



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

**AGENDA OF REGULAR MEETING OF
THE CIVIL SERVICE COMMISSION
APRIL 18, 2012**

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

DISMISSAL FOR FAILURE TO APPEAR

It is recommended that the Civil Service Commission dismiss the following cases without prejudice for failure to appear at the scheduled hearing before the Office of Administrative Law:

Amanda Builes, Human Services Assistant, Hunterdon Developmental Center, Department of Human Services, return to permanent title at the end of the working test period.

Maude Caprice, *et al*, Teacher's Aide, Newark School District, layoffs.

Dena Cooper, Human Services Technician, Greystone Park Psychiatric Hospital, Department of Human Services, removals (4).

Roderick Jordan, Jr., Human Services Assistant, Hunterdon Developmental Center, Department of Human Services, return to permanent title at the end of the working test period.

James Ricks, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, removal and resignation not in good standing.

Richard Slamiak, Pumping Station Attendant, Passaic Valley Water Commission, suspension.

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and it is recommended that they be removed from the hearing calendar:

Steve Allocco, *et al*, Jackson Township 2010 Temporary, layoffs.

Arnold Borrero, Police Officer, City of Newark, Police Department, suspension.

Danilo Cabrera, *et al*, City of Hoboken, Department of Public Safety, layoffs.

Brendan Dullaghan, Police Sergeant, Township of Belleville, Police Department, suspension and demotion.

Soto Eloino, Police Sergeant, City of Newark, Police Department, removal.

William Fields, III, *et al*, Police Officers, Mount Holly Township, layoffs.

Sanford Frasier, Motor Vehicle Operation Elderly and Handicapped Persons, Passaic County, Department of Senior Disability Veterans' Affairs, suspensions (2).

Robert Hazelton, Chief License Inspector, City of Atlantic City, Department of License and Inspection, suspension and demotion.

Virgilette Joseph, Human Services Assistant, Hunterdon Developmental Center, Department of Human Services, release at the end of the working test period.

Erick Melgar, Senior Correction Officer, Edna Mahan Correctional Facility for Women, Department of Corrections, removal.

Latasha Merritt, Police Officer, City of Newark, Police Department, removal.

Cherice Nicholson, Senior Correction Officer, Albert C. Wagner Youth Correctional Facility, Department of Corrections, suspension.

Peter Recigno, County Correction Officer, Burlington County, County Jail, suspension.

Rafael Rivera, Police Officer, City of Newark, Police Department, suspension.

Jared Stemetzki, Institutional Trade Instructor 2, Garden State Youth Correctional, Department of Corrections, suspension.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Samuel Bello
Township of Pennsauken
Department of Public Safety
Suspension and Demotion

In the Matter of Jacqueline Grant
North Jersey Development Center
Department of Human Services
Removal

In the Matter of Daniel Gonzalez
Union City
Department of Public Safety
Suspension

In the Matter of Kirene Johnson
Hudson County
Department of Corrections
Suspension

In the Matter of Zina Thomas-Johnson
Union County
Department of Human Services
Demotion

In the Matter of Alyssa Lugg
Warren County
Department of Human Services
Suspension

In the Matter of Hector Rosado
City of Orange Township
Police Department
Removal

In the Matter of April Scott
Essex County
Department of Citizen Services
Release at the end of the working test period

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

ACTION:

A-2 ANNA MARIE CLARK, ET AL.

Anna Marie Clark and Lugene Sherman, Senior Clerk Typists, Gwendolyn Bethea, a Clerk Typist, and Sheila Everett, a Supervising Clerk Typist, Newark Housing Authority, appeal the good faith of their layoffs effective October 19, 2009, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Reverse the layoffs.

ACTION:

A-3 KENNETH MCDUGAL

Kenneth McDougal, Police Officer, City of Orange Township, Police Department, resignation not in good standing effective January 15, 2011, on the charge of job abandonment.

Recommendation of the Administrative Law Judge – Reverse the resignation not in good standing.

ACTION:

A-4 NICHOLAS KRAMER

Nicholas Kramer, Police Officer, City of Jersey City, Police Department, 159-day suspension on the charge of inability to perform duties.

Recommendation of the Administrative Law Judge – Modify the 159-day suspension to a leave of absence without pay.

ACTION:

A-5 PATRICK PANELLA AND JEREMY BERENGER

Patrick Panella and Jeremy Berenger, County Correction Officers, Monmouth County, Department of Corrections and Youth Services, 10 working day suspension on charges of neglect of duty, other sufficient cause and violation of Police Department rules and regulations regarding code of ethics.

