



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
JANUARY 9, 2013**

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

DISMISSAL FOR FAILURE TO APPEAR

The Civil Service Commission dismissed the following cases without prejudice for failure to appear at the scheduled hearing before the Office of Administrative Law:

Jonathan M. Cain, Judiciary Clerk 2, Supreme Court of New Jersey, Trenton, release at the end of the working test period.

Diana L. Fasola, Clerk, Atlantic County, Prosecutor Department, release at the end of the working test period.

William Hampton, Tentative Title Professional Case, Judiciary Passaic Vicinage, release at the end of the working test period.

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

Daniel Asay, Truck Driver, Berkeley Township, Department of Administrative Services, demotion.

Tracey Sunderland-Bernhardt, Entomologist Mosquito Extermination, Burlington County, Department of Health, removal.

Glenn Christy, Senior Correction Officer, Mid-State Correctional Facility, Department of Corrections, removal.

Rosemary Coleman, Senior Account Clerk, Cumberland County, Manor, layoff.

Stephon Dinson, Senior Medical Security Officer, Ann Klein Forensic Psychiatric Hospital, Department of Human Services, suspension.

Thomas Hunt, Police Sergeant, Borough of Wildwood Crest, Police Department, removal.

Mary Ann Johnson, County Correction Officer, Hunterdon County, Department of Public Safety, suspension and demotion.

Dominic Longo, County Correction Officer, Camden County, Department of Corrections, removal.

Roseann O'Donnell, Senior Public Safety Telecommunicator, Camden County, Department of Public Safety and Juvenile Justice, removal.

Brian C. Rash, Food Service Worker, Cape May County, Crest Haven, removal.

Carl Rosanelli, Cottage Training Technician, Hunterdon Developmental Center, Department of Human Services, suspension.

Jennifer Stidham, Human Services Assistant, Woodbine Developmental Center, Department of Human Services, three removals.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Cleveland Alexander
Department of Children and Families
Removal and Fine

In the Matter Titania Carter
Trenton Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Andre Evans
City of Newark
Police Department
Suspension

In the Matter of Hawa Clarke
Trenton Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Bradley Hitchner
New Lisbon Developmental Center
Department of Human Services
Returned to previous held title at the end of the working test period

In the Matter of Tyrone Jackson
Ann Klein Forensic Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Clifford W. Jacob
Department of Labor and Workforce Development
Release at the end of the working test period

In the Matter of Fritz Magny
City of Newark
Police Department
Suspension

In the Matter of Maurice Parks
Northern State Prison
Department of Corrections
Suspension

In the Matter of Anita Brenda Rowell
Office of the Public Defender
Release at the end of the working test period

In the Matter of James Smalls
Ancora Psychiatric Hospital
Department of Human Services
Resignation not in good standing

In the Matter of Zenaida Shupp
Hunterdon Developmental Center
Department of Human Services
Suspension

In the Matter of Johnathan Taylor
City of Newark
Police Department
Suspension

In the Matter of Clifford Wilkins
Southern State Correctional Facility
Department of Corrections
Removal

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

ACTION:

A-2 JOHN BATIUK

John Batiuk, Police Sergeant, Township of Woodbridge, Police Department, 30 working day suspension, written reprimand and demotion to the title of Police Officer effective November 15, 2011, on charges of incompetency, inefficiency or failure to perform duties, chronic or excessive absenteeism or lateness, neglect of duty, other sufficient cause and violation of Police Department rules and regulations.

Recommendation of the Administrative Law Judge – Uphold the 30 working day suspension, the demotion to the title of Police Officer and the written reprimand.

ACTION:

A-3 NANCY THOMPSON

Nancy Thompson, Animal Control Officer, Township of Bloomfield, Board of Health, 30 working day suspension on charges of insubordination and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Reverse the 30 working day suspension.

ACTION:

A-4 AYODELE AKINOLA

Ayodele Akinola, Cottage Training Technician, Woodbridge Developmental Center, Department of Human Services, removal effective April 6, 2012, on charges of physical abuse of a client, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-5 JUSTIN GARCIA

Justin Garcia, County Correction Officer, Union County, Department of Correctional Services, removal effective December 2, 2011, on charges of insubordination, conduct unbecoming a public employee, neglect of duty and other sufficient cause. This matter was held over from the December 5, 2012, Civil Services Commission meeting for pending additional information from the appointing authority regarding a proposed settlement.

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

ACTION:

A-6 JUNE JOHNSON (CONSOLIDATION)

June Johnson, Cottage Training Technician, Woodbridge Developmental Center, Department of Human Services, three removals effective August 12, 13, and 14, 2011, on charges of chronic and excessive absenteeism from work without pay.

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

ACTION:

A-7 WADE ROSENBERGER

Wade Rosenberger, County Correction Officer, Salem County, Department of Corrections, removal effective April 9, 2012, on charges of incompetency, inefficiency or failure to perform duties and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the removal to a 30-day suspension.

ACTION:

A-8 DANIEL SUAREZ

Daniel Suarez, Custodial Worker, Jersey City School District, removal effective April 18, 2012, on charges of chronic and excessive absenteeism.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-9 KEVIN WESBY (CONSOLIDATION)

Kevin Wesby, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, two removals effective June 1, 2010, on charges of conduct unbecoming a public employee, other sufficient cause, physical or mental abuse of a patient, client, resident or employee, inappropriate physical contact or mistreatment of a patient, client, resident or employee, insubordination and violation of a rule, regulation, policy, procedure, order or administrative decision.

Recommendation of the Administrative Law Judge – Reverse the removals.

ACTION:

A-10 RICHARD WILLIAMS

Richard Williams, Youth Worker, Department of Children and Families, removal effective November 25, 2009, on the charge of inability to perform duties.

Recommendation of the Administrative Law Judge – Modify the removal to a resignation in good standing.

ACTION:

A-11 MARISHA PENN (SETTLEMENT)

Marisha Penn, Human Services Specialist 3, Hudson County, Department of Human Services, 10 working day suspension on charges of conduct unbecoming a public employee, insubordination and other sufficient cause. Settled to a seven working day suspension.

Recommendation of the Administrative Law Judge – Acknowledge the settlement.

ACTION:

A-12 SHONTA WASHINGTON (CONSOLIDATION)

Shonta Washington, a Youth Worker with the Department of Children and Families, removals effective August 3, 2010 and November 1, 2011, on charges.

Recommendation of the Administrative Law Judge – Uphold the charges and the removal.

ACTION:

A-13 LAWRENCE NORMAN

Lawrence Norman, Police Officer, City of Camden, Police Department, removal effective July 8, 2009, on charges of violation of Police Department rules and regulations and other sufficient cause.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION:

SECTION B – MISCELLANEOUS MATTERS

B-1 ROBERT BASTIAN

Robert Bastian, a Judiciary Clerk 2 with the Judiciary, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-2 MELISSA MIGUT

Melissa Migut, an Administrative Specialist 2 with the Judiciary, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-3 JEFFREY CHIARA

The Department of Health requests that the provisions of *N.J.A.C. 4A:6-3.4(a)*, which govern the time period in which employees must file an application for Supplemental Compensation on retirement (SCOR), be relaxed to permit the estate of Jeffrey Chiara, an Administrative Analyst 1, Accounting, to submit a late application for SCOR benefits.

ACTION:

B-4 LISA JACKSON

The City of East Orange requests that the provisions of *N.J.A.C. 4A:4-7.1A(b)* be relaxed in order to permit the retroactive Intergovernmental Transfer of Lisa Jackson from the title of Assistant Purchasing Agent, Township of Irvington to the title of Assistant Purchasing Agent, East Orange.

ACTION:

B-5 EDWIN DYE

The appeal of Edwin Dye, a Building Maintenance Worker with the City of Passaic, of his removal effective May 31, 2012, was before Administrative Law Judge James A. Geraghty, who rendered his initial decision on November 13, 2012, recommending acknowledgement of the settlement of the parties.

ACTION:

B-6 TODD PICKETT

The appeal of Todd Pickett, a Fire Fighter with the City of Passaic, of his removal effective July 1, 2012, was before Administrative Law Judge Michael Antoniewicz, who rendered his initial decision on October 23, 2012, recommending acknowledgement of the settlement of the parties.

ACTION:

B-7 LUIS PASTORIZA

The Superior Court of New Jersey, Appellate Division, has reversed and remanded the matter of the temporary layoff of Luis Pastoriza, a Municipal Clerk with the City of Camden, to the Civil Service Commission for further consideration.

ACTION:

B-8 JOSEPH FERRARO

Joseph Ferraro, represented by Timothy H. Alexander, Esq., appeals the determination by the former Division of State and Local Operations, which found that the appointing authority had presented a sufficient basis to remove his name from the Police Officer (S9999H), Township of Belleville eligible list due to falsification of his pre-employment application.

ACTION:

B-9 JAMES CULLEN

James Cullen, represented by Joseph Murphy, Esq., appeals the determination of the Division of Selection Services and Recruitment that the appellant's veterans status was not retroactive for the examination for Police Captain (PM3586L), Morristown. The appellant also appeals his bypass on the June 2011 certification of the eligible list for Police Captain (PM3586L).

ACTION:

B-10 GREGORY SMITH

The Camden County Board of Social Services requests that the Civil Service Commission authorize the promotion of Gregory Smith from the non-competitive title of Systems Analyst to the competitive title of Senior Management Assistant. It also requests that the Commission accept Smith out-of-title work experience to be considered for the Senior Management Assistant examination.

ACTION:

B-11 DEBORAH W. ALLEN

Deborah W. Allen, a Professor with Kean University appeals the determination of the President of Kean, stating 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:

B-12 LINGHUI TANG

Linghui Tang, an Associate Professor with the College of New Jersey, appeals the determination of the President of the College of New Jersey which found that the appellant had not been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION:

B-13 ANTHONY MANGINE

Anthony Mangine appeals the September 24, 2012 decision of the Division of Classification and Personnel Management which found that his position with the Department of the Treasury is correctly classified as Technical Assistant 3. The appellant seeks an Administrative Assistant 3 job classification.

ACTION:

B-14 CATHERINE MCCANTS

Catherine McCants appeals the decision of the Division of Classification and Personnel Management which found that her position with the Department of the Treasury is correctly classified as Technical Assistant 1, Treasury. The appellant seeks an Investigator 3, Taxation job classification.

ACTION:

B-15 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:

B-16 EXECUTIVE ASSISTANT 2 (PS3198I), DEPARTMENT OF CORRECTIONS

The Department of Corrections requests that the eligible list for Executive Assistant 2 (PS3198I) be extended in order to effectuate the permanent appointment of Susan Duron.

ACTION:

B-17 JAMES BELLAMY

The Department of Children and Families, represented by Adam Verone, Deputy Attorney General, requests a stay and reconsideration of the decision rendered on March 25, 2009, which reinstated James Bellamy to his position as a Technical Assistant 3. James Bellamy, represented by Bernard A. Campbell, Jr., Esq., seeks enforcement of the decision rendered on March 25, 2009.

ACTION:

B-18 AGRIPINO FIGUEROA

Agripino Figueroa, a Fire Captain with the Fire Department, City of Camden, represented by Catherine M. Elston, Esq., petitions the Civil Service Commission for reconsideration of its decision rendered on January 25, 2012 in which the Commission determined that Mr. Figueroa's layoff rights were properly determined.

ACTION:

B-19 MCKINLEY WILLIAMS

McKinley Williams, a former Personnel Assistant 1 with the Department of Children and Families, requests reconsideration of the final administrative decision, rendered on April 18, 2012, which denied his appeal of the determination of the Chief of Staff of the Department of Children and Families, stating that the petitioner 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 (State Policy) and his appeal of the cancellation of the Employee Relations Coordinator (PS8572K) eligible list.

ACTION:

B-20 DENISE CSORGO AND RAYMOND DOOHALUK

Denise Csorgo appeals the determination of the Division of Selection Services and Recruitment which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Manger 1, Information Processing (P6058U), Office of Information Technology (OIT). Raymond Doohaluk appeals the determination of Selection Services which found that he was below the minimum requirements in experience for the promotional examination for Manger 1, Information Processing (P6058U), OIT.

ACTION:**B-21 ELIZABETH DIMITRIOS, ET AL.**

Elizabeth Dimitrios, Darryl Fullman and Reginald Inwirika appeal the determinations of the Division of Selection Services and Recruitment which found that they did not meet the experience requirements for the promotional examination for Supervising Program Development Specialist, Mental Health Services (PS9836K), Greystone Park Psychiatric Hospital.

ACTION:**B-22 LINDA HANSEN**

Linda Hansen appeals the determination of the former Division of Selection Services and Recruitment that she did not meet the experience requirement for the promotional examination for Library Director (PM0556P), South Plainfield.

ACTION:**B-23 NICOLE M. JACKSON**

Nicole M. Jackson appeals her disqualification from and the administration of the open competitive examination for Administrative Clerk (M0208P), East Orange.

ACTION:

B-24 BOBBY L. MCCALL, JR. AND JOSEPH OLIVA, JR.

Bobby L. McCall, Jr. and Joseph Oliva, Jr. appeal the determinations of the Division of Selection Services and Recruitment which found that they were not eligible for the promotional examination for Heavy Equipment Operator (PC0857N), Monmouth County.

ACTION:

B-25 JOHN MCKEOWN

John McKeown appeals the determination of the Division of Selection Services and Recruitment denying his request for a make-up examination for Correction Sergeant (PS6436I), Department of Corrections.

ACTION:

B-26 BRENDA LY MORA-PIRES

Brendaly Mora-Pires requests a make-up examination for Child Care Quality Assurance Inspector 1 (S0194P) and appeals the length of her provisional appointment in the title of Child Care Quality Assurance Inspector 1.

ACTION:

B-27 JOHN NILAND

John Niland appeals the approval of a request for a make-up examination for Peter Danzo for the promotional examination for Deputy Fire Chief (PM1057M), Hackensack.

ACTION:

B-28 BEATRIZ OSPINA

Beatriz Ospina appeals her score for the Bilingual Communication Abilities Test (BICAT) for English/Spanish for Human Services Specialist 1, Bilingual Spanish/English (C0056P), Morris County.

ACTION:

B-29 CAROL PLETNICK

Carol Pletnick appeals the determination of the former Division of Selection Services that she did not meet the experience requirement for the promotional examination for Senior Rehabilitation Counselor, Mental Health (PS7083K), Department of Human Services.

ACTION:

B-30 CAROLYN THIBAUT

Carolyn Thibault appeals the determination of the Division of Selection Services and Recruitment which found that she was not eligible for the promotional examination for Unemployment Insurance Clerk (PS8072N), Department of Labor and Workforce Development, because she did not possess an aggregate of one year of continuous permanent service as of the closing date.

ACTION:

B-31 MATTHEW TIEDEMANN, ET AL.

Matthew Tiedemann (PC5004P), Bergen County; Anthony Argento, Frank Furfaro, Vincent Kerney, Gary Peters, Anthony Sisco and Patsy Spatola (PM5006), Bloomfield; James Corcoran and Joseph Dawicki (PM5015P), Fair Lawn; Raymond Piccolini (PM5001P), Freehold; Scott Hochstadter (PM5021P), Hoboken; Charles Terfenko and John Werner (PM5032P), Middletown; Gabriel Guzman and Ricky Rivera (PM5039P), Passaic; James Hartnett (PM5040P), Pennsauken; James White (PM5052P) Weehawken; and Philip Ortega and Vincent Totka (PM5055P), Woodbridge; appeal the written portion of the examination for Police Lieutenant and County Police Lieutenant (various jurisdictions).

ACTION:

B-32 VERNON UVEGES

Vernon Uveges appeals the decision of the Division of Selection Services and Recruitment which found that he did not meet the experience requirements for the promotional examination for Senior Mechanic (PM0377P), Perth Amboy.

ACTION:

B-33 GRISELIDYS ALMONTE

Griselidys Almonte appeals the decision of the Division of Selection Services and Recruitment denying her request for a make-up examination for Employment Services Trainee (S0347P) and Personnel Trainee (S0349P), Statewide.

ACTION:

B-34 JANICE CARTER

Janice Carter appeals the decision of the Division of Selection Services and Recruitment denying her request for a make-up examination for Clerk Transcriber (S0108P), Statewide.

ACTION:

B-35 JOSEPH P. KEELY

Rockaway Township requests that the provisions of *N.J.A.C.* 4A:4-7.1A(b) be relaxed in order to permit the retroactive Intergovernmental Transfer of Joseph P. Keely from the title of Public Safety Telecommunicator, State Police, Department of Law and Public Safety, Division of State Police, to the title of Communications Officer, Rockaway.

ACTION:

B-36 VIOLATIONS CLERK (M2451N), LAWNSIDE

Lawnside requests permission not to make an appointment from the May 31, 2012 certification for Violations Clerk (M2451N).

ACTION:

B-37 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of December 19, 2012.

ACTION: