



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Brad Wittje  
Ancora Psychiatric Hospital,  
Department of Human Services

CSC DKT. NO. 2014-1385  
OAL DKT. NO. 17143-13

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ISSUED: SEPTEMBER 3, 2014 BW

The Civil Service Commission, at its meeting of September 3, 2014, acknowledged the attached settlement in the above matter.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
SEPTEMBER 3, 2014

*Robert M. Czech*

Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Unit H  
P. O. Box 312  
Trenton, New Jersey 08625-0312

attachments



**State of New Jersey**  
**OFFICE OF ADMINISTRATIVE LAW**

**INITIAL DECISION**

**SETTLEMENT**

**EARLY SETTLEMENT PROGRAM**

OAL DKT. NO. CSV 17143-13

AGENCY DKT. NO. 2014-1385

**IN THE MATTER OF BRAD WITTJE,  
DEPARTMENT OF HUMAN SERVICES,  
ANCORA PSYCHIATRIC HOSPITAL**

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**Mario A. Iavicoli, Esq., for appellant**

**Anita Pinkas, Director, Office of Employee Relations, appearing pursuant to  
N.J.A.C. 1:1-5.4(a)(2), for respondent New Lisbon Developmental Center**

Record Closed: August 5, 2014

Decided: August 6, 2014

**BEFORE BEATRICE S. TYLUTKI, ALJ t/a:**

This matter concerns the appeal of Brad Wittje from the action of the appointing authority. Upon receipt of appellant's hearing request, the matter was transmitted to the Office of Administrative Law for determination as a contested case, pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13.

As a result of a settlement conference, the parties agreed to a settlement of all issues in dispute and have prepared a settlement agreement which is attached and fully incorporated herein.

I have reviewed the record and the terms of settlement and I **FIND**:

1. The parties have voluntarily agreed to the settlement as evidenced by their signatures.
2. The settlement fully disposes of all issues in controversy.

I **CONCLUDE** that this matter is no longer a contested case before the Office of Administrative Law. It is **ORDERED** that the parties comply with the settlement terms and that these proceedings be **CONCLUDED**.

I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make a final decision in this matter. If the Civil Service Commission does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

August 6, 2014  
DATE

Beatrice S. Tylutki  
BEATRICE S. TYLUTKI, ALJ t/a

Date Received at Agency:

\_\_\_\_\_

Date Mailed to Parties:

August 8, 2014

/cad

**MARIO A. LAVICOLI**  
ATTORNEY AT LAW  
45 KINGS HIGHWAY WEST  
HADDONFIELD, NEW JERSEY 08066  
856 429 0201  
mlavicoli@comcast.net

LIPPINCOTT HOUSE  
(1876)

RECEIVED  
2014 AUG -5 P 2 10

STATE OF NEW JERSEY TAX NO.  
OFFICE OF ADMIN. SERV. 856-429-1098

June 30, 2014

CIVIL SERVICE COMMISSION  
P.O. BOX 312  
TRENTON, NJ 08625-0312

Re: Brad Wittje, HSA and Ancora Psychiatric Hospital  
OAL DKT NO. CSV 17143 2013 S  
Agency Ref. No. CSC 2014 1385  
File #5061 13

Dear Commissioners:

Enclosed herewith please find Settlement Agreement entered relative to the above-captioned matter. Kindly process the enclosed for the Commission's approval and advise the parties if accepted in a final determination.

Thank you for your attention in this regard.

Respectfully submitted,

  
MARIO A. LAVICOLI

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cc: Craig Farr, Employee Relations Coordinator, Ancora Psychiatric Hospital (w/enclosure)

SETTLEMENT AGREEMENT

OAL Docket No. CSV: 17143-2013S

Agency Reg. No: C S C 2014-1385

IN THE MATTER OF:

Brad Wittje  
Appellant

v.

Ancora Psychiatric Hospital  
Department of Human Services  
Respondent

2014 AUG -5 P 2:18  
OFFICE OF THE CLERK  
STATE OF MICHIGAN

The parties in this appeal have voluntarily resolved all disputed matters and enter into the following settlement which fully disposes of all issues in controversy between the Appellant and the Respondent:

1. The Appellant withdraws his appeal and request for a hearing, and the Respondent agrees to

modify the FNDA dated 10/25/13  
to 10 days suspension. The specification  
should exclude reference to physical  
contact appellant may have had with  
patient. Suspension shall be recorded  
from 5/14/13. The period of time from  
conclusion of the suspension to when  
Appellant returned to work shall be  
processed as back pay.

2. The Respondent will amend the Appellant's personnel records to conform to the terms of settlement.
3. The Appellant waives all claims against the State of New Jersey, the Department of Human Services, their employees, agents or assigns with regard to this matter, including any award of back pay, counsel fees, or other monetary relief.
4. Except for the assessment of the Appellant's disciplinary record in any subsequent Personnel disciplinary hearing, nothing in this agreement shall be deemed to be an admission of liability on behalf of either party. This agreement shall not constitute a precedent in matters involving other employees.
5. Both parties agree to waive the right to file exceptions and cross-exceptions.
6. This agreement will only become effective when it is approved by the **CIVIL SERVICE COMMISSION**. Any disapproval by the Commission shall not interfere with the rights of either party to pursue the matter further.

6/9/14  
Date

4/24/14  
Date

4/24/14  
Date

4/24/2014  
Date

*Barbara*  
Appellant

*Marie A. Lavicchi*  
Representative  
For Appellant

*Anita Pinkas*  
Anita Pinkas, Director  
Office of Employee Relations  
For Respondent

*[Signature]*  
Management Representative  
For Respondent

## CERTIFICATION

I, Brad Wittje, being the moving party in this matter, hereby certify that I have reviewed this Settlement Agreement and fully understand its meaning and terms. I acknowledge that my representative questioned my understanding and verified my acceptance of the terms of this Agreement. I am satisfied with my representation and I enter into this agreement voluntarily.

It is also my understanding that if the Settlement Agreement is approved by the **CIVIL SERVICE COMMISSION**, my claim will terminate against the State of New Jersey.

I certify that my foregoing statements are true. I am aware that if any of my foregoing statements are willfully false, I am subject to sanction.

6/9/14  
Date

Brad Wittje  
Appellant,