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

ACTION:

A-6 VINCENT RIOTTO

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

Recommendation of the Administrative Law Judge – Uphold the demotion to the position of Police Sergeant.

ACTION:

A-7 ROLAN CARTER

Rolan Carter, Police Officer, City of Camden, Police Department, five removals effective June 25, 2009, on charges of insubordination, chronic or excessive absenteeism, conduct unbecoming a public employee, violations of rules and regulations and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removals.

ACTION:

A-8 YENNY GONZALEZ

Yenny Gonzalez, Site Manager Nutrition Program, Morris County, Department of Human Services, removal, effective January 27, 2010, on charges of conduct unbecoming a public employee, misuse of public property and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-9 CHRISTOPHER MERCARDO

Christopher Mercardo, Senior Correction Officer, South Woods State Prison, Department of Corrections, 15 working day suspension and a removal effective July 11, 2011, on charges of chronic or excessive absenteeism or lateness and unsatisfactory attendance.

Recommendation of the Administrative Law Judge – Reverse the 15 working day suspension and modify the removal to a 90-day suspension.

ACTION:

A-10 MICHAEL ROBINSON, JR.

Michael Robinson, Jr., Human Services Assistant, Woodbine Development Center, Department of Human Services, removal effective May 9, 2010, on charges of neglect of duty, conduct unbecoming a public employee and violation of a rule, regulation, policy, procedure, order or administrative decision.

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

ACTION:

A-11 GLENN SEELER

Glenn Seeler, Human Services Assistant, Woodbine Development Center, Department of Human Services, removal effective August 2, 2011, on charges of conduct unbecoming a public employee, other sufficient cause, physical or mental abuse of a patient, client, resident or employee and neglect of duty.

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

ACTION:

A-12 TANYA SIMMONS

Tanya Simmons, Human Services Assistant, Woodbridge Developmental Center, Department of Human Services, three removals effective September 22, 23, and 24, 2011, on charges of unreasonable excuse for lateness more than fifteen minutes, chronic and excessive absenteeism.

Recommendation of the Administrative Law Judge – Uphold the removals.

ACTION:

A-13 JOSE VALENTIN

Jose Valentin, Senior Correction Officer, Adult Diagnostic and Treatment Center, Department of Corrections, removal effective March 9, 2011, on charges of other sufficient cause, conduct unbecoming a public employee, and violation of a rule, regulation, policy, order or administrative decision.

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

ACTION:

A-14 CATRINA WASHINGTON

Catrina Washington, Cottage Training Technician, New Lisbon Developmental Center, Department of Human Services, removal, effective November 24, 2008, on charges of physical abuse of a client, inappropriate physical contact or mistreatment of a client, neglect of duty, violation of a rule, regulation, policy, procedure, order or any administrative decision, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

SECTION B – MISCELLANEOUS MATTERS

- B-1** The Department of Health and Senior Services, on behalf of local Women, Infants, and Children (WIC) agencies, requests the establishment of a new non-competitive title, WIC Peer Counselor.



MEMORANDUM

DATE: March 29, 2012
TO: Civil Service Commission
FROM: Kenneth Connolly, Director
State and Local Operations *Kenneth Connolly*
SUBJECT: Change in Classification Plan

LOCAL GOVERNMENT

The Department of Health and Senior Services (DHSS), on behalf of the local Women, Infants and Children (WIC) agencies, requests the creation of a new title to provide breastfeeding support and promotion services to participating clients of local WIC Programs.

WIC funding is provided by the United States Department of Agriculture to State agencies, who in turn are responsible for distributing funds and implementing programs appropriate to the needs of the client population served.

A thorough search of title files revealed there is no existing title to appropriately classify this function, outlined in Federal WIC Program Consolidated Regulations, 7 CFR 246.11. Included in these regulations are the requirements that the information provided through the program be taught in the context of the ethnic, cultural and geographic preferences of the participants and with consideration for educational and environmental limitations experienced by the participants and taking reasonable steps to include materials in languages other than English in areas where a significant number or proportion of the population needs the information in a language other than English. A past or present WIC participant is preferred as a Counselor.

The new title is recommended for placement in the non-competitive branch of the career service in accordance with NJAC4A:3-1.2(c) in that the duties and requirements are unique, such that competitive testing is impracticable.

Specifically, appointees to positions performing this function must meet the following criteria –

- Have previous breastfeeding experience.
- Be enthusiastic about breastfeeding.
- Speak the language of the population served.

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- Have reliable transportation.

The effective date will be established the first full pay period subsequent to Commission approval.

TITLE TO BE CREATED

WIC Peer Counselor
_____ NC

KC/JM/BP/PM

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ACTION:

B-2 RICHARD BATES

Richard Bates 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 (S9999K) on the basis of medical unfitness to perform effectively the duties of the position.

ACTION:

B-3 BRIAN GIMBERT

Brian Gimbert, represented by Michael A. Bukosky, Esq., appeals the removal of his name from the Fire Fighter (M2365H), City of Jersey City, eligible list due to his failure to meet the residency requirement.

ACTION:

B-4 KENETTE JOHNSON

Kenette Johnson, represented by Andrew L. Watson, Esq., appeals the decision of the Division of State and Local Operations, which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the Correction Officer Recruit (S9999K), Department of Corrections, eligible list on the basis of falsification of her employment application.

ACTION:

B-5 BARBARA BLAKE-MCLENNON

Barbara Blake-McLennon, a former Housing Assistance Technician with the City of Paterson, represented by Lisa M. Fittipaldi, Esq., petitions the Civil Service Commission for interim relief of her demotion and 30-day suspension.

ACTION:

B-6 TERENCE GORDON

The City of Union City, represented by James Passantino, Esq., requests that Terence Gordon receive a retroactive date of appointment pursuant to a settlement agreement.

ACTION:

B-7 WILLIAM P. HERRMANN, JR.

The Township of Parsippany-Troy Hills, represented by Frederic M. Knapp, Esq., on behalf of William P. Herrmann, Jr., requests that he be permitted to participate in the intergovernmental transfer program and to complete the remainder of his working test period as a Police Officer with Parsippany-Troy Hills.

ACTION:

B-8 TAMBE ISHAK AND JERRY WEEKS

Union City, on behalf of Tambe Ishak and Jerry Weeks, requests that they be permitted to participate in the intergovernmental transfer program and to complete the remainder of their working test periods as Police Officers with Union.

ACTION:

B-9 RALPH H. BITTER III

Ralph H. Bitter III appeals the decision of the Division of State and Local Operations that the proper classification of his position with the Department of Environmental Protection is Environmental Specialist 3. The appellant seeks an Environmental Specialist 4 classification.

ACTION:

B-10 CELIA D. CHEE-WAH

Celia D. Chee-Wah, represented by Joseph Novemsky, Staff Representative, Communications Workers of America, Local 1036, appeals the decision of the Division of State and Local Operations that the proper classification of her position with the Department of Environmental Protection is Program Development Specialist 1, Environmental Protection. The appellant seeks a Supervising Program Development Specialist, Environmental Protection classification.

ACTION:

B-11 FREDERICK FOY

Frederick Foy appeals the decision of the Division of State and Local Operations that the proper classification of his position with the Department of the Treasury is Supply Support Technician 1. The appellant seeks a Storekeeper 1 classification.

ACTION:

B-12 EMMY KEATING

Emmy Keating appeals the decision of the Division of State and Local Operations that the proper classification of her position with Gloucester Township is Clerk 3. The appellant seeks an Administrative Clerk classification.

ACTION:

B-13 CHANDRIKA NAIK

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

ACTION:

B-14 MCKINLEY WILLIAMS

McKinley Williams, a Personnel Assistant 1 with the Department of Children and Families, appeals the determination of the Chief of Staff of the Department of Children and Families, 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. The appellant also appeals the cancellation of the Employee Relations Coordinator (PS8572K) eligible list prior to its scheduled expiration date.

ACTION:

B-15 ASSISTANT DIRECTOR OF ECONOMIC AND INDUSTRIAL DEVELOPMENT (M1685J), NEWARK

The Division of State and Local Operations petitions the Civil Service Commission for enforcement of the decision rendered on October 19, 2011, wherein the Commission ordered that Newark properly dispose of the April 12, 2010 certification (OL00455) of the eligible list for Assistant Director of Economic and Industrial Development (M1685J).

ACTION:

B-16 BIOLOGIST, MOSQUITO EXTERMINATION (C0921L), MONMOUTH COUNTY MOSQUITO EXTERMINATION COMMISSION

The Monmouth County Mosquito Extermination Commission requests permission not to make an appointment from the December 8, 2009 certification for Biologist, Mosquito Extermination (C0921L).

ACTION:

B-17 DEPARTMENT OF ENVIRONMENTAL PROTECTION PROMOTINAL LISTS

The Department of Environmental Protection requests that the promotional lists for various levels of the Environmental Specialist and Environmental Engineer title services be revived to make permanent appointments from the lists.

ACTION:

B-18 ALAN GATTO

Alan Gatto requests reconsideration of the final administrative decision, rendered on November 2, 2011, which denied his appeal of his non-appointment to two non-competitive titles.

ACTION:

B-19 JUDICIARY SUPPORT STAFF BAND

The Judiciary Council of Affiliated Unions (JCAU), represented by Richard A. Dann, Chair of the JCAU Executive Board, requests that the job specification for the Judiciary Support Staff Band (Clerical, Administrative and Courtroom Support Track) not be amended to reflect additional duties and requirements.

ACTION:

B-20 MARILYN BOYCE

The appeal of Marilyn Boyce, a Human Services Assistant at Ancora Psychiatric Hospital, Department of Human Services, of her removals, effective January 6, 2010, on charges, was heard by Administrative Law Judge Edward J. Delanoy, Jr. (ALJ), who rendered his initial decision on March 5, 2012. At its meeting on April 4, 2012, the Civil Service Commission (Commission) did not adopt the ALJ's recommendation to modify the removals to a 90-day suspension and a 180 calendar day suspension. Rather, the Commission modified the first removal to a 180 calendar day suspension and upheld the second removal. The proposed final decision is now submitted for the Commission's review.

ACTION:

B-21 THOMAS WHITLEY

The appeal of Thomas Whitley, a Correction Lieutenant with Northern State Prison, Department of Corrections, of his removal, effective September 27, 2011, on charges, was heard by Administrative Law Judge Kimberly A. Moss (ALJ), who rendered her initial decision on February 27, 2012. At its meeting on April 4, 2012, the Civil Service Commission (Commission) adopted the ALJ's recommendation to uphold the removal. However, the Commission found it necessary to address the exceptions and cross-exceptions filed by the parties. The proposed final decision is now submitted for the Commission's review.

ACTION:**B-22 JAMES BROWER**

James Brower 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 Chief Clerk (M2336M), Jersey City.

ACTION:**B-23 YAZMIN CORTES**

Yazmin Cortes appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Claims Examiner, Unemployment and Disability Insurance (PS3089N), Department of Labor and Workforce Development.

ACTION:**B-24 ROBERT FINDURA**

Robert Findura appeals the determination of the Division of Selection Services which found him ineligible for the promotional examination for Police Lieutenant (PM5012N), Butler.

ACTION:

B-25 BERTHA FORD

Bertha Ford 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 Chief Clerk (M2336M), Jersey City.

ACTION:

B-26 PATRICK GIALLELLA

Patrick Giallella appeals the decision of the Division of Selection Services that found that he was below the experience requirements for the promotional examination for Administrative Analyst 2 Data Processing (PS4011U), Department of the Treasury.

ACTION:

B-27 ALBERTO HERNANDEZ

Alberto Hernandez appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he did not meet the requirements for the open competitive examination for Employee Relations Officer (C2031N), Middlesex County.

ACTION:

B-28 NIKOLAJ PROBOLA

Nikolaj Probola appeals the decision of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Engineering Technician 3 (PS3702T), Department of Transportation.

ACTION:

B-29 PAUL SHANNON

Paul Shannon appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Operator Sewage and Water Treatment Plants (PS4807K), Woodbine Developmental Center.

B-30 MAUREEN TANSEY-HUGHES

Maureen Tansey-Hughes appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Environmental Compliance Investigator (PM0526N), City of Elizabeth.

ACTION:

B-31 MARIO ALGIERI, ET AL.

Mario Algieri, Douglass Barber, Mark Delmonte, Krzysztof Krawiec and Heather Shivers request that they be permitted to submit applications after the closing date for the Entry Level Law Enforcement Examination (S9999M, S9988M, S0738M, S0739M and S0740M).

ACTION:

B-32 BRYAN FLANAGAN

Bryan Flanagan appeals the determination of the Division of Selection Services denying his request for a make-up examination for the Entry Level Law Enforcement Examination (S9999M).

ACTION:

B-33 WILLIAM SINGLETON

William Singleton requests a make-up of the physical performance portion of the examination for Fire Fighter (M9999M).

ACTION:

B-34 SEBASTIAN TINDLEY

Sebastian Tindley requests that he be permitted to review his answers to the Entry Level Law Enforcement Examination (S9999M).

ACTION:

B-35 RECENT COURT DECISIONS

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

ACTION:

B-36 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of April 4, 2012.

ACTION: