



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
JUNE 18, 2014**

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

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Kenneth Benjamin
Woodbine Developmental Center
Department of Human Services
Removal

In the Matter of Steven Corey (Consolidated)
City of Bridgeton
Police Department
Suspension and Removal

In the Matter of Nasir Council
Juvenile Justice Commission
Department of Law and Public Safety
Removal

In the Matter of Jason Doe
New Jersey State Prison
Department of Correction
Removal

In the Matter of Gregory Fahy
Middlesex County
Department of Corrections and Youth Services
Resignation not in good standing

In the Matter of Telina Hairston (Consolidated)
City of East Orange
Police Department
Suspension

In the Matter of Hameez Junaid
Hunterdon Developmental Center
Department of Human Services
Suspension

In the Matter of Julie Lessing
Warren County
Department of Long Term Care
Removal

In the Matter of Jessica Leys
Woodbine Developmental Center
Department of Human Services
Removal

In the Matter of Kevin Mewborn
Cumberland County
Department of Corrections
Removal

In the Matter of Michael J. O'Gara
City of Asbury Park
Fire Department
Removal

In the Matter of Joanne L. Papaianni
Ocean County
Board of Social Services
Release at the end of working test period

In the Matter of Marc Pellicane
Superior Court of New Jersey
Middlesex County Vicinage
Removal

In the Matter of Sheila Richardson
Union County
Juvenile Detention Center
Suspension

In the Matter of Donna Rodriguez
New Lisbon Developmental Center
Department of Human Services
Removal

In the Matter of Shadee Shakil Shepherd
City of New Brunswick
Department of Public Works
Removal

In the Matter of Jackie Webster
Vineland Developmental Center
Department of Human Services
Removal

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

ACTION: The Civil Service Commission acknowledged the settlements.

A-2 STEPHEN DAVIS

Stephen Davis, County Correction Officer, Mercer County, Department of Public Safety, fine equivalent to a 15 working day suspension, on charges of conduct unbecoming a public employee, insubordination, other sufficient cause, violation of rule regulation, policy, procedure, order or administrative decision, intentional disobedience or refusal to accept reasonable order, assaulting or resisting authority and disrespect or use of insulting or abusive language to a supervisor.

Recommendation of the Administrative Law Judge – Uphold the fine equivalent to a 15 working day suspension.

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

A-3 SOPHIE EXARCHAKIS

Sophie Exarchakis, Judiciary Clerk 2, Monmouth Vicinage, removal effective September 24, 2012, on the charge of inability to perform duties.

Recommendation of the Administrative Law Judge – Modify the removal to a resignation in good standing.

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

A-4 WANDA FERNANDEZ AND WERFY FERNANDEZ (CONSOLIDATED)

Wanda Fernandez and Werfy Fernandez, Human Service Specialist 2s, Camden County Board of Social Services, removals effective November 22, 2011 on charges of incompetency, inefficiency or failure to perform duties, conduct unbecoming a public employee, neglect of duty, misuse of public property, other sufficient cause and violation of agency telephone policy.

Recommendation of the Administrative Law Judge – Uphold the removals.

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

A-5 WILBUR GEORGE

Wilbur George, Boiler Operator, Jersey City Public Schools, 10 working day suspension on charges of conduct unbecoming an public employee and neglect of duties.

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

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

A-6 RYAN J. GRAY

Ryan J. Gray, EMT, Gloucester County, six month suspension on charges of misuse of public property, including motor vehicles.

Recommendation of the Administrative Law Judge – Reverse the suspension.

ACTION: The Civil Service Commission rejected the recommendation of the Administrative Law Judge and upheld the six month suspension.

A-7 BESSIE MCDALTON

Bessie McDalton, Police Communication Clerk, City of Newark, Police Department, 30 working day suspension on charges of inefficiency or incompetency.

Recommendation of the Administrative Law Judge – Reverse the suspension.

ACTION: The Civil Service Commission modified the recommendation of the Administrative Law Judge and imposed an official written reprimand.

VOTE:

Robert M. Czech	(Yes)
Robert E. Brenner	(No)
Thomas J. Perna	(Yes)
Richard E. Williams	(Yes)

A-8 JUSTIN MILLER

Justin Miller, County Correction Officer, Middlesex County, Department of Adult Corrections, removal effective April 25, 2013, on the charge of incompetency, inefficiency or failure 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.

