



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
DECEMBER 4, 2013**

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

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

Joseph Conti, Maintenance Worker 2, Department of Transportation, removal.

Michael Grober, Bridge Operator, Hudson County, Department of Roads and Public Property, suspension.

Antonio Hernandez, Police Officer, Department of Safety Services, suspension.

Edward Schaefer, Construction Official, Department of License and Inspection Township of Cinnaminson, removal.

Bonnie Tinsman, Institutional Attendant, Warren County, Department of Long Term Care Services, suspension.

Mark Tolley, County Correction Officer, Middlesex County, Department of Corrections and Youth Services, removal.

Craig Williams, Sr., Police Officer, City of Camden, Police Department, layoff.

ACTION:

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:

Anthony Benson, Police Officer, City of Camden, Police Department, layoff.

Angel Camacho, Police Officer, City of Camden, Police Department, layoff.

Lawrence Cox, Police Officer, City of Camden, Police Department, layoff.

Angel Camacho, Police Officer, City of Camden, Police Department, layoff.

Robert Chew, Police Officer, City of Camden, Police Department, layoff.

Melba Gracia, Police Officer, City of Camden, Police Department, layoff.

Keith James, Police Officer, City of Camden, Police Department, layoff.

Madrid Matthews, Police Officer, City of Camden, Police Department, layoff.

Michael McCausland, Police Officer, City of Camden, Police Department, layoff.

Thomas Plotts, Police Officer, City of Camden, Police Department, layoff.

Brian Razzi, Police Officer, City of Camden, Police Department, layoff.

Joseph Rivera, Police Officer, City of Camden, Police Department, layoff.

Ella Roberts, Police Officer, City of Camden, Police Department, layoff.

Carmen Ruiz, Police Officer, City of Camden, Police Department, layoff.

Luis Ruiz, Police Officer, City of Camden, Police Department, layoff.

Luis Sanchez, Police Officer, City of Camden, Police Department, layoff.

Bernardo Segarra, Police Officer, City of Camden, Police Department, layoff.

Jose Torres, Police Officer, City of Camden, Police Department, layoff.

Terrell Watkins, Police Officer, City of Camden, Police Department, layoff.

ACTION:

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Artiece Brown
Hudson County
Department of Corrections
Suspension

In the Matter of Troy Bessler
Morris County
Sheriff's Department
Suspension

In the Matter of Joseph Burrell, Jr.
Ancora Psychiatric Hospital
Department of Human Services
Suspension

In the Matter of Darren Cecil
East Jersey State Prison
Department of Corrections
Suspension

In the Matter of Jennifer Dawson
Mercer County
Department of Public Safety
Suspension

In the Matter of Joseph Delvecchio
New Lisbon Human Services
Department of Human Services
Release at the end of the working test period

In the Matter of Elizabeth DeRohan
Warren County
Department of Human Services
Return to the previously held title at the end of the working test period

In the Matter of Denise Dill
Middlesex County Board of Social Services
Suspension

In the Matter of Angela Edwards
New Lisbon Developmental Center
Department of Human Services
Removal

In the Matter of Edwin Gonzalez
Central Office
Department of Corrections
Release at the end of the working test period

In the Matter of Albert Kenney
City of Millville
Department of Public Works
Removal

In the Matter of Ryan Lopez
Ann Klein Forensic Psychiatric Hospital
Department of Human Services
Suspension and Removal

In the Matter of Deborah McIntosh
Hudson County
Department of Health and Human Services
Suspensions (2)

In the Matter of Robert Pignato
Monmouth County
Department of Transportation
Removal

In the Matter of Constantin West
Bayside State Prison
Department of Corrections
Suspension

In the Matter of Janell Zieger
Camden County
Department of Corrections
Removal

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

ACTION:

A-2 ERIC GANDY (REMAND)

Eric Gandy, Senior Correction Officer, Bayside State Prison, Department of Corrections, 120 working day suspension on charges of incompetency or failure to perform duties, other sufficient cause, leaving assigned work area without permission creating a danger to persons or property, violation of a rule, regulation, policy, procedure, order, or administrative decision.

Recommendation of the Administrative Law Judge – Modify the 120 working day suspension to a 30 working day suspension.

ACTION:

A-3 ROBERT H. GORDON

Robert H. Gordon, Supervisor Boiler Room, Morris County, Department of Human Services, 30 working day suspension on charges of incompetency, inefficiency or failure to perform duties, neglect of duty misuse of public property and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the 30 working day suspension to a 90 working day suspension.

ACTION:

A-4 KATHLEEN LUMFORD

Kathleen Lumford, Building Maintenance Worker, Hudson County, Department of Roads and Public Property, resignation not in good standing effective April 1, 2013, on charges of conduct unbecoming a public employee, insubordination, neglect of duty, chronic and excessive absenteeism and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the resignation not in good standing to a resignation in good standing.

ACTION:

A-5 CHARLES MURRAY REMAND (CONSOLIDATION)

Charles Murray and Kirkland Williams, Code Enforcement Officers and Kamei Harris, Receptionist, City of Jersey City, Department of Public Works, appeal the good faith of their layoff effective June 6, 2011, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Uphold the layoffs.

ACTION:

A-6 WENDELL N. BALL

Wendell N. Ball, Recreation Leader, City of Orange Township, Department of Community Services, removal effective June 14, 2013, on charges of conduct unbecoming a public employee, incompetency, inefficiency or failure to perform duties, insubordination, inability to perform duties, chronic or excessive absenteeism or lateness, neglect of duty and other sufficient cause.

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

ACTION:

A-7 CHRISTOPHER CHIN

Christopher Chin, County Correction Officer, Cape May County, Sherriff's Department, removal effective January 8, 2013, on charges of neglect of duty incompetency, inefficiency or failure to perform duties and violation of County rules and regulations regarding performance of duty and truthfulness.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-8 JOSEPH GRAFFAGNINO

Joseph Graffagnino, County Correction Officer, Middlesex County, Department of Adult Corrections, removal effective May 21, 2013, on charges of other sufficient cause, unauthorized use of force, neglect of duty and conduct unbecoming a public employee.

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

ACTION:

A-9 CARL JONES (CONSOLIDATION)

Carl Jones, Senior Building Maintenance Worker, Trenton Psychiatric Hospital, Department of Human Services, two removals effective September 12, 2011 on charges of leaving assigned work area without permission creating a danger to persons or property, neglect of duty, falsification, insubordination, conduct unbecoming a public employee, verbal abuse of an employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removals.

ACTION:

A-10 BENJAMIN ORTEGA

Benjamin Ortega, Police Officer, Township of North Bergen, Department of Public Safety, removal effective June 8, 2012, on charges of insubordination, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the removal to a 10-day suspension.

ACTION:

A-11 MARCO SEMINARIO

Marco Seminario, County Correction Officer, Hudson County, Department of Corrections, removal effective May 9, 2013, on charges of insubordination, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-12 PAUL SERDIUK

Paul Serdiuk, Personnel Assistant 2, Department of Military and Veterans Affairs, removal effective April 25, 2012, on charges of insubordination, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the removal to a 180-day suspension.

ACTION:

SECTION B – MISCELLANEOUS MATTERS

B-1 MARK HULSE

Mark Hulse, a Police Officer with Newark, represented by Hugo Harmatz, Esq., seeks enforcement of the Civil Service Commission's decision rendered on April 17, 2013, granting the appellant counsel fees.

ACTION:

B-2 DONNA JACKSON

The Superior Court of New Jersey, Appellate Division, has reversed the Civil Service Commission's decision modifying the removal of Donna Jackson, a County Correction Officer with Hudson County, to a 10 working day suspension. The Court found that no disciplinary penalty was warranted and remanded the matter for calculation of back pay and counsel fees.

ACTION:

B-3 LOUIS RICCA

Louis Ricca, a Police Officer with Newark, represented by Anthony J. Fusco, Jr., Esq., requests interim relief of his suspension without pay effective June 7, 2012.

ACTION:

B-4 JOAN DOTY AND EMMA SMITH

Joan Doty, a former Building Service Worker with Sussex County, and Emma Smith, a former Principal Account Clerk with Sussex County, appeal the determinations of their layoff rights by the Division of Classification and Personnel Management.

ACTION:

B-5 BENJAMIN LIBERATORE

The Department of Human Services, Ancora Psychiatric Hospital, 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 Benjamin Liberatore, a Clinical Psychiatrist, Post Certified, to submit a late application for SCOR benefits.

ACTION:

B-6 EDDIE ACOSTA

Eddie Acosta, represented by Erik C. Acosta, Esq., appeals the decision of the Division of Classification and Personnel Management, 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-7 PETER EICHEN

Peter Eichen appeals the decision of the Division of Classification and Personnel Management, which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the Police Officer (S9999M), Beachwood Borough eligible list on the basis of falsification of his employment application.

ACTION:

B-8 JOYCE FERRARO

Joyce Ferraro appeals the decision of the Division of Classification and Personnel Management removing her name from the Assistant Director of Nursing (C2460N), Essex County eligible list due to her failure to appear for a pre-employment interview.

ACTION:

B-9 JOSEPH PERSICO

Joseph Persico, represented by Daniel S. Sweetser, Esq., appeals the decision of the Division of Classification and Personnel Management, 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 background report, an unsatisfactory employment record, and falsification of his employment application.

ACTION:

B-10 CHRISTINE WALCZYK

Christine Walczyk appeals the decision of the Division of Classification and Personnel Management which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the Senior Technician MVC (PS6069T), Motor Vehicle Commission, eligible list due to her failure to respond to the Notice of Certification.

ACTION:

B-11 MATT BUTCHER, ET AL.

Matt Butcher, Alfonso Renna, and Rosalind Russ-Tobias appeal the determinations of the Division of Selection Services that they were not eligible for the promotional examination for Investigator 3, Child Protection (PS6385K), Department of Children and Families, because they were not permanently serving in a title to which the examination was open.

ACTION:

B-12 ANTHONY BRADLEY

Anthony Bradley appeals the decision of the Division of Classification and Personnel Management that the proper classification of his position with the Department of the Treasury is Accountant 2. The appellant seeks an Accountant 1 job classification.

ACTION:

B-13 KEVIN CURRY

Kevin Curry appeals the determination of the Division of Classification and Personnel Management 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-14 JACQUELINE PERRY

Jacqueline Perry, represented by Robert O. Yaeger, Principal Staff Representative, CWA Local 1040, appeals the determination of the Division of Classification and Personnel Management that her position with the Department of Corrections is properly classified as a Contract Administrator 2, Corrections. The appellant seeks a Program Assistant, Corrections, job classification.

ACTION:

B-15 DOROTHY SNYDER

Dorothy Snyder appeals the determination of the Division of Classification and Personnel Management that her position with the Department of Health is properly classified as a Principal Clerk Typist. The appellant seeks a Secretarial Assistant 3, Non-Stenographic, or Secretarial Assistant 2, Non-Stenographic, job classification.

ACTION:

B-16 EDWARD SWANFELD

Edward Swanfeld appeals the decision of the Division of Classification and Personnel Management, which found that his position with the Department of Military and Veterans Affairs is properly classified as Electrician. The appellant seeks a Crew Supervisor Electricians job classification.

ACTION:

B-17 GRAZIA DATILLO

Grazia Datillo appeals the decision of the Division of Classification and Personnel Management that the proper classification of her position with Passaic County is Payroll Clerk. The appellant seeks a Senior Payroll Clerk job classification.

ACTION:

B-18 C. L.

C. L., an Administrative Analyst 1 with the Department of Children and Families, appeals the determination of the Office of Equal Employment Opportunity and Affirmative Action (EEO/AA), which found that the appellant failed to support a finding that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

ACTION:

B-19 L. S.

L. S., an Assistant Superintendent 1, Corrections, with the Central Reception and Assignment Facility, Department of Corrections, appeals the determination of the Special Legal Advisor, Office of the Commissioner, Department of Corrections, 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-20 CHIEF CODE ENFORCEMENT OFFICER (PM0737M), NEWARK

Wanda Stevenson, a Chief Sanitation Officer, and Elmore Gaines, a former Code Enforcement Officer, request reconsideration of the final administrative decision, rendered on April 3, 2013, which granted Newark's request for an appointment waiver for the May 31, 2011 certification of the Chief Code Enforcement Officer (PM0737M) eligible list.

ACTION:

B-21 COUNSELOR ADOLESCENT UNIT

Atlantic County requests permission not to make an appointment from the May 23, 2013 certification for Counselor Adolescent Unit (C0102R).

ACTION:

B-22 OPEN-COMPETITIVE LISTS FOR FIRE FIGHTER (M9999M)

The Director of Selection Services requests that the Fire Fighter open-competitive lists generated from the Entry Level Fire Fighter Examination (M9999M) (M2500M consecutive through M2586M, excluding M2518M) be extended for two years beyond their expiration dates or until new lists are issued, whichever occurs first.

ACTION:

B-23 POLICE SERGEANT (PM2604K), LAKEWOOD

The Township of Lakewood requests that the eligible list for Police Sergeant (PM2604K) be revived and extended for 30 days beyond its expiration date.

ACTION:

B-24 SUPERVISOR, PUBLIC WORKS, SAYREVILLE

The Director, Division of Classification and Personnel Management, on behalf of the Borough of Sayreville, requests relaxation of *N.J.A.C. 4A:4-2.4(c)* in order to allow employees in the non-competitive titles of Truck Driver and Truck Driver, Heavy to be eligible for a promotional examination for Supervisor, Public Works, Sayreville.

ACTION:

B-25 EILEEN ALTNEU

Eileen Altneu, a Human Services Specialist 2, appeals her score on the promotional examination for Human Services Specialist 3 (PC0107R), Monmouth County.

ACTION:

B-26 NATALIE AZCONA

Natalie Azcona appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the open competitive examination for Rent Regulation Officer (M0411R), New Brunswick.

ACTION:

B-27 DEANA CAVALLARO

Deana Cavallaro 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 Administrative Analyst 4 (S0236R).

ACTION:

B-28 DOMENICO COCCO AND HENRY HONG

Domenico Cocco and Henry Hong appeal the determinations of the Division of Selection Services which found that they were below the minimum requirements in experience for the promotional examination for Senior Data Processing Programmer (PC1224R), Morris County.

ACTION:

B-29 JEANNE HICKS

Jeanne Hicks appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Office Supervisor (PS3425K), Department of Human Services.

ACTION:

B-30 JANE MERCEDES

Jane Mercedes appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the open competitive examination for Cook (M0307R), Plainfield.

ACTION:

B-31 JODY NOCKS

Jody Nocks appeals the determination of the Division of Selection Services that she did not meet the education requirement for the open competitive examination for Public Health Consultant 2, Nutrition (S0212R), Statewide.

ACTION:

B-32 MICHAEL PENICA

Michael Penica appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Administrative Analyst 2, Accounting (PS6699K), Department of Human Services.

ACTION:

B-33 MARK PUCCIARELLI

Mark Pucciarelli appeals the determination of the Division of Selection Services that he did not meet the education requirement for the open competitive examination for Accountant (M0325R), Newark School District.

ACTION:

B-34 WANDA RIVERA

Wanda Rivera appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the open competitive examination for Contract Administrator 2 (S0029R).

ACTION:

B-35 JULIA SHARKEY AND AMY STOVER

Julia Sharkey appeals the determination of the Division of Selection Services that she was below the minimum requirements in experience for the promotional examination for Comptroller (PC1256P), Atlantic County. Amy Stover appeals the determination of the Division of Selection Services that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Comptroller (PC1256P), Atlantic County.

ACTION:

B-36 ERNEST SMITH, JR.

Ernest Smith, Jr. appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in education and experience for the promotional examination for Section Supervisor, Environmental Compliance (PC1217R), Camden County.

ACTION:

B-37 ANDREA STUMPF

Andrea Stumpf appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the open competitive examination for Administrative Analyst 4 (S0236R).

ACTION:

B-38 SCOTT TILLET

Scott Tillett appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he was below the minimum requirements in experience for the promotional examination for Supervisor, Data Processing Technical Support (PS4900U), Office of Information Technology (OIT).

ACTION:

B-39 ARTHUR VAN NESS

Arthur Van Ness appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements in experience for a qualifying examination for Supervising Property Clerk, Ocean County.

ACTION:

B-40 NANCY WILSON

Nancy Wilson appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in education and experience for the promotional examination for Section Supervisor, Environmental Compliance (PC1217R), Camden County.

ACTION:

B-41 CIVIL SERVICE COMMISSION MINUTES

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

ACTION: