



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
JANUARY 23, 2013**

**Robert M. Czech, Chairperson
Thomas J. Perna
Richard E. Williams**

January 23, 2013

A regular meeting of the Civil Service Commission was held on Wednesday, January 23, 2013, in Trenton, New Jersey.

PRESENT: Robert M. Czech, Chairperson, Members Thomas J. Perna and Richard E. Williams; Pamela Ullman, Deputy Attorney General; Henry Maurer, 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 30, 2012, and posted at the Civil Service Commission, 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 Katrina Simmons-Alston
Commission for the Blind and Visually Impaired
Department of Human Services
Suspension

In the Matter Manuel Balseiro
Ancora Psychiatric Hospital
Department of Human Services
Suspension

In the Matter Manuel Balseiro
Ancora Psychiatric Hospital
Department of Human Services
Suspension

In the Matter of Richard Cotto and Luis Andujar
Cumberland County
Department of Corrections
Suspension

In the Matter of Marian Davis
Essex County
Commissioner of Registration
Suspensions (2)

In the Matter of Antonia Horne
Warren County
Sheriff's Department
Removal

In the Matter of Dyshella Kee
Bayside State Prison
Department of Corrections
Removal

In the Matter of Michael Massop
New Jersey Veteran's Memorial Home-Vineland
Department of Military and Veteran's Affairs
Removal

In the Matter of Jerome E. Mitchell
Borough of Carteret
Police Department
Removal

In the Matter of Patrice Myers
New Jersey Veteran's Memorial Home-Vineland
Department of Military and Veteran's Affairs
Suspension

In the Matter of Eloino Soto
City of Newark
Police Department
Removal

In the Matter of Viveca Stewart
Greystone Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Laurence Stom
State of New Jersey Judiciary
Camden Viciange
Suspension

In the Matter of Youssef Tanyous
East Jersey State Prison
Department of Corrections
Removal

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

ACTION: The Civil Service Commission acknowledged the settlements.

A-2 VINCENT DE PONTE

Vincent De Ponte, County Correction Officer, Monmouth County, Corrections and Youth Services, 30 working day suspension on charges of incompetency, inefficiency, or failure to perform duty, insubordination, conduct unbecoming a public employee, other sufficient cause and violation of Department rules and regulations.

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

ACTION: The Civil Service Commission modified the recommendation of the Administrative Law Judge and imposed a 20 working day suspension.

VOTE: **Robert M. Czech** **(Abstained)**
 Thomas Perna **(Yes)**
 Richard E. Williams **(Yes)**

A-3 KEVIN KINGSTON

Kevin Kingston, Laborer, Township of Verona, Department of Public Works, 239 working day suspension and removal effective November 12, 2009, on charges of conduct unbecoming a public employee and being unfit for duty.

Recommendation of the Administrative Law Judge – Reverse the removal and order the appellant to complete a fitness-for-duty exam prior to returning to employment.

ACTION: The Civil Service Commission modified the recommendation of the Administrative Law Judge to reverse the removal subject to an evaluation for psychological fitness.

A-4 DAVID LAMARR (REMAND)

David Lamarr, Police Officer, City of Newark, Police Department, 30-day suspension on charges of conduct unbecoming a public employee and violation of Police Department rules regarding telling the truth.

Recommendation of the Administrative Law Judge – Reverse the 30-day suspension.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge and awarded counsel fees.

A-5 JANAEA A. MORGAN AND LORI ROSS

Janaea A. Morgan, Administrative Secretary, Fire Department, and Lori Ross, Program Monitor, Department of Development, City of Asbury Park, appeal the good faith of their layoffs effective June 30, 2010, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Uphold the layoffs.

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

A-6 JEFFREY ANGOWSKI

Jeffrey Angowski, Electronic Systems Technician 2, Bergen County Utilities Authority, removal effective March 28, 2012, 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 – Dismiss the appeal.

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

A-7 MICHAEL RIOS

Michael Rios, Sheriff's Officer, Passaic County, Sheriff's Officer, removal effective July 3, 2012, on the charge of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

SECTION B – MISCELLANEOUS MATTERS**B-1 JOHN A. JOHANN**

John A. Johann appeals the decision of the former Division of State and Local Operations, which found that the Department of the Treasury had presented a sufficient basis to bypass the appellant's name on the State Budget Specialist 1 (S2413N), Treasury, eligible list.

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

B-2 DONNIS JACKSON

Donnis Jackson, a former Field Representative, Housing with the Department of Community Affairs (DCA), appeals the determination of the Acting Commissioner of DCA which found that the appellant had not been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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

B-3 GARRETT BROWN

Garrett Brown, represented by Craig S. Hilliard, Esq., appeals the removal of his name from the Police Officer (M7777L), City of Camden, eligible list on the basis of an unsatisfactory background report and failure to accurately complete his employment application.

ACTION: The Civil Service Commission directed that this appeal be granted, but the appellant's name be recorded on the certification as not appointed.

B-4 CHARLES CHRUPCALA

Charles Chrupcala appeals the determination of the Division of Selection Services and Recruitment that he was not eligible for the promotional examination for Project Manager, Data Processing (PS2588U), Office of Information Technology, because his application was received after the closing date of the examination announcement.

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

B-5 JANICE CLARK

Janice Clark appeals the determination of the Division of Selection Services and Recruitment which found that she had no permanent status as of the closing date for the promotional examination for Secretarial Assistant 2 (PS0072Q), Office of the Public Defender, and her disqualification for the open-competitive examinations for Administrative Clerk (C0238N) and Secretarial Assistant 2 (S2073N), Office of the Public Defender, for possession of a cell phone at the test center.

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

B-6 BART GIACONIA

Bart Giaconia, represented by Joshua P. Cohen, Esq., appeals the decision of the former Division of State and Local Operations which found that the appointing authority had presented a sufficient basis to remove his name from the Fire Fighter (M2383H), Passaic, eligible list due to an unsatisfactory criminal record.

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

B-7 CYMANDE JONES

Cymande Jones 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), eligible list on the basis of an unsatisfactory driving record.

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

B-8 LINDA MERSE

Linda Merse appeals the decision of the Division of Selection Services and Recruitment which denied her admittance to the open-competitive examination for Public Safety Telecommunicator (C0941P), Bergen County due to a late application.

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

B-9 DEKONTEE LINCOLN

Dekontee Lincoln, a Human Services Technician with the Department of Human Services, Greystone Park Psychiatric Hospital, appeals her return to her permanent title, Human Services Technician, from her provisional title, Technical Assistant 3.

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

B-10 TERRI COTTRELL

Terri Cottrell appeals the determination of the former Division of State and Local Operations that her position with the Department of Environmental Protection is properly classified as a Technical Support Specialist 1. The appellant seeks an Administrative Analyst 2, Data Processing classification.

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

B-11 FIRE FIGHTER (M2572M), TRENTON

The Division of Classification and Personnel Management requests that Trenton be ordered to return the February 6, 2012 certification for Fire Fighter (M2572M) for proper disposition.

ACTION: The Civil Service Commission ordered the appointing authority to properly dispose of the certification and pay compliance costs in the amount of \$1,000.

B-12 DORIAN HERRILL

Dorian Herrill petitions the Civil Service Commission for reconsideration of the decision rendered on September 19, 2012, which denied his appeal regarding his request for a make-up examination for Battalion Fire Chief (PM0146P), Newark.

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

B-13 TENNISE EZEKIEL AND NICOLE GRIFFIN

Tennise Ezekiel and Nicole Griffin, Senior Medical Security Officers with the Ann Klein Forensic Center, Department of Human Services, represented by George T. Daggett, Esq., requests reconsideration of the final administrative decision, *In the Matters of Tennise Ezekiel and Nicole Griffin* (CSC, decided January 25, 2012), which found that the appellants failed to support a finding that they had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION: The Civil Service Commission directed that these requests for reconsideration be denied.

B-14 OLAYEMI ARAJUWA

Olayemi Arajuwa appeals the determination of the Division of Selection Services and Recruitment that found that he did not meet the education and experience requirements for the promotional examination for Program Coordinator Mental Health (PS9830K), Greystone Park Psychiatric Hospital.

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

B-15 VICTORIA ARMSTEAD

Victoria Armstead appeals the determination of the Division of Selection Services and Recruitment which found that she did not meet the experience requirements for the open-competitive examination for Behavior Support Technician (S0767M), Statewide.

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

B-16 MELISSA BURK-POCINO

Melissa Burk-Pocino appeals the determination of the Division of Selection Services and Recruitment which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Technical Assistant Personnel (PS0229G), Department of Environmental Protection.

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

B-17 LOIS DIXON

Lois Dixon appeals the determination of the Division of Selection Services and Recruitment that she does not meet the education and experience requirements in order to qualify her for a prospective promotional examination for Administrative Analyst 3.

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

B-18 DANIEL DOMICOLI

Daniel Domicoli appeals the determination of the Division of Selection Services which found that he did not meet the requirements for the promotional examination for Assistant Supervisor Sewers/Assistant Supervisor Water (PM1156N), Belleville.

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

B-19 MICHAEL GILLENS, ET AL.

Michael Gillens, represented by Bette Grayson, Esq., Jerry Calabrese, Lillian Carpenter, John Melillo, Jr. and Scott Sayre, Sr., appeal the determinations of the Division of Selection Services, which found that they were ineligible for the promotional examination for Police Captain (PM7534P), Newark.

ACTION: The Civil Service Commission directed that these matters be held over.

B-20 JEFFREY L. JACOBS

Jeffrey L. Jacobs appeals the determination of the former Division of Selection Services that he did not meet the experience requirement for the promotional examination for Heavy Equipment Operator (PM0858N), Township of Woodbridge.

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

B-21 SCOTT MCDONALD

Scott McDonald appeals his score for the oral portion of the examination for the second level Fire Captain (PM5227N), Irvington.

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

B-22 TERRI MENTO

Terri Mento appeals the determination of the Division of Selection Services and Recruitment which found that she did not meet the experience requirements for the promotional examination for Assistant Superintendent Developmental Disabilities (PS1807K), Hunterdon Developmental Center.

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

B-23 SHAWN NAIDUK

Shawn Naiduk appeals the decision of the Division of Selection Services and Recruitment which found that he did not meet the experience requirements for the open-competitive examination for Radio Dispatcher (C0335P), Ocean County.

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

B-24 JOHN RENFER

John Renfer 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 Quality Assurance Coordinator (PS2323K), Hunterdon Developmental Center.

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

B-25 MELISSA RODRIGUEZ

Melissa Rodriguez appeals the determination of the Division of Selection Services and Recruitment which found that she did not meet the experience requirements for the promotional examination for Business Manager 1 (PS2055K), Woodbine Developmental Center.

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

B-26 BARBARA SCHUIT

Barbara Schuit appeals the decision of the Division of Selection Services and Recruitment which found that she did not meet the experience requirements for the promotional examination for Assistant Library Director (PM0700P), Hackensack.

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

B-27 MICHAEL C. SHAY

Michael C. Shay appeals his score on the open-competitive examination for Inspector Fire Safety (S2435N), Statewide.

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

B-28 MARGUERITE SILVA

Marguerite Silva appeals the decision of the Division of Selection Services and Recruitment which found that she did not meet the experience requirements for the promotional examination for Supervising Program Development Specialist, Corrections (PS0626I), Department of Corrections.

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

B-29 NASHEEDA SINGLETON, ET AL.

Nasheeda Singleton, Kerry Thompson and Leemy Waiters appeal the administration of the promotional examination for Correction Sergeant (PS6436I), Department of Corrections.

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

B-30 MARGARET SLATER

Margaret Slater appeals the determination of the Division of Selection Services and Recruitment which found that she did not meet the experience requirements for the promotional examination for Secretarial Assistant (Non-Stenographic) (PS1442T), Motor Vehicle Commission.

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

B-31 DONALD I. STAMBAUGH, JR. AND JACOB I. SPADONI

Donald I. Stambaugh, Jr., and Jacob I. Spadoni appeal the determination of the Division of Selection Services and Recruitment which found that they did not meet the requirements for the promotional examination for Assistant Supervisor of Recreation (PS7793K), Hunterdon Developmental Center, Department of Human Services.