VOTE:

Robert M. Czech	(Yes)
Robert E. Brenner	(Yes)
Thomas J. Perna	(Yes)
Richard E. Williams	(Abstained)

A-9 LANGSTON TISDALE

Langston Tisdale, Correction Sergeant, Northern State Prison, Department of Corrections, removal effective August 8, 2013, on charges of conduct unbecoming a public employee, other sufficient cause, violation of NJDOC policy prohibiting discrimination, harassment or hostile environment in the workplace.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-10 SHKIRA WILLIAMS

Shkira Williams, Motor Vehicle Operator 1, North Jersey Developmental Center, Department of Human Services, removal effective January 21, 2013, on charges of abandonment of job as result of absence from work as scheduled without permission for five consecutive days and violation of a rule, regulation, policy, procedure, order or administrative decision.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

SECTION B – MISCELLANEOUS MATTERS

B-1 SHANTAH FERGUSON AND CHRISTINA HAMMOND

Shantah Ferguson, Keyboarding Clerk 1, and Christina Hammond, Keyboarding Clerk 1, with the Newark School District, appeal the determinations of their layoff rights by the Division of Classification and Personnel Management.

ACTION: The Civil Service Commission directed that these appeals be granted in part.

B-2 GEORGE MINGO

George Mingo, Construction Management Specialist 1, with the Newark School District, represented by John Anello, Esq., appeals the determination of his layoff rights by the Division of Classification and Personnel Management.

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

B-3 NEWARK TEACHERS' UNION, LOCAL 481

The Newark Teachers' Union, Local 481, AFT, AFL-CIO, represented by Colin M. Lynch, Esq., requests interim relief regarding the layoff of employees in various titles with the Newark School district.

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

B-4 SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 617

The Service Employees International Union, Local 617, CTW, CIC, represented by Arnold Shep Cohen, Esq., requests interim relief regarding the layoff of employees in various titles with the Newark School District.

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

B-5 CHRISTINE HARTIGAN

Christine Hartigan requests that the provisions of *N.J.A.C. 4A:4-7.1A(b)* be relaxed in order to permit her retroactive intergovernmental transfer from the title of Library Director, Wood-Ridge Township, to the title of Library Director, East Rutherford Township.

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

B-6 DAVID BEHRENS, JR.

David Behrens, Jr., appeals the bypass of his name on the Police Officer (S9999M), Borough of Keyport eligible list.

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

B-7 PATRICK LEONARD

The Township of Hazlet, represented by Bruce W. Padula, Esq., appeals the decision of the Division of Classification and Personnel Management, which restored the name of Patrick Leonard to the Police Officer (S9999M), Township of Hazlet, eligible list.

ACTION: The Civil Service Commission directed that this appeal be granted and Patrick Leonard's name be removed from the Police Officer (S9999M), Township of Hazlet, eligible list.

B-8 THOMAS MCDONOUGH

The Division of Classification and Personnel Management, on behalf of the Department of Transportation, requests that Thomas McDonough's out-of-title work experience be accepted to qualify him for a prospective promotional examination for Engineering Technician 2.

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

B-9 ARUNA PATEL

Aruna Patel appeals the determination of the Division of Selection Services that he lacked permanent status in a competitive title for the promotional examination for Human Services Specialist 1 (PC0200S), Hudson County Family Services.

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

B-10 PHYLLIS WELLS

Phyllis Wells appeals the denial of her request for a make-up for the open competitive examination for Family Service Worker (C0813R), Essex County.

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

B-11 JASON BOUCHARD

Jason Bouchard appeals the decision of the Division of Classification and Personnel Management which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the Correction Officer Recruit (S9987M), 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-12 JOSEPH EPPS

Joseph Epps appeals the decision of the Division of Classification and Personnel Management which found that the appointing authority had presented a sufficient basis to remove his name from the Police Officer (S9999M), Plainfield eligible list due to an unsatisfactory background report.

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

B-13 WILLIE GRAY

Willie Gray appeals the determination of the Division of Classification and Personnel Management that his position with the State Parole Board was properly classified as an Information Technology Specialist. The appellant seeks a Data Base Analyst 2 job classification.

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

B-14 B. B.

B. B., a Sergeant with the Division of State Police, Department of Law and Public Safety, appeals the determination of the Counsel to the Attorney General, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy). Additionally, the appellant appeals the determination that there was probable cause to substantiate a finding that he violated the State Policy.

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

B-15 L. C.

L. C., a Personnel Aide 1 at Vineland Developmental Center, Department of Human Services, appeals the determination of the Assistant Commissioner of DHS that the appellant failed to present sufficient evidence to support findings of violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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

B-16 M. M.

M. M., a Cottage Training Technician with the Department of Human Services appeals the decision of the Chief of Staff of the DHS which substantiated that he violated the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION: The Civil Service Commission directed that this matter be remanded to the Department of Human Services' Office of Equal Employment Opportunity for further review.

B-17 ASSISTANT CHIEF FISCAL OFFICER (S0137N), STATEWIDE

In *In the Matter of Assistant Chief Fiscal Officer (S0137N), Statewide* (CSC, decided April 4, 2012), the Civil Service Commission granted the request of the Department of Human Services, Division of Family Development for an appointment waiver for the October 3, 2011 certification and ordered that no selection costs were to be assessed at that time since there was a possibility that the list could be utilized prior to its expiration. However, the appointing authority did not utilize the subject eligible list and the matter of the assessment of costs is now before the Commission.

ACTION: The Civil Service Commission assessed selection costs in the amount of \$8,285.

B-18 HOUSING INSPECTOR (M0881R), MOUNT LAUREL

The appointing authority requests permission not to make an appointment from the certification for Housing Inspector (M0881R), Mount Laurel.

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

B-19 PENSIONS AND BENEFITS SPECIALIST 1 (PS6053U), DEPARTMENT OF THE TREASURY

The appointing authority for the Department of the Treasury requests that the eligible list for Pensions and Benefits Specialist 1 (PS6053U) be extended for one year beyond its original expiration date.

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

B-20 PROGRAM DEVELOPMENT SPECIALIST, COMMUNITY SERVICE (M0019R), PLAINFIELD

The Plainfield Public Library requests permission not to make an appointment from the May 9, 2013 certification for Program Development Specialist, Community Service (M0019R), Plainfield.

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

B-21 SENIOR ACCOUNTING PROCEDURES ANALYST (C0472R), ESSEX COUNTY

Essex County requests permission not to make an appointment from the November 18, 2013 certification for Senior Accounting Procedures Analyst (C0472R).

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

B-22 STATE MONITOR ADVOCATE (PS3085N), DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

The Department of Labor and Workforce Development requests permission not to make an appointment from the July 31, 2013 certification for State Monitor Advocate (PS3085N).

ACTION: The Civil Service Commission granted an appointment waiver and assessed selection costs in the amount of \$1,602.

B-23 COLIN DEMONICK, JR.

Colin Demonick, Jr., represented by Gerald Newsome, Vice President, Local 195, IFPTE, petitions the Civil Service Commission for reconsideration of its final decision, rendered on October 2, 2013, which found him ineligible for the Operating Engineer, Heating and Air Conditioning (PS9828K), Department of Human Services examination.

ACTION: The Civil Service Commission directed that this request be denied and the matter of the job specification for Operating Engineer, Heating and Air Conditioning, be referred to the Division of Classification and Personnel Management for review.

B-24 TROY JONES

Troy Jones, a former County Correction Officer with Camden County, Department of Corrections, represented by John P. Rowland, Esq., petitions the Civil Service Commission for reconsideration of the final administrative decision, rendered on March 25, 2014, in which the Director of the Division of Appeals and Regulatory Affairs denied his request for a hearing with respect to his removal effective March 2, 2013.

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

B-25 JENNIFER KRUSHINSKI

Jennifer Krushinski requests reconsideration of the decision rendered on February 12, 2014 which found that, per the substitution clause for education, she did not meet the minimum requirements in experience for a prospective promotional examination for Supervisor of Senior Citizen Activities.

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

B-26 CONSUELO PACHERRES (HENAO)

Consuelo Pacherres (Hena) petitions the Civil Service Commission for reconsideration of the final administrative decision, rendered on February 12, 2014, in which the Commission denied the petitioner's list removal appeal.

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

B-27 DAVID WILLIAMS

David Williams petitions the Civil Service Commission for reconsideration of the final administrative decision, rendered on June 26, 2013, in which the Commission denied the petitioner's request for back pay.

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

B-28 RICHARD T. BURROWS, III

Richard T. Burrows, III, appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the promotional examination for Communications Systems Technician 2 (PS1756K), Woodbridge Developmental Center.

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

B-29 HARMON GARVIN

Harmon Garvin appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the qualifying examination for Administrative Analyst 2, Fiscal Management, Department of Health.

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

B-30 JHEIDY GOMEZ-RODRIGUEZ

Jheidy Gomez-Rodriguez appeals the determination of the Division of Selection Services that she was below the minimum requirements in experience for the open competitive examination for Health Aide, Bi-lingual in Spanish and English (M0882R), Atlantic City.

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

B-31 MARIA IUCOLINO

Maria Iucolino appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Administrative Analyst 3, Data Processing (PS2562K), Department of Human Services.

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

B-32 VINCENT KELLER

Vincent Keller appeals the determination of the Division of Selection Services that he was below the minimum requirements in experience and education for the open competitive examination for Records Manager (C1017R), Union County.

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

B-33 VANESSA L. KRISPEL

Vanessa L. Krispel appeals the determination of the Division of Selection Services which found that she did not meet the requirements for the promotional examination for Technical Assistant Land Use (PM0042Q), Hamilton Township.

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

B-34 NICHOLAS MICHARSKI

Nicholas Micharski appeals the determination of the Division of Selection Services that he was below the minimum requirements in experience for the open competitive examination for Engineering Technician 5 (S1033R), Statewide.

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

B-35 CHIKE OKAFOR

Chike Okafor appeals the test mode for the promotional examination for Auditor 1, Taxation (PS8544U), Department of the Treasury.

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

B-36 KRISTIN K. NELSON

Kristin K. Nelson appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the open competitive examination for Library Director (M0686R), North Arlington.

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

B-37 JOAN RODRIGUEZ

Joan Rodriguez appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Purchasing Assistant (PS8594G), Department of Environmental Protection.

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

B-38 MELISSA TULLEY

Melissa Tulley appeals the determination of the Division of Selection Services that she was below the minimum requirements in experience for the open competitive examination for Program Development Specialist, Community Service (C0931R), Hunterdon County.

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

B-39 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of June 4, 2014.

ACTION: The Civil Service Commission adopted the minutes of its June 4, 2014 meeting.

B-40 REALLOCATION OF STATE TRAINEE TITLES FROM THE COMPETITIVE TO THE NON-COMPETITIVE DIVISION OF THE CAREER SERVICE, PHASE 2

The Division of Classification and Personnel Management recommends reallocation of various State Trainee 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 that this request be granted.

B-41 VINCENT RIOTTO

The City of Hackensack and Vincent Riotto, represented by Ryan M. Lockman, Esq., petition the Civil Service Commission to acknowledge the settlement reached between Hackensack and Mr. Riotto in order to implement its terms.

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

VOTE:

Robert M. Czech	(Abstained)
Robert E. Brenner	(Yes)
Thomas J. Perna	(Yes)
Richard E. Williams	(Yes)

B-42 TINISHIA WILLIAMS

Tinishia Williams, a Practical Nurse at Ancora Psychiatric Hospital, Department of Human Services, appeals the failure to pay her overtime pay for work on a holiday.

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

B-43 ERIC WILLIGES

The Department of Environmental Protection requests that Eric Williges, a Superintendent, Mosquito Extermination with Essex County, be permitted to intergovernmentally transfer to the title of Administrator, Office of Mosquito Control, DEP.

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

B-44 LYNN CIUPPA

The appeal of Lynn Ciuppa, a Municipal Court Administrator with the Borough of Bergenfield, of her removal, effective January 7, 2010, on charges, was heard by Administrative Law Judge Leland S. McGee (ALJ), who rendered his initial decision on April 24, 2014. At its meeting on June 4, 2014, the Civil Service Commission adopted the ALJ's recommendation to remove the appellant. 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-45 BONNY KELTER

Bonny Kelter appeals the validity of the promotional examination for Administrative Analyst 3, Fiscal Management (PS2834N), Department of Labor.

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

B-46 FARAZ A. KHAN

Faraz A. Khan appeals the scoring of his examination for Environmental Specialist 3 (PS6807G), Department of Environmental Protection. The appellant also appeals his return to his permanent title of Senior Geologist, effective May 17, 2014.

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

B-47 JEFFREY KOOK

Jeffrey Kook appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Building Services Coordinator 1 (PS6747G), Department of Environmental Protection.

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

B-48 RUBEN PERES

Ruben Peres appeals the determination of the Division of Selection Services which found that he did not meet the requirements for the open competitive examination for Technical Assistant 3 (M0115R), Newark.

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

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Wednesday, July 16, 2014, at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

Robert M. Czech
Chairperson
Civil Service Commission