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Deirdré L. Webster Cobb, Chairperson

Dolores Gorczyca

Daniel W. O’Mullan

Diomedes Tsitouras

July 1, 2020

A regular meeting of the Civil Service Commission was held on Wednesday, July 1, 2020, at 10:00 a.m., in Trenton, New Jersey.

PRESENT: Deirdré L. Webster Cobb, Chairperson, Members Dolores Gorczyca, Daniel W. O’Mullan and Diomedes Tsitouras; Pamela Ullman, Deputy Attorney General; Christopher Myers, Director, Division of Appeals and Regulatory Affairs. All individuals listed participated via teleconference.

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 13, 2019, and posted at the Civil Service Commission, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of June 17, 2020.

ACTION: The Civil Service Commission adopted the minutes of its meeting of June 17, 2020.

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

-
John Hoffman, County Correctional Police Officer, Cape May County, Sheriff's Department, 20 working day suspension.

Carla Lane, Investigator, Judiciary, Middlesex Vicinage, 45 working day suspension.

Carla Lane, Investigator, Judiciary, Middlesex Vicinage, removal effective September 19, 2019.

Marshawn Love, Police Lieutenant, Asbury Park Police Department, demotion to Police Sergeant and 120 working day suspension.

Gregory McLaughlin, Senior Correctional Police Officer, South Woods State Prison, Department of Corrections, 45 working day suspension.

Gregory McLaughlin, Senior Correctional Police Officer, South Woods State Prison, Department of Corrections, 45 working day suspension.

Kwabena Sharif, Police Sergeant, City of East Orange, Department of Public Safety, 30 calendar day suspension.

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

SECTION A – HEARING MATTERS

A-1 BENITO GONZALEZ

Benito Gonzalez, Police Officer, Camden County, Police Department, removal effective April 15, 2015, on charges of inability to perform duties, 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-2 ZACHERY SMITH

Zachery Smith, Senior Medical Security Officer, Ann Klein Forensic Center, Department of Health, removal effective November 3, 2016, on charges of conduct unbecoming a public employee, physical or mental abuse of a patient, client or resident and inappropriate physical contact or mistreatment of a patient, client, resident or employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

SECTION B – MISCELLANEOUS MATTERS

B-1 [A.D. AND B.B.](#) – CSC DOCKET NOS. 2019-3388 AND 2019-3748

A.D. and B.B. appeal the requests by the Department of Corrections to remove their names from the Correctional Police Officer (S9999U) and (S9988V) eligible lists for medical unfitness to perform effectively the duties of the position.

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

B-2 [TREY BOONE](#) – CSC DOCKET NO. 2020-2347

Trey Boone appeals the decision to remove his name from the Correctional Police Officer (S9988A), Department of Corrections, eligible list on the basis of falsification of his application.

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

B-3 [JOEL RIVERA](#) – CSC DOCKET NO. 2020-873

Joel Rivera, a Fire Fighter candidate with the City of Hoboken, appeals the bypass of his name on the Fire Fighter (M1539T), Hoboken eligible list.

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

B-4 [GLORIA COLOGNA-OPALECKY](#) – DOCKET NO. 2020-2656

Gloria Cologna-Opalecky appeals the decision of the Division of Agency Services which found that her position with Warren County is properly classified as Human Services Specialist 2. The appellant seeks a Human Services Specialist 3 job classification.

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

B-5 [FRANCIS LAY](#) – CSC DOCKET NO. 2020-2022

Francis Lay appeals the decision of the Division of Agency Services which found that his position with the Department of Labor and Workforce Development is correctly classified as Senior Technician, Management Information Systems. The appellant seeks an Administrative Analyst 1 job classification.

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

B-6 [LILLIAN MANN](#) – CSC DOCKET NO. 2020-2405

Lillian Mann appeals the decision of the Division of Agency Services which found that her position with Ramapo College of New Jersey is Professional Services Specialist 3, Computer Services. The appellant seeks a Professional Services Specialist 1, Computer Services job classification.

ACTION: The Civil Service Commission directed that this appeal be denied and the matter of the appellant’s position classification be referred to Agency Services for review.

B-7 [LOUIS MUZYKA, ET AL.](#) – CSC DOCKET NOS. 2020-2044, ET AL.