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

B-32 RACHAEL TENNANT AND KHEM SINGH

Rachael Tennant and Khem Singh appeal the decisions of the Division of Selection Services and Recruitment that they did not meet the experience requirements for the promotional examination for Quality Assurance Specialist Health Services (PS9833K), Greystone Park Psychiatric Hospital.

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

B-33 LAVONDA WRIGHT

LaVonda Wright appeals the determination of the former Division of Selection Services that she did not meet the education and experience requirements for the promotional examination for Technical Assistant Personnel (PS7086K), Department of Human Services.

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

B-34 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of January 9, 2013.

ACTION: The Civil Service Commission adopted the minutes of its meeting of January 9, 2012.

VOTE: **Robert M. Czech** **(Yes)**
 Thomas Perna **(Abstained)**
 Richard E. Williams **(Yes)**

B-35 ELECTRICAL INSPECTOR (M2399N), MOUNT HOLLY

Mount Holly requests permission not to make an appointment from the February 22, 2012 certification for Electrical Inspector (M2399N).

ACTION: The Civil Service Commission denied the appointment waiver, ordered the appointing authority to properly dispose of the certification, and remit \$1,000 in compliance costs.

B-36 MARY A. REILLY

The Clark Public Library (Clark) requests that the provisions of *N.J.A.C. 4A:4-7.1A(b)* be relaxed in order to permit the retroactive Intergovernmental Transfer of Mary A. Reilly from the title of Librarian Reference, Irvington Public Library (Irvington), to the title of Librarian Reference, Clark.

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

B-37 WILLIAM HENDERICKSON AND THOMAS VAN GORDER

William Hendrickson, a Fire Prevention Specialist, and Thomas Van Gorder, a Fire Official, appeal their separation from employment with Vernon Township.

ACTION: The Civil Service Commission ordered the appointing authority to submit a layoff plan to the Division of Classification and Personnel Management and grant the appellants 45 days' pay.

B-38 MARISHA PENN

The appeal of Marisha Penn, a Human Services Specialist 3 with Hudson County, of her 10 working day suspension, on charges, was before Administrative Law Judge (ALJ) Evelyn J. Marose, who rendered her initial decision on December 5, 2012. At its meeting of January 9, 2013, the Civil Service Commission (Commission) adopted the ALJ's recommendation to acknowledge the settlement agreement between the parties. However, the Commission found it necessary to address the exceptions filed by the appellant. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

VOTE: **Robert M. Czech** **(Yes)**
 Thomas Perna **(Abstained)**
 Richard E. Williams **(Yes)**

B-39 CHANGE IN CLASSIFICATION PLAN

The Office of Legislative Services requests verbiage changes and the establishment of unclassified titles in Senior Counsel, OLS, Senior Fiscal Analyst, OLS, and Senior Research Analyst, OLS title series. In accordance with *N.J.S.A.* 11A:3-4(c), employees in the Legislative branch of State government shall be in the unclassified service.

**MEMORANDUM**

DATE: January 14, 2013
 TO: Civil Service Commission
 FROM: Kenneth Connolly, Director
 State and Local Operations
 SUBJECT: Change in the Classification Plan

Legislature

The Office of Legislative Services (OLS) requests the following title changes and establishment of new unclassified titles.

In accordance with *N.J.S.A.* 11A:3-4(c), employees in the Legislative branch of State government shall be in the unclassified service.

The use of these titles will be restricted to OLS.

TITLE CHANGES EFFECTIVE JANUARY 12, 2013**FROM:**

Senior Counsel, OLS
 X98-90436 Unclassified (NL)

Senior Fiscal Analyst, OLS
 X98-90431 Unclassified (NL)

Senior Research Analyst, OLS
 X98-90455 Unclassified (NL)

TO:

Senior Counsel 1, OLS
 X98-90436 Unclassified (NL)

Senior Fiscal Analyst 1, OLS
 X98-90431 Unclassified (NL)

Senior Research Analyst 1, OLS
 X98-90455 Unclassified (NL)

CREATE TITLES EFFECTIVE JANUARY 12, 2013

Senior Counsel 2, OLS
 X98-_____ Unclassified (NL)

Senior Counsel 3, OLS
 X98-_____ Unclassified (NL)

Senior Fiscal Analyst 2, OLS
 X98-_____ Unclassified (NL)

Senior Fiscal Analyst 3, OLS
 X98-_____ Unclassified (NL)

Change in the Classification Plan
January 14, 2013
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CREATE TITLES EFFECTIVE JANUARY 12, 2013 (cont.)

Senior Research Analyst 2, OLS
X98-_____ Unclassified (NL)

Senior Research Analyst 3, OLS
X98-_____ Unclassified (NL)

Attachment
KC/JT/SR

2

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

B-40 EARLY SETTLEMENTS

In the Matter of William Schuyler
New Jersey State Prison
Department of Corrections
Suspension

In the Matter Alberto Vellon
New Jersey State Prison
Department of Corrections
Suspensions (2)

ACTION: The Civil Service Commission acknowledged the settlements.

B-41 GLEN CAMUSO

The Superior Court of New Jersey, Appellate Division has remanded the matter of Glen Camuso's appeal of the Civil Service Commission's decision upholding his non-appointment from the September 9, 2008 certification of the eligible list for Deputy Police Chief (PM3515G), Newark and the cancellation of that certification, to allow the parties to submit additional information for the Commission to consider.

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

VOTE: **Robert M. Czech** **(Abstained)**
 Thomas Perna **(Yes)**
 Richard E. Williams **(Yes)**

B-42 DOUGLAS LAVERTY

The appeal of Douglas Laverty, a Sheriff's Officer with the Passaic County Sheriff's Department, of his removal effective August 1, 2012, was before Administrative Law Judge (ALJ) Joann LaSala Candido, who rendered her initial decision on October 17, 2012, recommending acknowledgement of the settlement of the parties.

ACTION: The Civil Service Commission remanded this matter to the Office of Administrative Law.

B-43 CAROL DEL DUKE

Carol Del Duke appeals the decision of the Division of Selection Services and Recruitment that she did not meet the experience requirements for the promotional examination for Secretarial Assistant 1 (Non-Stenographic), (PS0027J), Rowan University.

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

B-44 SUSAN PATTERSON

Susan Patterson appeals the decision of the Division of Selection Services and Recruitment that she did not meet the experience requirements for the promotional examination for Secretarial Assistant 1 (Non-Stenographic), (PS0027J), Rowan University.

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

B-45 MICHAEL OTT

The Town of Hammonton requests relaxation of *N.J.A.C. 4A:4-7.1A(c)* so as to permit the intergovernmental transfer of Michael Ott from the title of Laborer 1, Township of Long Branch, to the title of Assistant Water Treatment Plant Operator, Hammonton.

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

B-46 WADE ROSENBERGER

The appeal of Wade Rosenberger, a County Correction Officer with the Salem County Department of Corrections, of his removal, effective April 9, 2012, on charges, was heard by Administrative Law Judge W. Todd Miller (ALJ), who rendered his initial decision on October 10, 2012. At its meeting on January 9, 2013, the Civil Service Commission did not adopt the ALJ's recommendation to modify the removal to a 30 working day suspension. Rather, the Commission modified the removal to a 90 working day suspension. The proposed decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the decision.

VOTE: **Robert M. Czech** **(Yes)**
 Thomas Perna **(Abstained)**
 Richard E. Williams **(Yes)**

B-47 KEVIN WESBY

The appeal of Kevin Wesby, a Human Services Assistant with Ancora Psychiatric Hospital, Department of Human Services, of his removal, effective June 1, 2010, on charges, was heard by Administrative Law Judge Ronald W. Reba (ALJ), who rendered his initial decision on December 5, 2012. At its meeting on January 9, 2013, the Civil Service Commission did not adopt the ALJ's recommendation to reverse the removal. Rather, the Commission modified the removal to a 30 working day suspension. The proposed decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the decision.

VOTE: **Robert M. Czech** **(Yes)**
 Thomas Perna **(Abstained)**
 Richard E. Williams **(Yes)**

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Wednesday, February 6, 2013, at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

Robert M. Czech
Chairperson
Civil Service Commission