



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
AUGUST 1, 2012**

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

August 1, 2012

A regular meeting of the Civil Service Commission was held on Wednesday, August 1, 2012, 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 Merit System Practices and Labor Relations.

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, 2011, 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 Oldpa Bedell
New Lisbon Developmental Center
Department of Human Services
Removal

In the Matter of Emmanuel Boyou
New Lisbon Developmental Center
Department of Human Services
Removal

In the Matter of David Chance
Southern State Correctional Facility
Department of Corrections
Suspension

In the Matter of Keith Comer
Cumberland County
Sheriff's Department
Suspension

In the Matter of Nickey Flowers
City of Newark
Police Department
Removal

In the Matter of Patricia Greer
New Lisbon Developmental Center
Department of Human Services
Suspension and Removal

In the Matter of Nicole A. Holmes
New Lisbon Developmental Center
Department of Human Services
Removal

In the Matter of Shanetta Irvin
New Lisbon Developmental Center
Department of Human Services
Removal

In the Matter of Thomas A. Mullen
Borough of Point Pleasant
Department of Public Works
Removal

In the Matter of Robert Schweibinz, Jr.
Atlantic County
Department of Law
Removal

In the Matter of Eric Swann
State of New Jersey State Parole Board
Suspension

In the Matter of Carol Thomas
Hudson County
Department of Corrections
Suspension

In the Matter of Gregory Wallace
State of New Jersey State Parole Board
Suspensions (2)

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

ACTION: The Civil Service Commission acknowledged the settlements.

A-2 CHARLES ALLIA

Charles Allia, Senior Engineer, Monmouth County, Department of Public Works Buildings and Grounds, 30 working day suspension on charges of incompetency, inefficiency or failure to perform duty, neglect of duty, other sufficient cause and violation of County policy regarding employee conduct, work rules and safety.

Recommendation of the Administrative Law Judge – Uphold the 30 working day suspension.

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

A-3 WONWHE BAKER

Wonwhe Baker, Institutional Trade Instructor 2, Cooking, New Jersey State Prison, Department of Correction, 30 working day suspension on the charge of other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the 30 working day suspension.

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

A-4 KENNETH GABURO

Kenneth Gaburo, Operating Engineer Heating and Air Condition, South Woods State Prison, Department of Corrections, 10 working day suspension on charges of incompetency, inefficiency or failure to perform duties, neglect of duty, and violation of a rule, regulation, policy, procedure, order or administrative decision.

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

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

A-5 DAVID T. O'BRIEN

David T. O'Brien, Public Safety Telecommunicator, Monmouth County, Police Radio Department, 10 working day suspension on charges of chronic or excessive absenteeism or lateness, other sufficient cause, violation of County policy regarding employee conduct, work rules and work schedules.

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

ACTION: The Civil Service Commission modified the recommendation of the Administrative Law Judge and upheld the 10 working day suspension.

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

A-6 JANET CAPITE

Janet Capite, Cottage Training Technician, Hunterdon Developmental Center, Department of Human Services, removal effective December 2, 2010, on charges of physical or mental abuse of a client, verbal abuse of a patient, client, resident or employee, inappropriate physical contact or mistreatment of a client, improper conduct which violates common decency, failure to report injury, abuse or accident involving patient, resident or client, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the removal to a 90-day suspension.

ACTION: The Civil Service Commission modified the recommendation of the Administrative Law Judge and upheld the removal.

A-7 GARY C. DEGREE

Gary C. Degree, County Correction Officer, Burlington County, County Jail, removal effective March 7, 2012, on charges of chronic or excessive absenteeism or lateness 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-8 SALVATORE GIGLIO

Salvatore Giglio, County Correction Officer, Monmouth County, Sheriff's Department, removal effective January 28, 2011, on charges of conduct unbecoming a public employee, neglect of duty, other sufficient cause, and violation of Police Department rules and regulations.

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** **(Abstained)**
 Thomas J. Perna **(Yes)**
 Richard E. Williams **(Yes)**

A-9 SHERRIA GRAVES (CONSOLIDATION)

Sherria Graves, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, three removals effective December 25, 2009, on charges of conduct unbecoming a public employee, other sufficient cause, falsification, divulging confidential information without proper authority, violation of a policy, chronic or excessive absenteeism or lateness and unreasonable failure to report delay in reporting to work as scheduled.

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

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

A-10 WILLIAM LANOZA

William Lanoza, Correction Sergeant, New Jersey State Prison, Department of Corrections, removal effective November 4, 2011, on charges of conduct unbecoming a public employee, other sufficient cause, neglect of duty and violation of a rule, regulation, policy, procedure, order or administrative decision.

Recommendation of the Administrative Law Judge – Grant appellant's motion for summary decision and deny appointing authority's cross-motion for summary decision.

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

A-11 ERIC MARTINEZ

Eric Martinez, County Correction Officer, Monmouth County, Department of Corrections and Youth Services, removal effective February 25, 2011, on charges of conduct unbecoming a public employee, neglect of duty, other sufficient cause, violation of Department rules and regulations, policy and procedure.

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** **(Abstained)**
 Thomas J. Perna **(Yes)**
 Richard E. Williams **(Yes)**

A-12 CHARLES MCHARRIS

Charles McHarris, Human Services Assistant, New Lisbon Developmental Center, Department of Human Services, removal effective January 27, 2010, on charges of neglect of duty, violation of a rule, regulation, policy, procedure, order or administrative decision, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss the appeal as moot.

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

A-13 JUAN RODRIGUEZ

Juan Rodriguez, Police Officer, City of Camden, Police Department, removal effective June 17, 2009, on charges of violation of the Department rules and regulations, falsification, use of inappropriate language toward a superior officer, violation of Department rules regarding conduct, causing discredit to the department, failing to report an arrest, insubordination and truthfulness.

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

ACTION: The Civil Service Commission modified the recommendation of the Administrative Law Judge and upheld the removal.

A-14 MICHAEL STOKLEY

Michael Stokley, Custodial Worker, Newark School District, removal effective November 18, 2011, on charges of conduct unbecoming a public employee, insubordination, neglect of duty 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.

SECTION B – MISCELLANEOUS MATTERS

B-1 The Division of Classification and Personnel Management requests the inactivation of the title Inspector Bee Culture and renaming it to Senior Inspector Bee Culture with the Department of Agriculture.

**MEMORANDUM**

DATE: July 17, 2012
TO: Civil Service Commission
FROM: Kenneth Connolly, Director
 Division of Classification and Personnel Management
SUBJECT: Change in the Classification Plan

STATE GOVERNMENT TITLES

The Division of Classification and Personnel Management requests the inactivation of one (1) title and the renaming of one (1) title with the Department of Agriculture.

The titles are unencumbered. We have notified the Appointing Authority of our plans to inactivate and rename, and provided it with the opportunity to review and comment.

The appropriate negotiations representatives were notified.

The effective date of these title inactivations will be the first pay period that follows the commission's approval of the action.

TITLE INACTIVATION

Inspector Bee Culture
 113-02412 Classified NE12 State

TITLE RENAMED

FROM:	TO:
Senior Inspector Bee Culture 115-02418 Classified NE12 State	Inspector Bee Culture 115-02418 Classified NE12 State

KC/JT/BP/LR

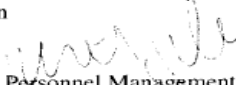
www.state.nj.us/csc

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

- B-2** The Division of Classification and Personnel Management requests the reactivation of the title of Chief Occupational Health Consultant (55914) with the Department of Labor and Workforce Development.



MEMORANDUM

DATE: July 17, 2012
TO: The Civil Service Commission
FROM: Kenneth Connolly, Director 
Division of Classification and Personnel Management
SUBJECT: Reactivation of Title

The Department of Labor and Workforce Development requests the reactivation of the title of Chief Occupational Health Consultant (55914) for use in the Division of Public Safety and Occupational Safety and Health.

The title is being reactivated to satisfy the USDOL-OSHA requirements to maintain funding.

The Department will use this title to oversee staff responsible for ensuring that OSHA activities are carried out, and has received freeze exemption approvals to fill six subordinate positions.

We request the effective date of this title reactivation to be retroactive to pay period 13 of 2012, June 2, 2012.

Title Reactivation
Effective: 06-02-2012

Chief Occupational Health Consultant
M32-55914 Competitive L NL/12

KC/JT/BP/LR

www.state.nj.us/csc

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

- B-3** The Division of Classification and Personnel Management requests the reactivation of the title of Promotional Sales Specialist (55750) with the Department of Corrections.

 **MEMORANDUM**
NEW JERSEY DEPARTMENT OF PERSONNEL

DATE: July 2, 2012
TO: Civil Service Commission
FROM: Kenneth Connolly, Director
Classification and Personnel Management
www
SUBJECT: Change in State Classification Plan

TITLE REACTIVATIONS

The Department of Corrections requests the reactivation of title Promotional Sales Specialist State Use Industries. The title is needed to appropriately classify a position in the Sales and Marketing Division, due to a restructuring process.

The Department also requests a verbiage change of the title to Promotional Sales Specialist, to reflect the current business scenario.

Appropriate negotiations representatives have been notified.

TITLE REQUESTED

Effective Date: 07/14/2012

Promotional Sales Specialist
P24 – 55750 Career W NL12

KC/JT/BP/PM

www.state.nj.us/personnel

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

- B-4** The Division of Classification and Personnel Management requests the reactivation of the title of Human Services Specialist 1 Bilingual-Hindi (08037) with Middlesex County Board of Social Services.



MEMORANDUM

DATE: July 17, 2012
TO: The Civil Service Commission
FROM: Kenneth Connolly, Director
Division of Classification and Personnel Management
SUBJECT: Reactivation of Title

The Division of Classification and Personnel Management requests the reactivation of the local title of Human Services Specialist (HSS) 1 Bilingual- Hindi (08037) for use in the Middlesex County Board of Social Services.

The title is being reactivated to fill an entry level position serving the needs of the Hindu population.

The Middlesex County Board of Social Services currently employs one incumbent in the bilingual Hindi variant at the HSS2 level. Approval of this request will enable the Appointing Authority to staff a second position at the entry level of the series. Note that this title was originally established for Middlesex County.

The effective date of this title reactivation will be effective the first pay period after the Commission approves of the action.

Title Reactivation

Human Services Specialist 1 Bilingual- Hindi
08037 Competitive Local

KC/JT/BP/LR

www.state.nj.us/csc

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

B-5 EDWARD ALLEN

Edward Allen, an Automotive Mechanic with the Department of the Treasury, appeals the denial of sick leave injury (SLI) benefits.

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

B-6 FRANK DEVITA

Frank DeVita, a Senior Correction Officer with Bayside State Prison, Department of Corrections, represented by Daniel Geddes, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-7 JOHN HORAN

John Horan, a Sales Representative 2, State Lottery with the Department of the Treasury, appeals the denial of sick leave injury (SLI) benefits.

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

B-8 ABDULLAH HOLMES

The Essex County Sheriff's Office, on behalf of Abdullah Holmes, requests that he be permitted to participate in the intergovernmental transfer program and to complete the remainder of his working test period as a Sheriff's Officer with the Sheriff's Office.

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

B-9 JOSEPH KALASHENKOW

The City of Jersey City, on behalf of Joseph Kalashenkow, requests that he be permitted to participate in the intergovernmental transfer program and to complete the remainder of his working test period as a Police Officer with Jersey City.

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

B-10 JOSE DIAZ

Jose Diaz, a former Cashier with the City of Perth Amboy, represented by Debbie Parks, Staff Representative, American Federation of State, County and Municipal Employees, Council 73, petitions the Civil Service Commission for enforcement of the settlement agreement acknowledged by the Commission at its meeting on November 18, 2009.

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

B-11 MARIO MOSQUERA

The appointing authority requests that the provisions of *N.J.A.C. 4A:6-3.4(a)*, which govern the time period in which employees must file an application for Supplemental Compensation on Retirement (SCOR), be relaxed to permit Mario Mosquera, a former Bus Driver at North Jersey Developmental Center, Department of Human Services, to submit a late application for SCOR benefits.

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

B-12 GERARD C. CERVINO

Gerard C. Cervino, a Supervisor 1, Motor Vehicle Commission (MVC), appeals the decision of the MVC to reassign him to a new job function and shift.

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

B-13 SCOTT MCCORMICK

Hamilton Township Fire District #7 requests a lateral title change, pending qualifying examination, for Scott McCormick, to Fire Official, Uniformed Fire Department effective May 3, 2010.

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

B-14 JOSE MONTALVO

Jose Montalvo, a former Police Officer with the City of Newark, represented by Anthony J. Fusco, Jr., Esq., requests that his withdrawn appeal of his 120-day suspension and removal, effective August 25, 2006, be reinstated and transmitted to the Office of Administrative Law for a hearing.

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

B-15 JAMES RICKS

James Ricks, a former Human Services Assistant, with Ancora Psychiatric Hospital, Department of Human Services, requests that the Civil Service Commission reinstate his appeal of his removal effective December 6, 2010 and resignation not in good standing effective December 6, 2010, which were dismissed based on his failure to appear at his early settlement conference.

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

B-16 STEPHEN CIANCHETTI

Stephen Cianchetti, a Supervisor of Public Works with Gloucester City, represented by Christopher D'Amore, Esq., requests a retroactive date of appointment.

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

B-17 STEPHANIE GRANT

The Department of Corrections petitions the Civil Service Commission for a retroactive regular date of appointment as a Secretarial Assistant 3, Non-Stenographic for Stephanie Grant.

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

B-18 KATHLEEN GRAY

Kathleen Gray, a Senior Technician, Management Information Systems (MIS), with the Department of Human Services (DHS), appeals the bypass of her name on the promotional list for Principal Technician, MIS (PS0839K), DHS.

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

B-19 ELEANOR GRIMES

The Department of the Treasury requests that the eligible list for Senior Clerk (PS1254U), Department of the Treasury, be revived in order to appoint Eleanor Grimes effective February 11, 2012.

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

B-20 DELIA REYES

Delia Reyes, a former Keyboarding Clerk 2, with the City of Clifton petitions the Civil Service Commission for a return to her previously held position with Clifton.

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

B-21 CYNTHIA SMITHEEN

Delran Township petitions the Civil Service Commission for a retroactive date of permanent appointment as a Municipal Court Administrator for Cynthia Smithen.

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

B-22 NORMAN TAHAN

Norman Tahan, represented by John J. Segreto, Esq., appeals the bypass of his name on the Fire Chief (PM0690M), City of Clifton, eligible list.

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

B-23 LOREN HART

Loren Hart appeals the decision of the Division of Selection Services which found that he was not permanent in the title to which the examination was open for Fire Officer 2 (PM0143P), Jersey City.

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

B-24 ROBERT MACREADY, ET AL.

Robert MacReady, Craig Mulhern and Curtis Williams appeal the decisions of the Division of Selection Services which found that they were not permanent in a title to which the examination was open for Police Lieutenant (PM5085N), Atlantic City.

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

B-25 KEITH MCGEE

Keith McGee appeals the decisions of the Division of Selection Services which found that he lacked the required amount of permanent status in a title to which the examination was open for Police Captain (PM7547N), North Wildwood and for Police Lieutenant (PM5052N), North Wildwood.

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

B-26 DAVID FARMER

David Farmer appeals the decision of the former Division of State and Local Operations, which upheld the removal of his name from the eligible list for Correction Officer Recruit (S9987M), Department of Corrections, on the basis of his falsification of his employment application and an unsatisfactory criminal record.

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

B-27 ASIA HENRY

Asia Henry appeals the decision of the former Division of State and Local Operations, which upheld the removal of her name from the County Correction Officer (\$9999K), Essex County, eligible list due to her unsatisfactory criminal history, falsification of her application and unsatisfactory driving record.

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

B-28 BENNIE LANGFORD, ET AL.

Bennie Lamgford (PM5169N), Willingboro; Mohamed Mohamed (PM5144N), Perth Amboy; Kamen Potts (PM5147N), Pleasantville; William Reese (PM0617N), Camden; and Ruben Rodriguez (PM5160N), Union City; appeal the determinations of the Division of Selection Services which found them ineligible for the promotional examination for Police Sergeant due to untimely applications.

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

B-29 SHARON NELSON

Sharon Nelson appeals the removal of her name from the Senior Human Services Technician (PS1363K), Department of Human Services, eligible list due to her failure to respond to the notice of certification.

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

B-30 ALBERT RIVERA

Albert Rivera 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 the appellant's name from the Correction Officer Recruit (\$9987M), Department of Corrections, eligible list on the basis of falsification of his employment application.

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

B-31 TERRELL SMITH

Terrell Smith 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 Police Officer (S9999H), Newark eligible list due to an unsatisfactory criminal record.

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

B-32 BRETT HUNGER

Brett Hunger appeals the decision of the former Division of State and Local Operations that the proper classification of his position with the Department of Transportation is Environmental Specialist 2. The appellant seeks an Environmental Specialist 3 classification.

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

B-33 DOROTHY MEYERS

Dorothy Meyers appeals the determination of the former Division of State and Local Operations that her position with the Department of the Treasury is properly classified as Technical Assistant 2, Treasury.

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

B-34 JAMIL QAZI

Jamil Qazi appeals the decision of the former Division of State and Local Operations that the proper classification of his position with the Department of the Treasury is Auditor 3, Taxation. The appellant seeks an Auditor 2, Taxation classification.

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

B-35 WENDY QUESNEL

Wendy Quesnel appeals the decision of the former Division of State and Local Operations that the proper classification of her position with the Department of the Treasury is Auditor 2, Taxation. The appellant seeks an Auditor 1, Taxation classification.

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

B-36 NICOLE RURA

Nicole Rura appeals the decision of the Division of Classification and Personnel Management that her position is properly classified as Data Entry Machine Operator. The appellant seeks a Senior Data Entry Machine Operator classification.

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

B-37 OCTAVIA SUTPHIN

Octavia Sutphin appeals the decision of the former Division of State and Local Operations that the proper classification of her position with the Department of Environmental Protection is Head Clerk.

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

B-38 MARIA TERLECKI-PINTO

Maria Terlecki-Pinto appeals the determination of the former Division of State and Local Operations that her position with the Department of Human Services is properly classified as a Technical Assistant 3. The appellant seeks an Administrative Assistant 3 classification.

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

B-39 THERESA WELLS-SMART

Theresa Wells-Smart appeals the determination of the former Division of State and Local Operations that her position with the Department of the Treasury is properly classified as Principal Claims Investigator. The appellant seeks an Investment Analyst 3 or Administrative Analyst classification.

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

B-40 JOHN HORNER

John Horner requests a make-up examination for Correction Lieutenant (PS6072T), Department of Corrections.

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

B-41 SABA ALI

Saba Ali, a Data Processing Systems Programmer 1 with the Office of Information Technology, appeals the determination of the Acting Chief of Staff, 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: The Civil Service Commission directed that this appeal be denied.

B-42 JYOTSNA K. VIBHAKAR

Jyotsna K. Vibhakar, an Instructor Counselor with Ann Klein Forensic Center, Department of Human Services, appeals the determination of the Assistant Commissioner with the DHS, stating that the appellant failed to present sufficient evidence to support a finding that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION: The Civil Service Commission directed that this appeal be denied but the matter of the appellant's allegations of discrimination regarding 2011 promotions be remanded to the Office of EEO for investigation.

B-43 CHIEF CODE ENFORCEMENT OFFICER (PM0737M), NEWARK

The appointing authority's failure to dispose of the certification for Chief Code Enforcement Officer (PM0737M), Newark, while a provisional is serving in the title, has been referred to the Civil Service Commission for enforcement.

ACTION: The Civil Service Commission ordered the appointing authority to remove the provisional appointee, make an appointment from the certification, and pay compliance costs.

B-44 COORDINATOR, COMMUNITY HEALTH SERVICES (M0414M) AND (M0405K), NEWARK

The appointing authority's failure to dispose of the certification for Coordinator, Community Health Services (M0414M) and (M0405K), Newark, while a provisional is serving in the title, has been referred to the Civil Service Commission for enforcement.

ACTION: The Civil Service Commission ordered the appointing authority to remove the provisional appointee, properly dispose of the certification and pay compliance costs.

B-45 COURT AIDE (SPECIAL), CITY OF ORANGE

The Division of Classification and Personnel Management requests that the City of Orange be ordered to return the July 8, 2011 certification of the eligible list for Court Aide (Special) for proper disposition.

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

B-46 INVESTIGATOR, COUNTY WELFARE AGENCY 1 (PC1069K), OCEAN COUNTY BOARD OF SOCIAL SERVICES

The Ocean County Board of Social Services requests the revival and extension of the eligible list for Investigator, County Welfare Agency 1 (PC1069K).