Louis Muzyka, James Hart, Larissa Lilavois, David Pomales, Marcus Rosario, Justin Terebetski, Paul Stentella, Douglas Greenberg, Jason Hanes and John Kelly, represented by Leonard Schiro, Esq., appeal the decisions of the Division of Agency Services which found that their positions in the Borough of Carteret are properly classified as a Police Sergeant. Appellants seek a Police Lieutenant job classification.

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

B-8 [MICHAEL CANTONE](#) – CSC DOCKET NO. 2020-1102

Michael Cantone appeals the determination of the Division of Agency Services which found that he was below minimum requirements in experience for a qualifying demotional examination for Identification Officer, Newark.

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

VOTE: **Deirdrè L. Webster Cobb** **(Yes)**
 Dolores Gorczyca **(Recuse)**
 Daniel W. O’Mullan **(Yes)**
 Diomedes Tsitouras **(Yes)**

B-9 [RENEE CARATOZZOLO](#) – CSC DOCKET NO. 2020-2342

Renee Caratozzolo appeals her ineligibility as below minimum requirements in education for the promotional examination for Vocational Rehabilitation Counselor 2 (PS0746N), Department of Labor and Workforce Development.

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

B-10 [BEN PISANO](#) – CSC DOCKET NO. 2020-2460

Ben Pisano appeals the determination of the Division of Agency Services that he was below minimum requirements in education for the open-competitive examination for Forester (S1018A), Statewide.

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

B-11 [VANESSA STEPHENSON](#) – CSC DOCKET NO. 2020-1972

Vanessa Stephenson appeals the determination of the Division of Agency Services which found that she did not meet the experience requirements for the open competitive examination for Customer Service Representative (M1174A), East Orange.

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

B-12 [JEAN WILSON](#) – CSC DOCKET NO. 2020-2304

Jean Wilson appeals the decision of the Division of Agency Services that she does not meet the education and experience requirements for the promotional examination for Assistant Municipal Treasurer (PM2967W), Jefferson.

ACTION: The Civil Service Commission directed that this appeal be denied and the matter of the appellant's position classification be referred to Agency Services for review.

B-13 [L.I.](#) – CSC DOCKET NO. 2020-1243

L.I. requests to be permitted to submit a late application for the Clerk 2 (PC0675A), Middlesex County Board of Social Services examination.

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

B-14 [DEMOND SMITH](#) – CSC DOCKET NO. 2020-763

Demond Smith requests to be permitted to submit a late application for the Printing Operations Technician 3 (PM1108A), Newark examination.

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

VOTE: **Deirdrè L. Webster Cobb** **(Yes)**
Dolores Gorczyca **(Recuse)**
Daniel W. O’Mullan **(Yes)**
Diomedes Tsitouras **(Yes)**

B-15 [JUSTIN DE LA BRUYERE](#) – CSC DOCKET NO. 2019-3364

Justin De La Bruyere, a former Police Sergeant with the City of Hackensack, represented by Joseph M. Horn, Esq., requests reconsideration of the final decision rendered on March 27, 2019, which upheld his removal.

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

B-16 [GRAYLAND MEEKS](#) – CSC DOCKET NO. 2019-2464

Grayland Meeks, represented by Bette R. Grayson, Esq., requests reconsideration of the final decision of February 6, 2019, which upheld his removal.

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

B-17 [WOODBIDGE FIRE DISTRICT 11](#) – CSC DOCKET NO. 2020-2542

Woodbridge Fire District 11, represented by Lane Biviano, Esq., petitions the Civil Service Commission for interim relief and reconsideration of *In the Matter of Woodbridge Fire District 11* (CSC, decided March 12, 2020).

ACTION: The Civil Service Commission directed that the request for reconsideration be granted and the request for interim relief be dismissed as moot.

B-18 [M.V.](#) – CSC DOCKET NO. 2020-1725

M.V., a Data Entry Operator 1 with the Department of Labor and Workforce Development, appeals the determination of the Assistant Commissioner, which found that the appellant failed to present sufficient 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-19 NEWARK LAYOFFS/FURLOUGHS – CSC DOCKET NOS. 2020-2661, *ET AL.*

Local 617, Workers United, SEIU, represented by Arnold Shep Cohen, Esq., Teamsters Local 97,

represented by Kevin P. McGovern, Esq., and Council 21, IFPTE, AFL-CIO, represented by Daniel J. Zirrieth, Esq., request a stay of the Division of Agency Services’ decision to approve the City of Newark’s plan to layoff/furlough its members every Monday from July 6, 2020 to January 25, 2021.

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

VOTE: **Deirdrè L. Webster Cobb** **(Yes)**

 Dolores Gorczyca **(Recuse)**

 Daniel W. O’Mullan **(Yes)**

 Diomedes Tsitouras **(Yes)**

B-20 THEODORO JUNGREN - CSC DOCKET NO. 2020-1871

Theodoro Junggren appeals the determination of the Division of Agency Services which found that he did not meet the residency requirement for the open competitive examination for Equipment Operator (C0774A), Union County.

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

B-21 [A.P.](#) - CSC DOCKET NO. 2020-1882

A.P. appeals the removal of his name from the eligible list for Correctional Police Officer (S9988A), Department of Corrections on the bases of falsification of the preemployment application and a positive drug test.

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

B-22 [B.B.](#) - CSC DOCKET NO. 2019-3610

B.B. appeals the removal of his name from the Correctional Police Officer (S9988V), Department of Corrections eligible list on the basis of an unsatisfactory criminal record.

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

B-23 [C.M.](#) - CSC DOCKET NO. 2020-1707

C.M., a former Senior Police Officer, Human Services, with the Department of Human Services (DHS), appeals the determination of the Deputy Commissioner, DHS, which found 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 (State Policy).

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

B-24 [KATHLEEN MERCURIO](#) - CSC DOCKET NO. 2019-406

Kathleen Mercurio, a Quality Assurance Coordinator with the Department of Human Services, appeals the determination of her salary upon her promotion to her current title, pursuant to *N.J.A.C.* 4A:3-4.9.

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

B-25 [R.I.](#) - CSC DOCKET NO. 2018-2781

R.I., an Auditor 3, Taxation with the Department of the Treasury, requests enforcement of the March 2, 2018 determination of the Director, Division of Administration, stating that sufficient evidence was found to support a finding that the appellant was subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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

VOTE: **Deirdrè L. Webster Cobb (Recuse)**

Dolores Gorczyca (Yes)

Daniel W. O’Mullan (Yes)

Diomedes Tsitouras (Yes)

~~B-26 UNPAID COVID-19 FURLOUGH FOR UNREPRESENTED EMPLOYEES - CSC DOCKET NO. 2020-2748~~

~~The Chairperson of the Civil Service Commission recommends the establishment of a Pilot Program to provide for unpaid COVID-19 furlough for those unrepresented State employees not subject to various Memorandums of Agreement.~~

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

B-27 [UNPAID COVID-19 FURLOUGH FOR REPRESENTED EMPLOYEES](#) -CSC DOCKET NO. 2020-2747

The Chairperson of the Civil Service Commission requests that the provisions of *N.J.A.C.* 4A:6-2.4(d) be relaxed in order to implement Memorandums of Agreement between the State and various collective negotiations agents regarding COVID-19 furloughs.

ACTION: The Civil Service Commission adopted and approved the amendments for publication in the New Jersey Register.

B-28 [VINELAND FIRE FIGHTERS](#) - CSC DOCKET NO. 2020-2737

The City of Vineland petitions the Civil Service Commission to permit the conditional appointments of Dominick Pace and Christopher Wolfe to the title of Fire Fighter.

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

B-29 MONTCLAIR STATE UNIVERSITY SCHOOL OF CONSERVATION CSC DOCKET NO. 2020-2722

The Communications Workers of America (CWA), represented by Hetty Rosenstein, Area Director, petitions for a stay of the layoff of Montclair State University employees in the New Jersey School of Conservation scheduled for August 3, 2020.

ACTION: The Civil Service Commission directed to hold a decision on the stay in abeyance and recommended that the parties discuss the matter further per its direction. Motion passed 4 – 0.

It is noted that the original motion to deny the petition was made and seconded, but did not pass as there was tied vote (2 -2) as indicated below

VOTE:	Deirdrè L. Webster Cobb	(Yes)
	Dolores Gorczyca	(No)
	Daniel W. O’Mullan	(Yes)
	Diomedes Tsitouras	(No)

PUBLIC PORTION

No comments.

There being no further business before the Civil Service Commission, the meeting was adjourned to convene on Wednesday, July 29, 2020, at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.



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