



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
FEBRUARY 8, 2017**

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

February 8, 2017

A regular meeting of the Civil Service Commission was held on Wednesday, February 8, 2017, in Trenton, New Jersey.

PRESENT: Robert M. Czech, Chairperson, Members Dolores Gorczyca and Daniel W. O'Mullan (via telephone); Pamela Ullman, Deputy Attorney General; Christopher S. Myers, Assistant 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The following appeals were withdrawn and removed from the hearing calendar:

Robert Baptiste, Cottage Training Technician, Hunterdon Developmental Center, Department of Human Services, removal.

Carl Heger, Police Sergeant, Millville, Police Department, removal.

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

DISMISSAL FOR FAILURE TO APPEAR

The Civil Service Commission dismissed the following cases without prejudice for failure to appear at the scheduled hearing before the Office of Administrative Law:

Stephanie Archetto, Judiciary Clerk 2, Judiciary, Cumberland Vicinage, removal.

Lillian Childs, Senior Correction Officer, Mountainview Youth Correctional Facility, Department of Corrections, suspension.

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

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

Christopher Kelly
Jackson Township
Department of Public Safety
Suspension

Yin Matteo
Hunterdon Developmental Center
Department of Human Services
Removal

Christopher Morris
Essex County
Department of Health and Rehabilitation
Removal

Sule Oladapo
New Lisbon Developmental Center
Department of Human Services
Removal

Marcel Oliver
New Lisbon Developmental Center
Department of Human Services
Removal

Frederick Taylor
Department of Children and Families
Release at end of working test period

Catina Wainwright
NJ Veterans Memorial Home Vineland
Department of Military and Veterans Affairs
Removal

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

ACTION: The Civil Service Commission acknowledged the settlements.

A-2 SABURA ALEXANDER

Sabura Alexander, Human Services Specialist 4, Hudson County, Department of Family Services, 30 working day suspension on charges of insubordination, conduct unbecoming a public employee, neglect of duty, and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the 30 working day suspension to a 15 working day suspension.

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

A-3 FRANK HARKCOM

Frank Harkcom, Senior Correction Officer, Bayside State Prison, Department of Corrections, removal effective February 3, 2016, on charges of 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.

A-4 MATTHEW KURLAND

Matthew Kurland, a Judiciary Clerk 3 with the Judiciary, Somerset/Hunterdon/Warren Vicinage, removal effective February 22, 2016 on charges of conduct unbecoming a public employee, neglect of duty and other sufficient cause.

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

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

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

A5 MELISSA WALKER

Melissa Walker, Parking Enforcement Officer, City of Hoboken, Department of Transportation, removal effective February 16, 2016, on charges of incompetency, insubordination, neglect of duty, and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal, but reverse the immediate suspension and award back pay for that period.

ACTION: The Civil Service Commission affirmed the recommendation of the Administrative Law Judge regarding the removal but rejected the recommendation regarding the immediate suspension.

SECTION B – MISCELLANEOUS MATTERS**B-1 M.H. CSC DOCKET NO. 2015-2870**

M.H., represented by David J. DeFillippo, Esq., appeals his rejection as a Police Officer candidate by Jersey City and its request to remove his name from the eligible list for Police Officer (S9999R), Jersey City on the basis of psychological unfitness to perform effectively the duties of the position

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

B-2 R.R. – CSC DOCKET NO. 2016-574

R.R. appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9988R) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-3 H.S. – CSC DOCKET NO. 2016-268

H.S., represented by Stephen B. Hunter, Esq., appeals his rejection as a Fire Fighter candidate by the City of Elizabeth Fire Department and its request to remove his name from the eligible list for Fire Fighter (M2518M) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-4 SERENITY DAVIS – CSC DOCKET NO. 2016-4440

Serenity Davis appeals her rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove her name from the eligible list for Correction Officer Recruit (S9988T), Department of Corrections on the basis of a positive drug test.

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

B-5 DAVID MENDOZA – CSC DOCKET NO. 2017-51

David Mendoza, represented by Ana R. Tolentino, Esq., appeals his rejection as a Correction Officer candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9988T), Department of Corrections on the basis of a positive drug test.

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

B-6 JASON CHAIT – CSC DOCKET NO. 2016-1638

Jason Chait, represented by David DeFillippo, Esq., appeals the removal of his name from the Police Officer (S9999R), Carteret, eligible list, on the basis of falsification of his employment application and an unsatisfactory background report.

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

B-7 JAMAAL GODLEY – CSC DOCKET NO. 2017-907

Jamaal Godley appeals the appointing authority's request to remove his name from the eligible list for Correction Officer (S9988T), Department of Corrections, on the basis of falsification of his employment application.

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

B-8 JOSEPH KELLY – CSC DOCKET NO. 2016-3225

Joseph Kelly, represented by Nicholas J. Palma, Esq., appeals the decision of the appointing authority to remove his name from the County Correction Officer (S9999R), Essex County eligible list on the basis of an unsatisfactory driving record.

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

B-9 AYANAH MCCALL – CSC DOCKET NO. 2016-2937

Ayanah McCall appeals her removal from the eligible list for Police Officer (S9999R), City of Newark, on the basis of an unsatisfactory background report and falsification of her application.

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

B-10 ANTONIO MONROE – CSC DOCKET NO. 2017-748

Antonio Monroe appeals the appointing authority's request to remove his name from the eligible list for Correction Officer Recruit (S9988T), Department of Correction, on the basis of an unsatisfactory driving record.

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

B-11 CHIDOZIE NWISU – CSC DOCKET NO. 2016-3923

Chidozie Nwisu appeals the removal of his name from the Human Services Assistant (Special), Hunterdon Developmental Center, eligible list on the basis of his failure to complete pre-employment processing.

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

B-12 SOPHIA PHILLIPS – CSC DOCKET NO. 2017-446

Sophia Phillips appeals her removal from the eligible list for Human Services Technician (Special), Greystone Park Psychiatric Hospital, for failure to respond to the certification notice.

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

B-13 ANDREW CHOU – CSC DOCKET NO. 2016-4479

Andrew Chou appeals the decision of the Division of Agency Services, which found that his position with the Department of the Treasury is properly classified as a Software Development Specialist 2. The appellant seeks a Software Development Specialist 3 job classification.

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

B-14 RONALD JOHNSON – CSC DOCKET NO. 2017-1409

Ronald Johnson appeals the decision of the Division of Agency Services that the proper classification of his position with the City of Plainfield is Assistant Zoning Officer. The appellant seeks a Zoning Officer job classification.

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

B-15 JONATHAN SOSKIN – CSC DOCKET NO. 2017-1260

Jonathan Soskin appeals the determination of the Division of Agency Services, which found that he did not meet the experience requirement for the promotional examination for Administrative Analyst 3 (PS2945G), Department of Environmental Protection.

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

B-16 CHELSEA ATKINSON – CSC DOCKET NO. 2017-1883

Chelsea Atkinson appeals the decision of the Division of Agency Services which found that she lacked the required license for the examination for Assistant Animal Control Officer (C0654U), Gloucester County.

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

B-17 ERIC CARLSON – CSC DOCKET NO. 2017-1942

Eric Carlson appeals the determination of the Division of Agency Services which found that he did not meet the education requirements for the open competitive examination for General Manager of Golf Courses (C0598U), Bergen County.

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

B-18 DELLA CARROLL – CSC DOCKET NO. 2017-1945

Della Carroll appeals the determination of the Division of Agency Services which found that she did not meet the education requirements for the open competitive examination for General Manager of Golf Courses (C0598U), Bergen County.

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

B-19 GEORGE DENOBILE – CSC DOCKET NO. 2017-34

George DeNobile appeals the determination of the Division of Agency Services, which found that, per the substitution clause for education, he did not meet the experience requirement for the promotional examination for Director of Purchasing (PM0499U), Borough of Lodi.

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

B-20 HERBERT DINGER, *ET AL.* – CSC DOCKET NOS. 2017-1482, *ET AL.*

Herbert Dinger, Dante Yacono, and Frederick Zimmer, Jr., appeal the determinations of the Division of Agency Services, which found that they did not meet the experience requirement for the promotional examination for Road Repairer 3 (PC1209U), Burlington County.

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

B-21 DASHAWN HALL – CSC DOCKET NO. 2016-4471

Dashawn Hall appeals the determination of the Division of Agency Services which found that he filed an incomplete application for the open competitive examination for Institutional Trade Instructor 1, Cooking (S0816T), Statewide.

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

B-22 SCOTT WEED – CSC DOCKET NO. 2017-751

Scott Weed appeals the determination of the Division of Agency Services that he did not meet the experience requirement for the promotional examination for Network Administrator 1 (PS2951H), Department of Health.

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

B-23 JASON MATTHEWS, *ET AL.* – CSC DOCKET NOS. 2017-1707, *ET AL.*

Jason Matthews, Neal Pedersen and Lawrence Petrola (PM1390U), Brick; John Mayer (PM1405U), Elizabeth; Christopher Leonhardt (PM1442U), Point Pleasant and David Wardrope (PM1456U), Verona; appeal the examination for Police Lieutenant (various jurisdictions).

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

B-24 KAMAL BROWN – CSC DOCKET NO. 2017-1344

Kamal Brown appeals his score on the examination for Battalion Fire Chief (PM1499T), Newark.

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

B-25 CHRISTOPHER EODICE – CSC DOCKET NO. 2017-1314

Christopher Eodice appeals his score on the examination for Battalion Fire Chief (PM1499T), Newark.

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

B-26 JAMES LYONES, JR. – CSC DOCKET NO. 2017-1227

James Lyones Jr. appeals his score on the examination for Battalion Fire Chief (PM1499T), Newark.

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

B-27 STEPHEN PAPPALARDO – CSC DOCKET NO. 2017-1346

Stephen Pappalardo, represented by Nicholas Dimakos, Esq., appeals his score on the examination for Battalion Fire Chief (PM1499T), Newark.

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

B-28 SALIMAH SCOTT COBBERTT – CSC DOCKET NO. 2016-4279

Salimah Scott Cobberrtt requests an earlier effective date of her reclassification and a retroactive permanent appointment date to the title of Auditor 2, Taxation.

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

**B-29 SHANIQUA MCRAE AND OLUWATOYIN OLUKOTUN
CSC DOCKET NOS. 2016-3904 & 2016-3916**

The Juvenile Justice Commission requests that Shaniqua McRae and Oluwatoyin Olukotun receive retroactive dates of permanent appointment as Supervisor Juvenile Unit, Corrections.

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

**B-30 OVERTIME PROGRAM, DEPARTMENT OF COMMUNITY AFFAIRS
CSC DOCKET NO. 2017-1554**

The Division of Agency Services, on behalf of the Department of Community Affairs, requests that the provisions of *N.J.A.C.* 4A:3-5.3 be relaxed to provide individuals in the non-limited, non-exempt titles of Inspector 3, Multiple Dwellings, Inspector 2, Multiple Dwellings, Senior Field Representative Housing, Code Enforcement, and Compliance Officer 2, Code Enforcement, cash compensation at one and one-half times the regular rate for hours worked between 35 and 40 hours.

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

**B-31 KEVIN BRADY AND RYAN SZANISZLO
CSC DOCKET NOS. 2017-2230 AND 2017-2229**

Ventnor City, on behalf of Kevin Brady and Ryan Szaniszlo, requests that they be permitted to participate in the intergovernmental transfer program and to complete their working test periods as Police Officers with Ventnor.

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

B-32 TELINA HAIRSTON – CSC DOCKET NO. 2017-145

The City of East Orange, represented by Joy B. Tolliver, Esq., petitions the Civil Service Commission for a stay of the decision, *In the Matter of Telina Hairston* (CSC, Deemed Adopted, June 20, 2016), pending its appeal to the Superior Court of New Jersey, Appellate Division.

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

B-33 S.H. – CSC DOCKET NO. 2016-4016

S.H., a Principal Staff Officer 3 with the Department of Military and Veterans Affairs (DMAVA), appeals the determination of the Administrator of Veterans Affairs, DMAVA, which found that the appellant violated the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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

B-34 D.K. – CSC DOCKET NO. 2017-543

D.K., a Senior Police Officer, Human Services, with Ancora Psychiatric Hospital, appeals the determination of the Assistant Commissioner of Human Resources, Department of Human Services, which found sufficient evidence that he had violated the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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

B-35 C.M. – CSC DOCKET NO. 2016-3657

C.M., a Supervising Investigator, Law and Public Safety, appeals the decision of the Director, Office of Employee Relations, which found insufficient 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.

B-36 BETTY GENE JOHNSON-TAYLOR – CSC DOCKET NO. 2015-2424

The appeal of Betty Gene Johnson-Taylor, an Assistant Personnel Director with the City of Paterson, of her removal, on charges, was heard by Administrative Law Judge Joann LaSala Candido (ALJ), who rendered her initial decision on December 14, 2016. At its meeting on January 18, 2017, the Civil Service Commission (Commission) did not adopt the ALJ's recommendation to modify the removal to a six-month suspension. Rather, the Commission upheld the removal. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

B-37 MICHAEL MULCAHY, *ET AL.* – CSC DOCKET NOS. 2016-819, *ET AL.*

The appeals of Michael Mulcahy, Housing Inspector, Gary Parlatti, Field Representative Citizen Complaints, and Michael Smith, Field Representative Citizen Complaints, of their layoffs from the City of Bayonne, effective July 17, 2015, were heard by Administrative Law Judge Thomas R. Betancourt (ALJ), who rendered his initial decision on November 2, 2016. At its meeting on January 18, 2017, the Civil Service Commission (Commission) did not adopt the ALJ's recommendation to reverse the layoffs. Rather, the Commission upheld the layoffs. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

B-38 PROPOSED READOPTION WITH AMENDMENTS: *N.J.A.C. 4A:4*, SELECTION AND APPOINTMENT

Submitted for the Civil Service Commission's review is a Notice of Proposal to readopt with technical amendments *N.J.A.C. 4A:4*, Selection and Appointment. By the authority vested in him pursuant to *N.J.S.A. 52:14B-5.1.d.*, Governor Christie, on February 19, 2016, directed that *N.J.A.C. 4A:4* remain effective for a period of 12 months, from February 20, 2016, to February 20, 2017. In accordance with *N.J.A.C. 1:30-6.4(g)*, the expiration date will be extended by 180 days so long as the proposed readoption is filed with the Office of Administrative Law prior to February 20, 2017. It is recommended that the proposed readoption with amendment be approved for public notice and comment.

ACTION: The Civil Service Commission approved the proposed readoption with amendments for public notice and comment.

B-39 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of January 18, 2017.

ACTION: The Civil Service Commission adopted the minutes of its meeting on January 18, 2017.

B-40 MARSHAWN LOVE – CSC DOCKET NO. 2017-1805

Marshawn Love, a Police Captain with Asbury Park, represented by Richard Incremona, Esq., petitions the Civil Service Commission for a stay of his demotion, pending the outcome of his hearing at the Office of Administrative Law.

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

B-41 TIMOTHY HART – CSC DOCKET NO. 2015-3056

Timothy Hart, represented by William W. Hart, Jr., Esq., petitions the Civil Service Commission for reconsideration of the final decision rendered on April 1, 2015, which ordered that his layoff from the title of Police Officer with Newark be rescinded and his record corrected to reflect that he was not laid off and instead resigned, effective June 30, 2011.

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

B-42 MATTHEW A. GOMM – CSC DOCKET NO. 2016-3829

Matthew A. Gomm, a Police Officer with the Borough of Carteret, represented by Leonard C. Schiro, Esq., requests reconsideration of the decision rendered on April 18, 2016, denying his request for a hearing regarding his 45 working day suspension.

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

B-43 MICHAEL MYLOD – CSC DOCKET NO. 2014-2772

The appeal of Michael Mylod, a Senior Recreation Therapy Aide with Monmouth County, of his removal effective May 4, 2014, on charges, was heard by Administrative Law Judge John S. Kennedy (ALJ), who rendered his initial decision on December 8, 2016. At its meeting on January 18, 2017, the Civil Service Commission (Commission) adopted the ALJ's recommendation to uphold the appellant's removal. However, the Commission found it necessary to address the exceptions and reply to 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-44 FLOYD DYER AND JOSE SANTIAGO – CSC DOCKET NOS. 2017-1725 & 2017-1678

Floyd Dyer and Jose Santiago appeal the determinations of the Division of Agency Services that they did not meet the experience requirement for the promotional examination for Institutional Trade Instructor 2, Warehousing (PS2987I), South Woods State Prison.

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

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Wednesday, February 22, 2017, at 1:00 p.m., at 3 Station Plaza, Trenton, New Jersey.

Robert M. Czech
Chairperson
Civil Service Commission