



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
APRIL 23, 2014**

**Robert M. Czech, Chairperson
Robert E. Brenner
Richard E. Williams**

APRIL 23, 2014

A regular meeting of the Civil Service Commission was held on Wednesday, April 23, 2014, in Trenton, New Jersey.

PRESENT: Robert M. Czech, Chairperson, Members Robert E. Brenner and Richard E. Williams; Pamela Ullman, Deputy Attorney General; Henry Maurer, Director, Division of Appeals and Regulatory Affairs.

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

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on December 2, 2013, 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 Zalis C. Heyward
Hudson County
Department of Family Services
Suspension

In the Matter of Enoch Osei
Hunterdon Developmental Center
Department of Human Services
Removal

In the Matter of Felicia Turner
Woodbridge Developmental Center
Department of Human Services
Removal

Andrew Williams
Ann Klein Forensic 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 JEFFREY BURDSALL (CONSOLIDATED)

Jeffrey Burdsall, Senior Probation Officer, Cumberland/Gloucester/Salem Vicinage, Judiciary, 30 and 15 working day suspensions on charges of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Grant the appellant's motion for summary decision.

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

A-3 KETURAH MCCUTCHEON

Keturah McCutcheon, Senior Correction Officer, Adult Diagnostic & Treatment Center, Department of Corrections, removal effective April 6, 2013, on charges of violation of the NJDOC policy prohibiting discrimination, harassment or hostile environments in the workplace and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Dismiss the appeal.

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

A-4 KIM PYRON-DARLING

Kim Pyron-Darling, Supervising Family Service Specialist 1, Division of Child Protection and Permanency, Department of Children and Families, return to previously held title at the end of working test period effective October 22, 2012.

Recommendation of the Administrative Law Judge – Uphold the return to previously held title at the end of working test period effective October 22, 2012.

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

A-5 VINCENT RIOTTO (REMAND)

Vincent Riotto, Police Lieutenant, City of Hackensack, Police Department, demotion to Police Sergeant effective December 17, 2010, on charges of incompetency, inefficiency or failure to perform duties, conduct unbecoming a public employee, neglect of duty, and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss the appeal.

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

SECTION B – MISCELLANEOUS MATTERS**B-1 ELVIN COLON**

Elvin Colon 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 (S9987M) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-2 ANGELA DUBON

Angela Dubon, represented by Ciro Spina, Esq., appeals her rejection as a Police Officer candidate by the City of Plainfield and its request to remove her name from the eligible list for Police Officer (S9999M) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-3 COLIN NISBET

Colin Nisbet, represented by Alex Klein, Esq., appeals his rejection as a Fire Fighter candidate by the City of Hoboken and its request to remove his name from the eligible list for Fire Fighter (M2537M) 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 DANIEL RIVERA

Daniel Rivera 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 (S9987M) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-5 RASHAD SHEPPERSON

Rashad Shepperson, a Senior Correction Officer with the Department of Corrections, Central Office, appeals an official written reprimand.

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

B-6 ZYGMUNT KRAWCZYK

Zygmunt Krawczyk, a Senior Correction Officer with the Juvenile Justice Commission, represented by Christopher A. Gray, Esq., seeks enforcement of the Civil Service Commission's decision rendered on April 17, 2013, granting him back pay, benefits and seniority.

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

B-7 DOUGLAS ROMARY, ET AL.

Douglas Romary, Ronald Van Wolde, Ronald Altmann, and Stephen Iacuzzo, Police Sergeants; Patrick Lenoy and Angel Vargas, Police Officers; and Edwin Rodriguez, a Police Lieutenant with the City of Paterson, represented by Joseph S. Murphy, Esq., appeal the determination of their layoff rights.

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

B-8 JUAN BELLU

Juan Bellu, a former Data Processing Systems Programmer with the Township of Brick, represented by Robert C. Shea, Esq., petitions the Civil Service Commission for relief of his immediate suspension effective January 2, 2014.

ACTION: The Civil Service Commission awarded the petitioner back pay for the period from January 2, 2014 through February 6, 2014 and referred the matter of his removal to the Office of Administrative Law for a hearing.

B-9 JOSEPH INVERSO AND CHRISTOPHER WILLIAMS

Joseph Inverso and Christopher Williams, represented by Brett Richter, Executive Vice President, CWA Local 1039, request relief from the Civil Service Commission regarding the termination of their provisional positions as Senior Management Assistants with the State Parole Board.

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

B-10 IGOR MILEWSKI

The Division of Classification and Personnel Management, on behalf of the Department of Law and Public Safety, requests that the provisions of *N.J.A.C. 4A:4-1.1(c)* be relaxed in order to allow Igor Milewski to be provisionally appointed, pending promotional examination procedures, to the competitive title of Senior Stock Clerk.

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

B-11 ALBERTO MIRANDA

Alberto Miranda, represented by Gerard C. Vince, Esq., 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 eligible list for Correction Officer Recruit (S9987M), Department of Corrections, on the basis that he falsified his employment application.

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

B-12 RICARDO SANTOS

Ricardo Santos 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), East Orange eligible list on the basis of his failure to respond to the Notice of Certification.

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

B-13 EMBERH SCHERRY

Emberh Scherry appeals the decision of the Division of Classification and Personnel Management, which found that Jersey City had presented a sufficient basis to remove the appellant's name from the Police Officer (S9999M), Jersey City eligible list on the basis of an unsatisfactory background report.

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

B-14 GLEN SEIDEL

Glen Seidel appeals the decision of the Division of Classification and Personnel Management which upheld the removal of his name from the Correction Officer Recruit (S9987M), Department of Corrections, eligible list due to an unsatisfactory criminal record.

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

B-15 KELLY WRIGHT

The Department of Law and Public Safety, on behalf of Kelly Wright, requests that Ms. Wright's out-of-title work experience in the title Administrative Assistant 2 be accepted to qualify her for a prospective promotional examination for Contract Administrator 2.

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

B-16 ROBERT ABRAHAMSEN

Robert Abrahamsen appeals the March 28, 2013 decision of the Division of Classification and Personnel Management which found that his position with Bergen County is properly classified as a County Police Sergeant. The appellant seeks a County Police Lieutenant job classification.

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

B-17 OLGA BOYKO AND PAUL SMITH

Olga Boyko and Paul Smith, represented by Donald C. Barbati, Esq., appeal the decisions of the Division of Classification and Personnel Management that the proper classification of their positions with the Department of Environmental Protection is Environmental Specialist 3. The appellants seek Environmental Specialist 4 job classifications.

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

B-18 TIM BOYLE AND IWONA WALEJNIS

Tim Boyle and Iwona Walejnis appeal the decisions of the Division of Classification and Personnel Management that the proper classification of their positions with the Department of Environmental Protection is Environmental Specialist 2. The appellants seek an Environmental Specialist 3 job classification.

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

B-19 YANG CAO

Yang Cao appeals the Division of Classification and Personnel Management that the proper classification of her position with the Department of Environmental Protection is Research Scientist 2. The appellant seeks a Research Scientist 1 job classification.

ACTION: The Civil Service Commission directed that this appeal be denied but the matter of the classification of the appellant's current position be further reviewed.

B-20 ALBERT WEIERMAN

Albert Weierman appeals the determination of the Division of Classification and Personnel Management that his position with the Board of Public Utilities is properly classified as an Administrative Analyst 1, Accounting. The appellant seeks a Section Supervisor, Fiscal Resources job classification.

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

B-21 TRACI WILLIAMS

Traci Williams appeals the decision of the Division of Classification and Personnel Management which found that her position with the Department of Banking and Insurance is properly classified as Technical Assistant 1, Insurance. The appellant seeks an Investigator 2 job classification.

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

B-22 VACHE MICHAEL ASSADOURIAN, ET AL.

Vache Michael Assadourian, Yohaira Garcia, William Lugardo, Ronald Meyers, Jr., Jonathan Sanchez and Patrick Specchio appeal the determinations of the Division of Selection Services denying their requests for make-up examination for the Entry Law Enforcement Examination (S9999R), Statewide.

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

B-23 M. K.

M. K., a former Field Representative, Vending Field Operations, Commission for the Blind and Visually Impaired, represented by William J. O'Brien, Staff Representative CWA Local 1039, appeals the determination of the Department of Human Services Chief of Staff, stating that there was sufficient evidence to support a finding 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-24 MAINTENANCE SUPERVISOR GROUNDS (PM0999P), BERKELEY TOWNSHIP

The appointing authority's failure to dispose of the certification for Maintenance Supervisor Grounds (PM0999P), Berkeley Township, 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 properly dispose of the certification and pay compliance costs.

