



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
MARCH 6, 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:

Ronald A. Brown, Truck Driver, Salem County, Department of Public Works, removal.

Yolande Dubuisson, Cottage Training Technician, Woodbridge Developmental Center, Department of Human Services, removal.

Yolande Dubuisson, Cottage Training Technician, Woodbridge Developmental Center, Department of Human Services, removal.

Robin Mendoza, Food Service Worker, Brick Township Board of Education, removal.

David Schmidt, Laborer Heavy, Borough of Rutherford, Department of Public Works, removal.

ACTION:

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

Dawn Boyd, County Correction Officer, Camden County, Department of Corrections, suspension.

Joseph Drasher, *et al*, Building Maintenance Worker/Groundkeeper, Health Department, layoff.

Lisa Easley, Correction Sergeant, Albert C. Wagner Youth Correctional Facility, Department of Corrections, removal.

Robert Gannucci, Senior Youth Worker, Juvenile Justice Commission, Department of Law and Public Safety, suspension.

Kimberly A. Geneux., Technical Assistant Construction Official, Town of West New York, Department of Public Works, removal.

Robert Guyer, Senior Correction Officer, South Woods State Prison, Department of Corrections, removal.

Mary Jackson, Investigator, The Superior Court of New Jersey, Camden, suspensions (2).

Nathaniel Knox, County Correction Officer, Salem County, Sheriff's Department, fine and suspension.

Elizabeth Ravelli, Personnel Assistant, City of Ocean City, Administration Department, suspension.

Elizabeth Ravelli, Personnel Assistant, City of Ocean City, Administration Department, suspension.

Sema D. Sanders, County Correction Officer, Burlington County, County Jail, suspension.

William Velez, Building Maintenance Worker, Vineland School District, removal.

ACTION:

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Charise Breeden-Balaam
Greenbrook Regional Center
Department of Human Services
Release at the end of the working test period

In the Matter of Timothy Berry
Southern State Correctional Facility
Department of Corrections
Suspension

In the Matter of Ebony Gibbons
Vineland Developmental Center
Department of Human Services
Return to permanent held title at the end of the working test period

In the Matter of Michael Heaton and Christine Graves
Monmouth County
Department of Police Radio
Removal

In the Matter of Kile Johnson
Mercer County
Department of Public Safety
Suspension and Fine

In the Matter of James McLean
Adult Diagnostic and Treatment Center
Department of Corrections
Suspension

In the Matter of Joseph Prestimonico
City of Hoboken
Department of Human Services
Suspension

In the Matter of Donald Rinyu
Juvenile Justice Commission
Removal

In the Matter of Naomi Taylor
Hunterdon Developmental Center
Department of Human Services
Removal

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

ACTION:

A-2 FRANCES DIMAIO, ET AL

Angel Alvarado, Nataliz Araujo, Frances DiMaio, Patrick Devaney, Bertha Ford, Donald Gourdine, Kamei Harris, Theresa Haywood, Kenneth Jackson, Darrell Johnson, Tricia Jordon, Gilbert Lewis, Richard Mack, Herminio Mendoza, Charles Murray, Otis Nesbit, Vipul Patel, Santa Perez, Jerome Perkins, Rosalile Perkins, Valerie Piccarillo, Deborah Papi, Jagram Ramdat, Elva Rollins, Jeremy Sims, Anna-Rose Smith, Terrance Smith, William Stack, Franklin Walker, Donald Wheeler, Kirkland Williams, Dorothy Wojcik, and Margaret Yost-Vitalicio appeal the good faith of their layoffs effective June 6, 2011 and June 30, 2011, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Note the withdrawal of the appeals of Nataliz Araujo, Bertha Ford, Kamei Harris, Theresa Haywood, Darrell Johnson, Charles Murray, Jerome Perkins, Alerie Piccarillo, Kirkland Williams, Dorothy Wojcik, and Margaret Yost-Vitalicio with prejudice and dismiss the remainder of the appeals for lack of appearance with prejudice.

ACTION:**A-3 WAYNE COZART**

Wayne Cozart, Program Development Specialist Youth Services, Passaic County, Department of Community Services, appeals the good faith of the layoff effective July 1, 2010, for reasons of economy and efficiency.

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

ACTION:**A-4 JAMES F. GILLEECE**

James F. Gilleece, appeals a determination by Union Township to bypass his name on the eligible list for the position of Police Sergeant as a result of his union activities.

Recommendation of the Administrative Law Judge – Dismiss the appeal.

ACTION:

A-5 EDWIN MARTINEZ

Edwin Martinez, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, removal effective February 17, 2011, 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, falsification and violation of a rule, regulation, policy, procedure, order or administrative decision.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-6 BRIGITTE PAIZ

Brigitte Paiz, Senior Correction Officer, South Woods State Prison, Department of Corrections, 60 working day suspension on charges of conduct unbecoming a public employee, violation of administrative procedures and/or regulations involving safety and security, insubordination and violation of rule, regulation, policy, procedure or administrative decision.

Recommendation of the Administrative Law Judge – Dismiss the 60 working day suspension.

ACTION:

A-7 NOVONDA BOOZE

Novonda Booze, Food Service Worker 12 Months, New Jersey Veterans Memorial Home, Vineland, removal effective July 20, 2012, on charges of inappropriate physical contact or mistreatment of an employee and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Grant appointing authority's motion to dismiss the appellant's appeal as moot.

ACTION:

A-8 ELDRIDGE HAWKINS, II

Eldridge Hawkins, II, Police Officer, Township of West Orange, Police Department, removal effective July 1, 2008, on charges of inability to perform duties and other sufficient cause.

Recommendation of the Administrative Law Judge – Grant appellant’s motion for summary decision, deny appointing authority’s cross-motion and reverse the removal.

ACTION:

A-9 DANIEL WILLIAMS

Daniel Williams, Laborer 1, City of Newark, Department of Water and Sewer, removal effective August 22, 2011, 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:

SECTION B – MISCELLANEOUS MATTERS

B-1 ROBERT FUNDERBURK

Robert Funderburk, a Senior Correction Officer with New Jersey State Prison, Department of Corrections, represented by Frank M. Crivelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-2 JACK LAURIE

Jack Laurie, an employee with the Department of Community Affairs, represented by Brett Richter, Executive Vice President, CWA Local 1039, appeals the calculation of his salary upon his appointment to the title of Program Support Specialist 3, effective December 3, 2011.

ACTION:

B-3 ROBERT TRENT

Robert Trent, a Senior Investigator, Parole and Secured Facilities, at Mountainview Youth Correctional Facility, Department of Corrections, represented by Catherine Elston, Esq., requests counsel fees based on the Civil Service Commission decision rendered on September 21, 2011.

ACTION:

B-4 HODGES D. HORTON, JR.

Hodges D. Horton, Jr., appeals the decision of the former 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 (S9987M), Department of Corrections, eligible list on the basis of an unsatisfactory criminal record and falsification of his employment application.

ACTION:

B-5 MICHAEL ROUSE

Michael Rouse, a Sheriff's Officer with the Gloucester County Sheriff's Department, represented by Charles E. Schlager, Jr., Esq., requests that the Civil Service Commission reinstate his appeal of his 10-day suspension, which was dismissed based on his failure to appear at his scheduled settlement conference.

ACTION:

B-6 RICHARD CASTAGNA

Richard Castagna appeals the decision of the Division of Classification and Personnel Management which found that his position with the Department of Environmental Protection is properly classified as Environmental Specialist 4. The appellant seeks a Research Scientist 1 job classification.

ACTION:

B-7 LORIE GUERIERI, ET AL.

Lorie Guerieri, Rebecca Croke, and Donna Zalis appeal the decision of the former Division of State and Local Operations that the proper classification of their positions with the Department of Environmental Protection is Program Technician. The appellants seek Administrative Analyst 3 job classifications.

ACTION:

B-8 BARBARA MAY

Barbara May appeals the decision of the Division of Classification and Personnel Management which found that her position with the Department of Transportation is properly classified as Secretarial Assistant 2, Non-Stenographic. The appellant seeks an Administrative Assistant 3 job classification.

ACTION:

B-9 FERNANDO NOBLEJAS

Fernando Noblejas appeals the determination of the former Division of State and Local Operations that his position with the Department of the Treasury is properly classified as an Auditor 2, Taxation. The appellant seeks an Auditor 1, Taxation job classification.

ACTION:

B-10 PATRICIA SCOTT

Patricia Scott appeals the decision of the former Division of State and Local Operations that the proper classification of her position with the Department of Environmental Protection is Head Clerk. The appellant seeks a Program Technician job classification.

ACTION:

B-11 JENNIE MONROE

The Department of Human Services 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 Jennie Monroe, a former Human Services Technician with Trenton Psychiatric Hospital, to submit a late application for SCOR benefits.

ACTION:

B-12 CURTIS WILSON

The Department of Human Services 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 Curtis Wilson, a former Human Services Technician with Trenton Psychiatric Hospital, to submit a late application for SCOR benefits.

ACTION:

B-13 ALFRED BLANKS

The appeal of Alfred Blanks, a Senior Correction Officer with East Jersey State Prison, Department of Corrections, of his 15 working day suspension, on charges, was heard by Administrative Law Judge James A. Geraghty (ALJ), who rendered his initial decision on January 3, 2013. At its meeting on February 6, 2013, the Civil Service Commission did not adopt the ALJ's recommendation to modify the 15 working day suspension to a 10 working day suspension. Rather, the Commission upheld the 15 working day suspension. The proposed final decision is now submitted for the Commission's review.

ACTION:

B-14 VINCENT DE PONTE

The appeal of Vincent De Ponte, a County Correction Officer with the Monmouth County Department of Corrections and Youth Services, of his 30 working day suspension, on charges, was heard by Administrative Law Judge Patricia M. Kerins (ALJ), who rendered her initial decision on December 24, 2012. At its meeting on January 23, 2013, the Civil Service Commission did not adopt the ALJ's recommendation to modify the 30 working day suspension to a five working day suspension. Rather, the Commission modified the 30 working day suspension to a 20 working day suspension. The proposed decision is now submitted for the Commission's review.

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

Newark requests permission not to make an appointment from the April 12, 2010 certification for Assistant Director of Economic and Industrial Development (M1685J).

ACTION:**B-16 BUILDING SERVICE WORKER (SPECIAL RE-EMPLOYMENT LIST), WEST NEW YORK**

The Division of Classification and Personnel Management requests that West New York be ordered to return the April 19, 2012 certification for Building Service Worker (Special Re-employment List) for proper disposition.

ACTION:**B-17 CAMDEN COUNTY POLICE DEPARTMENT NON-LAW ENFORCEMENT TITLES**

Camden County, represented by Sherri L. Schweitzer, County Counsel, requests the reallocation of 11 job titles to the noncompetitive division of the career service until October 31, 2013 to support the expeditious staffing of non-law enforcement personnel for the newly created Camden County Police Department.

ACTION:

B-18 KEISHA HENDERSON

Essex County, represented by Willie Parker, Assistant County Counsel, requests reconsideration of the decision rendered on December 5, 2012, which reversed the removal of Keisha Henderson, a County Correction Officer, effective November 19, 2010, and granted her back pay, benefits, and seniority for the period of her separation to the actual date of her reinstatement.

ACTION:

B-19 ALEX SINIAVSKY

Alex Siniavsky, a former Institutional Trade Instructor 1, Welding, at Southern State Correctional Facility, Department of Corrections, petitions the Civil Service Commission for reconsideration of its decision rendered on May 2, 2012, modifying his 15-day suspension to a five-day suspension.

ACTION:

B-20 DEIDRA SAMUEL

Deidra Samuel appeals the administration of the examination for Senior Quality Control Reviewer (S0369P).

ACTION:

B-21 RICHARD THOMPSON

Richard Thompson appeals the determination of the Division of Selection Services and Recruitment which found that he did not meet the experience requirements, per the substitution clause for education, for the promotional examination for Administrative Analyst 2, Data Processing (PS7156C), Civil Service Commission.

ACTION:

B-22 PROPOSED AMENDMENTS: N.J.A.C. 4A:1-1.3; AND 4A:4-2.1, 2.6 AND 2.17 (SUBMISSION OF EXAMINATION APPLICATIONS ONLINE)

Submitted for the Commission's approval is a Notice of Proposal codifying the CSC's On-Line Application System (OAS). The rule revisions would set forth procedures for the electronic posting of open competitive and promotional announcements and the electronic submission of examination applications. Therefore, it is recommended that the proposed amendments be approved for public notice and comment.

ACTION:

B-23 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of February 20, 2013.

ACTION:

B-24 ROBERT GIANGRASSO

Robert Giangrasso, an Executive Assistant 2 with the Department of Transportation, appeals his three-day suspension.

ACTION:

B-25 CARMEN SANDERS

Carmen Sanders, a former Security Guard with the Irvington Public Library, requests that the Civil Service Commission reinstate her appeal of her release at the end of her working test period effective October 28, 2011, which was dismissed based on her failure to appear at her scheduled settlement conference.

ACTION:

B-26 MICHELLE TAYLOR

Michelle Taylor, a Human Services Technician with the New Jersey Veterans' Memorial Home, Vineland, Department of Military and Veterans' Affairs, represented by Joseph Waite, Staff Representative, Council 71, American Federation of State, County and Municipal Employees (AFSCME), seeks enforcement of the decision rendered on February 22, 2012, granting her back pay, benefits and seniority pursuant to *N.J.A.C. 4A:2-2.10*.

ACTION:

B-27 ROBERT REISS

Union Township, represented by Robert J. Merryman, Esq., petitions the Civil Service Commission for revival of the Police Lieutenant (PM2638G), Union Township, eligible list, in order to effectuate the terms of a settlement agreement between it and Robert Reiss.

ACTION:

B-28 SHEILA BEERS

Sheila Beers appeals the determination of the former Division of State and Local Operations that her position with the Department of the Treasury is properly classified as an Administrative Assistant 2. The appellant seeks an Executive Assistant 3 job classification.

ACTION:

B-29 MICHAEL BROGEN

Michael Brogen requests reconsideration of the final administrative determination in *In the Matter of Willie Barnes, et al.* (CSC, decided August 15, 2012).

ACTION:

B-30 MARK MCDERMOTT

Mark McDermott, represented by James Madden, Esq., requests a make-up of the oral portion of the examination for Fire Captain (PM5229N), Kearny.

ACTION:

B-31 SECURITY GUARD (C1207N), ESSEX COUNTY SHERIFF'S OFFICE

The Division of Classification and Personnel Management requests that the Civil Service Commission order the Essex County Sheriff's Office to return the November 9, 2011 certification of the eligible list for Security Guard (C1207N) for proper disposition.

ACTION:

B-32 RECENT COURT DECISIONS

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

ACTION:

B-33 JENNIFER DINELLA

Jennifer Dinella requests that she be permitted to file an application after the closing date for the promotional examination for County Services Specialist (PS1394K), Department of Children and Families.

ACTION: