

# 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 16, 2017

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

# August 16, 2017

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A regular meeting of the Civil Service Commission was held on Wednesday, August 16, 2017, in Trenton, New Jersey.

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

In accordance with L.1975, c.231, the Secretary to the Civil Service Commission opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on November 28, 2016, and posted at the Civil Service Commission, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

## WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

Shamone Alvarez, Recreational Aide, City of Atlantic City, Department of Health and Human Services, Layoff.

Catherine Jones, Chief Nursing Officer Psychiatric, Ancora Psychiatric Hospital, Department of Human Services, Removal.

Jeremy Miller, Police Officer, City of Millville, Police Department, Removal.

Cathy Rodrigues, Food Service Worker, Bergen County, Department of Human Services, Removal.

Richard Serrano, County Correction Officer, Cumberland County, Department of Corrections, Suspension.

V.W., Quality Assurance Coordinator, Department of Human Services, Discrimination Appeal.

Timothy Williams, Senior Correction Officer, Mercer County, Department of Corrections, Removal.

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

# **SECTION A - HEARING MATTERS**

## A-1 SETTLEMENTS

Nashyrah Day New Jersey State Prison Department of Corrections Suspension

Kenneth Goodwin-Ryals Hudson County Department of Health and Human Services Suspension Marquell Gurley City of Newark Department of Public Safety Suspension

Paul Horvath Bergen County Department of Public Works Removal

Iesha Jackson Ancora Psychiatric Hospital Department of Human Services Removal

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Lance Jackson City of Linden Department of Public Property Removal

Kevin Kinckle Wayne County William Paterson University Removal

J.L. Kean University Discrimination Appeal

Paul Lawrence Borough of Milltown Department of Streets and Parks Suspension

Lamont Loftin Ann Klein Forensic Center Department of Human Services Removal

Caroline Marte Middlesex County Board of Social Services Removal Sean McConnell Mercer County Department of Transportation and Infrastructure Removal

Cynthia Reid Cumberland County Department of Corrections Suspension

# 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, 120 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 – Uphold the 120 working day suspension.

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

## A-3 VICTOR BERMUDEZ

Victor Bermudez, County Correction Officer, Cumberland County, Department of Corrections, 10 working day suspension on charges of conduct unbecoming a public employee.

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-4 CURTIS DIAZ

Curtis Diaz, County Correction Officer, Mercer County, Department of Public Safety, six working day suspension on charges of chronic or excessive absenteeism or lateness, conduct unbecoming an employee, and other sufficient cause.

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

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

#### A-5 DANIEL HILLESHEIM

Daniel Hillesheim, Police Officer, City of Margate, Department of Public Safety, removal effective June 8, 2015 on charges of inability to perform duties 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-6 KELLIE MARTIN

Kellie Martin, Senior Public Safety Telecommunicator, Burlington County, Department of Public Safety Services, demotion to Public Safety Telecommunicator on charges of inability to perform duties.

Recommendation of the Administrative Law Judge – Uphold the demotion.

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

## A-7 MARION WILSON

Marion Wilson, County Correction Officer, Camden County, Department of Corrections, removal effective February 9, 2017 on charges of incompetency, inefficiency, or failure to preform duties, insubordination, conduct unbecoming a public employee, neglect of duty, and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Civil Service Commission modified the removal to a six-

month suspension.

VOTE: Robert M. Czech (No)

Dolores Gorczyca (Yes)

Daniel W. O'Mullan (Yes)

## SECTION B - MISCELLANEOUS MATTERS

## B-1 JESUS M. GAUD - CSC DOCKET NO. 2017-2351

Jesus M. Gaud appeals the removal of his name from the Fire Fighter (M1545T), Town of Kearny, eligible list on the basis of an unsatisfactory background report and falsification.

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

#### B-2 JOAN KARPINSKI – CSC DOCKET NO. 2017-1572

Joan Karpinski appeals the removal of her name from the special reemployment list for Graduate Nurse, Union County on the basis of her failure to complete preemployment processing.

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

# B-3 MICHAEL BARBATO-BUCKLEY - CSC DOCKET NO. 2017-2217

Michael Barbato-Buckley, represented by Carl N. Tripician, Esq., appeals the bypass of his name on the Fire Fighter (M1514T), Deptford Township eligible list.

## B-4 JAMES CORDANI – CSC DOCKET NO. 2017-569

James Cordani appeals the decision of the Division of Agency Services which found that his position with the Department of the Treasury is correctly classified as Administrative Analyst 3, Information Systems. The appellant seeks an Administrative Analyst 4, Information System job classification.

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

## B-5 ANDREW STALTARI – CSC DOCKET NO. 2017-830

Andrew Staltari appeals the determination of the Division of Agency Services that his position with the Department of the Treasury is properly classified as Tax Services Specialist 3. The appellant seeks a Tax Services Specialist 2 job classification.

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

# B-6 CLERK 2 (M0040T), HIGHLANDS BOROUGH CSC DOCKET NO. 2017-3249

Highlands Borough requests permission not to make an appointment from the August 18, 2015 certification for Clerk 2 (M0040T).

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

# B-7 COUNSELOR PENAL INSTITUTION (C0771T), ESSEX COUNTY CSC DOCKET NO. 2017-3474

The appointing authority's failure to dispose of the certification for Counselor Penal Institution (C0771T), Essex County, while provisionals are 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 in the amount of \$1,000.

# B-8 FIRE PREVENTION SPECIALIST (M0566U), RIDGEWOOD CSC DOCKET NO. 2017-3090

Ridgewood requests permission not to make an appointment from the December 21, 2016 certification for Fire Prevention Specialist (M0566U).

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

## B-9 KENNETH RIVERA – CSC DOCKET NO. 2017-2997

Kenneth Rivera appeals the determination of the Division of Agency Services that found that he did not meet the experience requirements for the promotional examination for Equipment Operator (PC1980U), Union County.

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

# B-10 EUCARIS VELAZQUEZ - CSC DOCKET NO. 2017-1723

Eucaris Velazquez appeals the determination of the Division of Agency Services which found that she was below the experience requirements for the promotional examination for Senior Program Analyst (PC1531U), Gloucester County.

**ACTION:** The Civil Service Commission directed that this appeal be denied, and the matter of the appellant's job title be referred to the Division of Agency Services for review.

## B-11 ADINA YACOUB - CSC DOCKET NO. 2017-3877

Adina Yacub appeals the determination of the Division of Agency Services which found that, per the substitution clause for education, she did not meet the experience requirement for the promotional examination for Director of Welfare (PC3131V), Bergen County.

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

## B-12 ELIZABETH WEEAST – CSC DOCKET NO. 2018-32

Elizabeth Weeast appeals the determination of the Division of Agency Services that her position with the Department of Law and Public Safety is properly classified as Secretarial Assistant 3, Non-Stenographic. The appellant seeks an Administrative Assistant 3 job classification.

## B-13 ZIPORAH SHIVERS – CSC DOCKET NO. 2017-2021

Ziporah Shivers appeals the determination of the Division of Agency Services, which found that she did not meet the experience requirement for the promotional examination for Secretarial Assistant 3, Non-Stenographic (PS3276I), Adult Diagnostic & Treatment Center.

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

# B-14 MASSIEL SUAREZ - CSC DOCKET NO. 2017-3301

Massiel Suarez appeals the determination of the Division of Agency Services, which found that she did not meet the minimum experience requirements for the open-competitive examination for Human Services Specialist 2 Bilingual in Spanish and English (C0110V), Warrant County.

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

## B-15 TAMMY WISSING - CSC DOCKET NO. 2017-2133

Tammy Wissing appeals the determination of the Division of Agency Services, which found that she did not meet the experience requirement for the promotional examination for Storekeeper 1 (PS32809I), Mountainview Youth Correctional Facility.

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

## B-16 CARRIE FREEMAN-WRIGHT - CSC DOCKET NO. 2017-1929

Carrie Freeman-Wright appeals the bypass of her name on the Nutrition Program Specialist 3 (PS2100A), Department of Agriculture, eligible list.

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

# B-17 STEVEN DELLAVALLE, ET AL. – CSC DOCKET NOS. 2017-3740, ET AL.

Steven Dellavalle and Cecelia Gangi (PC3002U), Essex County; and Stephen Capoano and Matthew Scutti (PC3005U), Ocean County; appeal the promotional examination for Sheriff's Officer Sergeant.

# B-18 CURTIS LANGLEY, ET AL. - CSC DOCKET NOS. 2017-3738, ET AL.

Curtis Langley, Nicholas Palma and John Perdomo (PC2070U), Essex County; and John Donato, Nicole Horan, Steven Ingram, Chantannette Ketelaar, Michael Maloney, Michael Pluta and Sarah Prioli (PC2072U), Ocean County; appeal the promotional examination for County Correction Lieutenant.

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

# B-19 ERIC MATLOCK, ET AL. - CSC DOCKET NOS. 2017-3849, ET AL.

Eric Matlock (PC2061U), Atlantic County; Vera Cornelius (PC2063U), Essex County; Paul Deamicis (PC2065U), Middlesex County; and John Saenger (PC2067U), Union County; appeal the promotional examination for County Correction Captain.

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

## B-20 ALISA SIMMONS - CSC DOCKET NO. 2017-4017

Alisa Simmons appeals the administration and test content of the promotional examination for Supervising Health Care Evaluator (PS3423H), Department of Health.

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

## B-21 KAREN CALLAHAN - CSC DOCKET NO. 2017-3933

Karen Callahan appeals her score on the promotional examination for Supervising Health Care Evaluator (PS3423H), Department of Health.

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

## B-22 RICHARD LISOWSKI - CSC DOCKET NO. 2017-2961

Richard Lisowski, represented by Maurice McLaughlin, Esq., appeals his score for the physical performance portion of the examination for Fire Fighter (M1563T), Paterson.

# B-23 AGATA OPACKA - CSC DOCKET NO. 2017-4079

Agata Opaka appeals the calculation of her performance assessment review points for the promotional examination for Claims Adjudicator Supervisor Disability Determinations (PS3520N), Department of Labor and Workforce Development.

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

# B-24 JOHN D. WEST, JR. - CSC DOCKET NO. 2017-3211

John D. West, Jr. appeals his non-appointment from the Supervising Fire Prevention Specialist (PM1288U), Newark, eligible list.

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

## B-25 ROBERT WEEKS - CSC DOCKET NO. 2016-4557

Robert Weeks, a part-time Plumbing Subcode Official, North Brunswick Township, appeals the denial of his request for pro-rated sick and vacation leave.

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

# B-26 MARIA BERTONE - CSC DOCKET NO. 2017-1658

Maria Bertone, a former Cottage Training Technician with Hunterdon Developmental Center, Department of Human Services, represented by Rashidah N. Hasan, Esq., requests to reinstate the appeal of her removal effective April 29 2016, which was dismissed on the basis of her failure to appear at her May 11, 2017 hearing at the Office of Administrative Law.

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

## B-27 JOSHUA MCGANN - CSC DOCKET NO. 2017-2883

Joshua McGann, a Correction Sergeant with Mountainview Youth Correctional Facility, Department of Corrections, represented by Francis Cascarelli, Staff Representative, NJLESA, appeals his official written reprimand.

# B-28 RICHARD J. LATHAM, ET AL. - CSC DOCKET NOS. 2016-3614, ET AL.

Richard J. Latham, Brian W. Hartem, Frank Grillo, Thomas M. Jardine, and Adam Veltre, Senior Correction Officers with the Department of Corrections represented by Colin M. Lynch, Esq., appeal the appointing authority's proration of paid leave days as a result of their placement on Workers' Compensation leave.

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

## B-29 PETER TSISTINAS – CSC DOCKET NO. 2017-1946

Peter Tsistinas appeals the determination of the Division of Agency Services, which found that he did not meet the experience requirement for the open competitive examination for Occupational Safety Consultation 2 (S0511U), Statewide.

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

## B-30 KETLINE CHARLOT - CSC DOCKET NO. 2017-1281

Ketline Charlot, a former Human Services Technician with Greystone Park Psychiatric Hospital, Department of Human Services, represented by Nancy Mahony, Esq., requests reconsideration of the initial decision of the Administrative Law Judge, which was deemed adopted as the final decision on September 19, 2016, which upheld her removal.

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

### B-31 BRYANT WARNER - CSC DOCKET NO. 2017-3358

Bryant Warner petitions the Civil Service Commission to accept his untimely application for the promotional examination for Principal Investigator Parole and Secured Facilities (PS4557P), Juvenile Justice Commission.

# B-32 CHRISTOPHER BIRARDI AND TERRENCE SMITH CSC DOCKET NOS. 2017-1751 AND 2017-1752

The Department of Corrections requests reconsideration of the initial decision of the Administrative Law Judge, which was deemed adopted as the final decision on November 1, 2016, reversing the demotion and 15 working day suspension of Christopher Birardi, a Senior Investigator, Parole and Secured Facilities, and the 30 working day suspension of Terrance Smith, a Principal Investigator, Parole and Secured Facilities.

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

## B-33 E.F-H – CSC DOCKET NO. 2017-2379

E.F-H., a Habilitation Plan Coordinator with the Department of Human Services, appeals the decision of the Assistant Commissioner, Office of Legal Affairs, Department of Human Services, which did not substantiate her allegation to support a finding that she had been subject 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-34 MICHELE GIGLIO, ET AL. - CSC DOCKET NO. 2017-1432, ET AL.

Michele Giglio, Elisa Muzzarelli, and Lisa Vastano-Schossig appeal the test mode of the open competitive examination for Clerk 4 (M0430U), Vineland.

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

### B-35 EDDIE ARMSTRONG – CSC DOCKET NO. 2017-3662

The Estate of Eddie Armstrong, represented by John Branigan, IV, Esq., requests to reinstate the appeal of Eddie Armstrong, a former Truck Driver with Newark Public School District, of his removal effective February 27, 2015, which was dismissed on the basis of failure to appear at the March 24, 2017 hearing at the Office of Administrative Law.

#### B-36 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of July 26, 2017.

**ACTION:** The Civil Service Commission adopted the minutes of its meeting on July 26, 2017.

## B-37 NEWARK SCHOOL DISTRICT - CSC DOCKET NO. 2018-279

The Division of Agency Service requests an order of compliance due to the failure of the Newark School District to record the appointment of employees.

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

# B-38 ROSEMARIE BAYLIES AND JACQUELINE PROCTOR CSC DOCKET NO. 2017-2833 AND 2017-2827

Rosemarie Baylies and Jacqueline Proctor appeal the determinations of the Division of Agency Services that they did not meet the experience requirements for the promotional examination for Classification Officer 1 (PS4052I), Department of Corrections.

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

## B-39 KYLE HURLEY - CSC DOCKET NO. 2017-3051

Kyle Hurley appeals the determination of the Division of Agency Services which found that he did not meet the minimum experience requirements for the open-competitive examination for Mechanic (M0879U), North Brunswick.

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

# B-40 LEE ROSENTHAL AND SUSAN VANDY CSC DOCKET NOS. 2017-1913 AND 2017-1872

Lee Rosenthal and Susan Vandy appeal the bypass of their names on the Assistant Administrative Supervisor of Income Maintenance (PC2607T), Burlington County Board of Social Services eligible list.

## B-41 K.W. - CSC DOCKET NO. 2017-4023

The Department of Education, on behalf of K.W., requests the relaxation of the provisions of *N.J.A.C.* 4A:6-1.22 so as to permit K.W. to receive more than the 260 donated leave days allowed to a recipient.

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

## B-42 D.L. - CSC DOCKET NO. 2017-3380

D.L., a Principal Clerk Typist with the Department of Human Services, appeals the decision of the Assistant Commissioner, Office of Legal Affairs, Department of Human Services, which did not substantiate her allegation to support a finding that she had been subject to a violation of the New Jersey Policy Prohibiting Discrimination in the Workplace.

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

## B-43 DEICLES MOSCHEN – CSC DOCKET NO. 2017-2206

Deicles Moschen, a former Electrician, City of Newark, petitions the Civil Service Commission for reconsideration of the decision rendered on October 12, 2016, in which the Assistant Director of the Division of Appeals and Regulatory Affairs, denied his request for a hearing with respect to his removal.

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

## **PUBLIC PORTION**

Felix Acevedo asked questions regarding his pending appeal of his request for a reclassification of his position. This matter was not on the meeting agenda.

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Wednesday, September 6, 2017, at 1:00 p.m., at 3 Station Plaza, Trenton, New Jersey.

Robert M. Czech Chairperson Civil Service Commission