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

B-47 JUDICIARY CLERICAL TITLES

The Judiciary requests that the eligible lists resulting from the July 9, 2012, open competitive announcement for its clerical titles be limited to one year in duration.

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

B-48 PLANNING AIDE (C0094M), PASSAIC COUNTY

Passaic County requests permission not to make an appointment from the May 9, 2011 certification for Planning Aide (C0094M).

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

B-49 SOCIAL WORKER (PC0244L) AND SOCIAL WORK SUPERVISOR (PC0115M), CAMDEN COUNTY BOARD OF SOCIAL SERVICES

Camden County Board of Social Services requests that the eligible lists for Social Worker (PC0244L) and Social Work Supervisor (PC0115M) be extended for one year beyond their expiration dates.

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

B-50 JOHN CHIKOWSKI

The appeal of John Chikowski, a Graduate Nurse at Hudson County Meadowview Psychiatric Hospital, of his removal effective November 30, 2010, on charges, was heard by Administrative Law Judge Barry E. Moscowitz (ALJ), who rendered his initial decision on April 16, 2012. At its meeting on July 11, 2012, the Civil Service Commission did not adopt the ALJ's recommendation to reverse the removal. Rather, the Commission upheld the appellant's removal. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

B-51 KEVIN GEORGE

The appeal of Kevin George, a Police Sergeant with the City of Newark, of his removal effective April 11, 2001, on charges, was heard by Administrative Law Judge Tahesha L. Way (ALJ), who rendered her initial decision on remand on May 14, 2012. At its meeting on July 11, 2012, the Civil Service Commission adopted the ALJ's recommendation to reverse the appellant's removal. The proposed decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the decision.

B-52 DEREK JOHNSON

The appeal of Derek Johnson, a Communications Operator Secured Facilities, with the Garden State Correctional Facility, Department of Corrections, of his 15 working day suspension, 30 working day suspension, and four removals effective July 26, 2011, on charges, was heard by Administrative Law Judge John J. Spence, Jr., (ALJ), who rendered his initial decision on May 29, 2012. At its meeting on July 11, 2012, the Civil Service Commission adopted the ALJ's recommendation to uphold the suspensions and removals. 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.

B-53 ALLISON WARE

The appeal of Allison Ware, a Judiciary Clerk 3 with the Judiciary, Union Vicinage, of her resignation not in good standing, on charges, was heard by Administrative Law Judge JoAnn Lasala Candido (ALJ), who rendered her initial decision on May 31, 2012. At its meeting on July 11, 2012, the Civil Service Commission adopted the ALJ's recommendation to uphold the resignation not in good standing. However, the Commission found it necessary to address the exceptions and cross-exceptions filed by the parties. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

B-54 STEVEN DRESSLER

Steven Dressler requests reconsideration of the final administrative determination *In the Matter of Steven Dressler, Department of the Treasury* (CSC, decided May 2, 2012) which determined that his position is properly classified as Technical Assistant 2, Treasury.

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

B-55 DOUGLAS NELSON

Douglas Nelson petitions the Civil Service Commission for reconsideration of the final administrative decision, rendered on March 12, 2010, in which the Commission denied the petitioner's discrimination appeal.

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

B-56 MAYLANA RHODES

Maylana Rhodes, represented by William P. Hannan, Esq., requests reconsideration of the decision rendered on July 27, 2011, which upheld her removal.

ACTION: The Civil Service Commission directed that the request for reconsideration be granted, but affirmed the prior decision.

B-57 SECURITY GUARD (C1182L), HUDSON COUNTY SHERIFF'S OFFICE

The Hudson County Sheriff's Office requests reconsideration of the decision rendered on November 22, 2011 by the Civil Service Commission in *In the Matter of Security Guard (C1182L), Hudson County Sheriff's Office*, which ordered it to properly dispose of the January 30, 2009 certification within 20 days and remit \$1,000 in compliance costs.

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

B-58 MELISSA BRIGGS

Melissa Briggs appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Program Manager, Family Health Programs (PS6140H), Department of Human Services.

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

B-59 ROBERT HIGGINS

Robert Higgins appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the open competitive examination for Operator Refrigeration Services (S2387N).

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

B-60 RANDI LINICK

Randi Linick appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Family Counselor (PC0850N), Bergen County.

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

B-61 ELIZABETH OWEN

Elizabeth Owen appeals the determination of the Division of Selection Services that she did not meet the educational requirement for the open competitive examination for Staff Clinical Psychologist 2 (S2384N).

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

B-62 PROPOSED AMENDMENTS: N.J.A.C. 4A:3-4.1 AND 4A:4-1.10 (STATE PAYROLL CERTIFICATIONS)

Submitted for the Commission's approval is a Notice of Proposal to amend *N.J.A.C.* 4A:3-4.1 and 4A:4-1.10, concerning State payroll certifications. In *In the Matter of State Payroll Certifications* (CSC, decided May 16, 2012), the Civil Service Commission directed that State appointing authorities continue to certify State payrolls, but only under present statutory authority, as the certifications up to that time were still referencing repealed laws. Additionally, the Commission stated that it would propose an appropriate rule to clarify and codify the requirement that State appointing authorities certify payrolls. The attached Notice of Proposal would serve this purpose. Therefore, it is recommended that the proposed amendments be approved for public notice and comment.

ACTION: The Civil Service Commission approved the proposal for public notice and comment.

B-63 RECENT COURT DECISIONS

Submitted for the Civil Service Commission's review are summaries of recent court decisions involving Merit System Board and Civil Service Commission determinations.

ACTION: The Civil Service Commission noted the decisions.

B-64 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of July 11, 2012.

ACTION: The Civil Service Commission adopted the minutes of its meeting of July 11, 2012.

B-65 NICHOLAS COBIAN

Winslow Township requests relaxation of *N.J.A.C.* 4A:4-7.1A(c) so as to permit the intergovernmental transfer of Nicholas Cobian from the title of Sheriff's Officer, Camden County Sheriff's Office, to the title of Police Officer, Winslow Township.

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

B-66 CYNTHIA G. DZURISIN

Cynthia G. Dzurisin appeals the decision of the former Division of State and Local Operations that the proper classification of her position with the Department of Military and Veterans Affairs is Office Supervisor. The appellant seeks a Supervisor of Operations classification.

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

B-67 CHARLES PERRIN

Charles Perrin appeals the decision of the former Division of State and Local Operations that the proper classification of his position with the Department of the Treasury is Repairer. The appellant seeks a Mechanic (Non-Automotive) or Senior Repairer classification.

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

B-68 CHRISTINE SPIGELMYER

Christine Spigelmyer appeals the decision of the former Division of State and Local Operations that the proper classification of her position with the Vineland School District is Purchasing Assistant. The appellant seeks a Senior Purchasing Assistant classification.

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

B-69 EARLY SETTLEMENTS

In the Matter of Joyce Danquash-Aminu
Hunterdon Development Center
Department of Human Services
Removal

In the Matter of Sean Phelps
Anna Klein Forensic Psychiatric Hospital
Department of Human Services
Removal

ACTION: The Civil Service Commission acknowledged the settlements.

B-70 HASAN BULLOCK

Newark School District requests that the eligible list for Senior Security Guard (PM0732J) be revived to record the permanent appointment of Hasan Bullock effective February 2, 2009.

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

B-71 RUSSELL SURDI

Russell Surdi, represented by Mark F. Casazza, Esq., requests reconsideration of the final administrative determination in *In the Matter of Russell Surdi* (CSC, decided March 7, 2012), which found that he was not entitled to veterans' status for the Entry Level Law Enforcement Examination (S9999M).

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

B-72 NASTASHA RODRIQUEZ

Nastasha Rodriques, represented by Matthew D. Areman, Esq., appeals the removal of her name from the special reemployment list for Police Officer, Newark.

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

B-73 JOHN ALBANO

John Albano, a Fire Lieutenant with the Village of Ridgewood, represented by Emil S. Cuccio, Esq., appeals the bypass of his name on the June 1, 2011 certification of the Fire Captain (PM3452L) eligible list. Additionally, the former Division of State and Local Operations (SLO) requests enforcement of Certification No. PL110592.

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

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Wednesday, August 15, 2012, at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

Robert M. Czech
Chairperson
Civil Service Commission