B-25 SECRETARIAL ASSISTANT 1 (S1333L), STATEWIDE

In *In the Matter of Secretarial Assistant 1 (S1333L), Statewide* (CSC, decided May 2, 2012), the Civil Service Commission granted the request of the Office of the Public Defender for an appointment waiver for the March 30, 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 remaining selection costs in the amount of \$6,683.

B-26 A. B.

A. B., a former Senior Laboratory Technician with the Division of State Police, Department of Law and Public Safety, requests reconsideration of the January 27, 2010 decision which did not find sufficient evidence to support a finding that the appellant violated the State Policy Prohibiting Discrimination in the Workplace (State Policy).

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

B-27 ADRIAN ELLISON

Adrian Ellison, a Senior Investigator, Parole and Secured Facilities, Corrections, with Albert C. Wagner Youth Correctional Facility, Department of Corrections, represented by Thomas A. Cushane, Esq., requests reconsideration of the final administrative decision, rendered on October 16, 2013, which denied his appeal of a five-day suspension issued by DOC.

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

B-28 JOSEPH NELSON

The Department of Corrections petitions for reconsideration of the final decision rendered on October 2, 2013, in which the Civil Service Commission granted the Division of Classification and Personnel Management's request to revive the eligible list for Correction Officer Recruit (S9987M), DOC, so that Joseph Nelson's name may be certified to the appointing authority for consideration at the time of the next certification.

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

B-29 ALEXANDER SOLANIK

Alexander Solanik petitions the Civil Service Commission for reconsideration of its decision rendered on September 18, 2013 in which the Commission determined that Mr. Solanik was below the minimum requirements in experience for a prospective provisional appointment to the title of Executive Assistant 2, South Woods State Prison, Department of Corrections.

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

B-30 DODIE BURRELL, ET AL.

Dodie Burrell, Karine Griffin, Donald Kern, Sara Mirkovic, Roy Queenan, Elizabeth Waked, Terri Welke, and Margaret Zellner appeal the determinations of the Division of Selection Services and Recruitment which found that Donald Kern did not meet the experience requirements, and the remaining appellants did not meet the experience requirements per the substitution clause for education for the promotional examination for Coordinator MVC (PS3709T), Motor Vehicle Commission.

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

B-31 YVONNE JEFFERSON

Yvonne Jefferson 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 Supervisor, Personnel Records and Payroll Processing 2 (PS7781I), Department of Corrections.

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

B-32 TAKERIA MCCALLUM

Takeria McCallum appeals the removal of her name from the eligible list for Habilitation Plan Coordinator (S0847P) on the basis that she lacked the required experience.

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

B-33 LINDSAY STACCHINI

Lindsay Stacchini appeals the decision of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Employment Specialist (PC1172R), Atlantic County.

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

B-34 JON TOTH

Jon Toth appeals the administration of the promotional examination for Investigator 2, Taxation (PS1478U), Department of the Treasury.

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

B-35 AMANDA WEBER-PARENTE

Amanda Weber-Parente appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Personnel Technician (PC1646R), Morris County.

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

B-36 LOUANN WONSKI

Louann Wonski 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 Program Technician (S0835R), Statewide.

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

B-37 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of April 9, 2014.

ACTION: The Civil Service Commission adopted the minutes of its meeting of April 9, 2014.

B-38 ALICE GRINNAGE

Alice Grinnage, a Human Services Assistant with Ancora Psychiatric Hospital, Department of Human Services, represented by Raymond Montgomery, Staff Representative, AFSCME, Council One, requests that the Civil Service Commission reinstate her appeal of her removal effective May 8, 2013, which was dismissed based on her union representative's failure to call in for the scheduled telephone prehearing conference.

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


B-39 DOUGLAS BOLES

Douglas Boles appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the open-competitive examination for Public Health Representative 2 Emergency Medical Services (S0833R), Statewide.

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

B-40 CHANGE IN CLASSIFICATION PLAN – TITLE CONSOLIDATION

The Division of Classification and Personnel Management requests the consolidation of the Water Chemist, Instrumental Trace Analysis into the Chemist 1 title.

