA RIOS – CSC DOCKET NO. 2017-3391

The Superior Court of New Jersey, Appellant Division, reversed the determination of the Civil Service Commission which found that Johanna Rios' layoff rights were properly determined. The Court remanded the matter for a hearing at the Office of Administrative Law.

ACTION: The Civil Service Commission directed that this matter be remanded to the Office of Administrative Law for a hearing.

B-30 NICK CASTELLO – CSC DOCKET NO. 2017-2565

Nick Castello appeals the appointing authority's request to remove his name from the Fire Fighter (M1544T), Jersey City eligible list on the basis on an unsatisfactory background report.

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

B-31 RONALD BREUER – CSC DOCKET NO. 2017-2332

Ronald Breuer appeals the determination of the Division of Agency Services that he was below the minimum requirements in experience for the promotional examination for Supervisor Public Works (PM1732U), Linden.

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

B-32 ROBERT JACKSON – CSC DOCKET NO. 2017-834

Robert Jackson appeals the decision of the Division of Agency Services which found that his position is properly classified as Technical Assistant 3. The appellant seeks a Technical Assistant 2, Treasury job classification.

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

B-33 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of May 3, 2017.

ACTION: The Civil Service Commission adopted the minutes of its meeting on May 3, 2017.

B-34 CHRISTOPHER ROMANO – CSC DOCKET NO. 2017-2666

The Division of Agency Services, on behalf of Brick Township, requests that Christopher Romano's out-of-title work experience be accepted to qualify him for prospective future promotional examinations for Assistant Zoning Officer, Brick Township.

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

B-35 JUSTIN MILLER – CSC DOCKET NO. 2017-59

Justin Miller, a County Correction Officer with Middlesex County, represented by Christopher Gray, Esq., requests counsel fees in light of the Civil Service Commission decision on reconsideration *In the Matter of Justin Miller* (CSC, decided November 18, 2015).

ACTION: The Civil Service Commission directed that the appointing authority pay \$5,603.75 in counsel fees and \$53.00 in costs.

B-36 CARL BRANDIMARTE – CSC DOCKET NO. 2017-2518

Carl Brandimarte appeals the determination of the Division of Agency Services that he was below the minimum requirements in experience for the promotional examination for Storekeeper 1 (PS3636P), Department of Law and Public Safety.

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

B-37 HEATHER OTTAVI – CSC DOCKET NO. 2017-2537

Heather Ottavi appeals the determination of the Division of Agency Services that she was below the minimum requirements in experience for the promotional examination for Administrative Analyst 2 (PS3531P), Department of Law and Public Safety.

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

B-38 KATHLEEN DWYER – CSC DOCKET NO. 2017-2463

Kathleen Dwyer appeals the decision of the Division of Agency Services that the proper classification of her position with the Department of Environmental Protection is Agency Services Representative 3. The appellant seeks an Agency Services Representative 4 job classification.

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

B-39 R.A. – CSC DOCKET NO. 2016-1993

R.A., represented by Nicholas J. Palma, Esq., appeals his rejection as a County Correction Officer candidate by Essex County and its request to remove his name from the eligible list for County Correction Officer (S9999R) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-40 WANDA TURNER – CSC DOCKET NO. 2017-2571

Wanda Turner appeals the determination of the Division of Agency Services that she was below the minimum requirements in experience for the promotional examination for Public Health Representative 3 (PS3422H), Department of Health.

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

B-41 S.S. – CSC DOCKET NOS. 2016-2807 AND 2017-2420

S.S., a Captain with the Division of State Police, Department of Law and Public Safety, represented by George T. Daggett, Esq., appeals the determinations of the Executive Assistant Attorney General and the Director, Office of Equal Employment Opportunity which found that the appellant failed to support findings that she had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION: The Civil Service Commission directed that Docket Number 2016-2807 be remanded to the Office of Equal Employment Opportunity for further investigation and denied Docket Number 2017-2420.

B-42 ZULMA SOTO – CSC DOCKET NO. 2017-2658

The Division of Agency Services, on behalf of Brick Township, requests that Zulma Soto's out-of-title work experience be accepted to qualify her for a prospective promotional examination for Program Coordinator Aging/Disabilities, Brick Township.

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

B-43 ROY HENRY – CSC DOCKET NO. 2107-3508

Roy Henry appeals the removal of his name from the eligible list for Police Officer (S9999R), Newark, on the basis of an unsatisfactory background report.

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

B-44 RICHARD DISTEFANO – CSC DOCKET NO. 2016-2199

The Division of Agency Services, on behalf of the Department of the Treasury, requests that Richard DiStefano's out-of-title work experience be accepted to qualify him for a prospective promotional examination for Building Management Service Specialist 3.

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

B-45 DEVIN FARRO – CSC DOCKET NO. 2017-3332

The Division of Agency Services on behalf of the Department of Environmental Protection, requests that the provisions of *N.J.A.C. 4A:4-1.1(c)* be relaxed, and Devin Farro's out-of-title work be accepted, in order to allow Mr. Farro to be provisionally appointed, pending promotional examination procedures, to the competitive title of Permit Coordination Officer 2, DEP.

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

B-46 CESAR LUNA – CSC DOCKET NO. 2017-2396

Stockton University requests a retroactive appointment for Cesar Luna to November 2, 2013 based on an administrative error.

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

B-47 RODNEY WELLS – CSC DOCKET NOS. 2016-3177 & 2016-3178

Hudson County, represented by John A. Smith, III, Assistant County Counsel, requests reconsideration of the initial decision of the Administrative Law Judge, which was deemed adopted as a final decision on February 22, 2016, modifying the suspension of Rodney Wells, a County Correction Officer with Hudson County from a 45 working day suspension to a 20 working day suspension and a six working day suspension to a one working day suspension.

ACTION: The Civil Service Commission directed that this request for reconsideration be granted, and upheld the 45 working day and six working day suspensions.

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Wednesday, June 7, 2017, at 1:00 p.m., at 3 Station Plaza, Trenton, New Jersey.

Robert M. Czech
Chairperson
Civil Service Commission