	MEMORANDUM
DATE:	March 30, 2014
TO:	Civil Service Commission
FROM:	Kenneth Connolly, Director Division of Classification and Personnel Management
SUBJECT:	Change in the Classification Plan
<u>LOCAL GOVERNMENT TITLES</u>	
The Division of Classification and Personnel Management requests the consolidation of one (1) local title into an existing common title.	
The title of Water Chemist, Instrumental Trace Analysis (04728) will be consolidated into the common title of Chemist 1 (01567). This action will have no impact on incumbents. We then wish to inactivate the title of Water Chemist, Instrumental Trace Analysis, subsequent to the proposed title change.	
Impacted Appointing Authorities were notified of these plans, and have not registered any objections.	
The effective date of the title inactivation will be the first pay period that follows the Commission's approval of the action.	
<u>TITLE CONSOLIDATION</u>	
From:	To:
Water Chemist, Instrumental Trace Analysis 04728 Competitive Local	Chemist 1 01567 Competitive Common
KC/JT/BP/LR	
www.state.nj.us/csc	

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

B-41 REALLOCATION OF OPERATING ENGINEER TRAINEE FROM THE COMPETITIVE TO THE NON-COMPETITIVE DIVISION OF THE CAREER SERVICE.

The Division of Classification and Personnel Management recommends the reactivation and reallocation of the Operating Engineer Trainee title to the non-competitive division of the career service in accordance with *N.J.A.C.* 4A:3-1.2. CPM also requests that the Operating Engineer Trainee title be renamed Operating Engineer Heating and Air Conditioning Apprentice.

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

B-42 REALLOCATION OF REALTY SPECIALIST TRAINEE, PENSIONS BENEFITS SPECIALIST TRAINEE, AND BRIDGE OPERATOR TRAINEE FROM THE COMPETITIVE TO THE NON-COMPETITIVE DIVISION OF THE CAREER SERVICE.

The Division of Classification and Personnel Management recommends reallocation of the Realty Specialist Trainee, Pensions Benefits Specialist Trainee, and Bridge Operator 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-43 REALLOCATION OF STATE TRAINEE TITLES FROM THE COMPETITIVE TO THE NON-COMPETITIVE DIVISION OF THE CAREER SERVICE.

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-44 J. M.

J. M., a Senior Correction Officer with the Department of Corrections, appeals the decision of the Governor's Office of Employee Relations, which found that the appellant did not present sufficient evidence to support a finding that he 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.

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

B-45 HUMAN SERVICES SPECIALIST 1, BILINGUAL IN HINDI AND ENGLISH (C0086R), MIDDLESEX COUNTY BOARD OF SOCIAL SERVICES

Middlesex County Board of Social Services, represented by Eric M. Aronowitz, Esq., requests permission not to make an appointment from the July 2, 2013 certification for Human Services Specialist 1, Bilingual in Hindi and English (C0086R).

ACTION: The Civil Service Commission directed that this request for an appointment waiver be granted and no selection costs presently be assessed.

B-46 MARK SALERNO

Mark Salerno 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 (S9986M), Juvenile Justice Commission, eligible list on the basis of failure to complete pre-employment processing.

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

B-47 R. V.

R. V., Senior Executive Service with the Department of Human Services, appeals the determination of the Chief of Staff, stating that the appellant failed to present sufficient evidence to support a finding that he 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-48 WAYMAN DAVIS

The appeal of Wayman Davis, a former Head Custodian with the Jersey City School District, of his 10 working day suspension, on charges, was heard by Administrative Law Judge Kimberly A. Moss, (ALJ), who rendered her initial decision on February 19, 2014. At its meeting on April 9, 2014, the Civil Service Commission did not adopt the ALJ's recommendation to reverse the 10 working day suspension. Rather, the Commission upheld the 10 working day suspension. The proposed final decision is now submitted for the Commission's review.

ACTION: The Civil Service Commission adopted the final decision.

VOTE: **Robert M. Czech** **(Yes)**
 Robert E. Brenner **(No)**
 Richard E. Williams **(Yes)**

B-49 SHANIKA MCNAIR

The appeal of Shanika McNair, a Correction Officer Recruit with Northern State Prison, Department of Corrections, of her removal, on charges, was heard by Administrative Law Judge Leland S. McGee, (ALJ), who rendered his initial decision on February 24, 2014. At its meeting on April 9, 2014, the Civil Service Commission did not adopt the ALJ's recommendation to modify the removal to a 120 working day 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.

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Wednesday, May 7, 2014, at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

Robert M. Czech
Chairperson
Civil Service Commission