AGENDA OF REGULAR MEETING OF THE CIVIL SERVICE COMMISSION
MARCH 26, 2014

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:

Emillie Matundu Bondo, Institutional Attendant, Atlantic County, Department of Human Services, release at the end of working test period.

Timothy P. Fink, Senior Repairer, Department of Treasury, removal.

Elizabeth James, Judiciary Clerk 2, Mercer Vicinage, Judiciary, release at the end of the working test period.

Nafaeesa M. Miller, County Correction Officer, Burlington County, suspension.

ACTION:

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

Lorene D. Bridgers, Keyboarding Clerk 3, Mercer County Board of Social Services, return to the previously held title at the end of the working test period.

Shaun M. Dannenfelser, et.al., Firefighter/EMT, Gloucester City, Fire and Ambulance Department, Layoff.

David P. Engle, Firefighter/EMT, Gloucester City, Fire and Ambulance Department, Layoff.

Richard S. Fox, County Correction Officer, Gloucester County, removal.

Donald Fussner, Field Representative Proper Improvement, Atlantic City, Department of License and Inspection, suspension.

Frederick Gorman, Building Maintenance Worker, Union County, Runnels Hospital, Layoff.

Kathleen R. Kessler, Human Service Specialist 2, Ocean County Board of Social Service, suspension.
James Meyers, Heavy Equipment Operator, Middlesex County, Department of Public Works, removal.

ACTION:

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Ana Lynn
Union County
Runnels Specialized Hospital
Layoff

In the Matter of Robert Lemay
City of Newark
Fire Department
Suspension

In the Matter of Luz Ramos
Vineland Developmental Center
Department of Human Services
Release at the end of working test period

In the Matter of John Verrecchio
Gloucester County
Emergency Response Department
Suspension

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

ACTION:

A-2 VIVIAN DELGADO

Vivian Delgado, Public Safety Telecommunicator, City of Passaic, Police Department, removal effective April 12, 2012, on charges of incompetency, inefficiency or failure to perform duties, inability to perform duties, conduct unbecoming a public employee, neglect of duty, and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:
A-3 FRANCYS FERNANDEZ

Francys Fernandez, Senior Correction Officer, Mountainview Youth Correctional Facility, Department of Corrections, removal effective June 26, 2013, on charges of conduct unbecoming a public employee and other sufficient causes.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-4 MARIA HERNANDEZ

Maria Hernandez, Keyboarding Clerk 1, Passaic County Board of Social Services, removal effective October 17, 2012, on charges of unauthorized absence, abandonment of position, insubordination, failure to comply with time and leave procedures and excessive absenteeism.

Recommendation of the Administrative Law Judge – Dismiss the appeal.

ACTION:

A-5 SHANIKA MCNAIR

Shanika McNair, Correction Officer Recruit, Northern State Prison, Department of Correction, removal effective May 28, 2013, on charges of other sufficient cause, inability to perform duties, conduct unbecoming an employee, falsification, intentional misstatement of material fact in connection with work, employment application, attendance, or in any record, report, investigation or proceeding, improper or unauthorized contact with inmate, undue familiarity with inmates, parolees, their families, or friends and violation of a rule, regulation, policy, procedure, order or administrative decision.

Recommendation of the Administrative Law Judge – Reverse the removal to a 120 day suspension.

ACTION:
A-6 ROBERT RIVERA

Robert Rivera, Housing Assistant Technician Bilingual in Spanish and English, County of Passaic, Department of Planning, removal effective December 29, 2010, on charges of incompetency, inefficiency or failure to perform duties, inability to perform duties, conduct unbecoming a public employee, neglect of duties and other sufficient cause.

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

ACTION:

A-7 TYWANA L. SMITH AND DUEWA EDWARDS-DICKSON

Tywana L. Smith, Clerk Typist and DuEwa Edwards-Dickson, Program Coordinator, City of Trenton, Aging, Department of Administration and Finance, appeal the good faith of their layoff effective November 5, 2010.

Recommendation of the Administrative Law Judge – Uphold the layoffs.

ACTION:
SECTION B – MISCELLANEOUS MATTERS

B-1 CHANGE IN CLASSIFICATION PLAN – TITLE REACTIVATION

The Division of Classification and Personnel Management requests reactivation and renaming of the Electrical Metering and Relay Mechanic title to Electric Meter Technician.

MEMORANDUM

DATE: March 10, 2014
TO: Civil Service Commission
FROM: Kenneth Connolly, Director
Division of Classification and Personnel Management
SUBJECT: Change in State Classification Plan

Local Government

The Division of Classification and Personnel Management requests the reactivation and renaming of the title Electrical Metering and Relay Mechanic (01703), which was inactivated in 2010 due to non-use. Provisions of Vineland’s current and previous contracts with Local 210 - IBEW, Unit I stipulate that the title is part of an apprenticeship program in the City of Vineland. Vineland asserts that in order for them to fulfill their union contract agreement, it is essential that the title be made available for use. The title is step three of the apprentice program. This step is the culmination of a four-year program, whose levels are as follows:

Electric Meter Worker (01698) - Active
Electric Meter Repairer (01697) - Active
Electrical Metering and Relay Mechanic (01703) - Inactive

The AA asserts that the title had been vacant for a prolonged period at the time of inactivation because no participants in the apprenticeship were then at that level in the program.

The AA requests the renaming of the title to Electric Meter Technician, as the current title is obsolete and no longer accurately reflects the functions of the job.

The AA requests reactivation retroactive to April 2013, as they have an apprentice residing in the Electric Meter Repairer title who became eligible for advancement into this title at that time.

The effective date of this title reactivation will be retroactive to 4/28/2013, following the Commission’s approval of the action.

Title Reactivation and Renaming

From: Electrical Metering and Relay Mechanic 01703 C Local
To: Electric Meter Technician 01703 C Local

ACTION:
B-2 CHANGE IN CLASSIFICATION PLAN – TITLE CREATION

The Division of Classification and Personnel Management requests creation of the dual title Assistant Municipal Engineer/Assistant Public Works Superintendent.

MEMORANDUM

DATE: March 10, 2014
TO: Civil Service Commission
FROM: Kenneth Connolly, Director Division of Classification and Personnel Management
SUBJECT: Change in State Classification Plan

DUAL TITLE CREATION REQUEST

The City of Millville requests the creation of the dual title Assistant Municipal Engineer/Assistant Public Works Superintendent.

The City of Millville adopted a layoff plan in the summer of 2010; due to the subsequent retirements and the elimination of positions, it was necessary for a number of titles to absorb additional job duties and responsibilities. As a result, the Assistant Municipal Engineer assumed the responsibilities of Assistant Public Works Superintendent. The restructuring that occurred in 2010 is still in place, and the combined functions continue to meet the needs of the Municipality.

The Municipality has adopted a local ordinance, No. 1-2014, to formally acknowledge the existence of this dual role.

The responsibilities encompassed by these two titles were formerly handled by the titles Supervisor Recycling Operations, Street Superintendent, General Supervisor Streets, and the Superintendent of Recreation, which have since been eliminated or are vacant due to retirements.

TITLE TO BE CREATED
Effective: Changes will be effective the first pay period following the commission’s approval.

Assistant Municipal Engineer/Assistant Public Works Superintendent
Local Competitive

KC/JT/BP/DC

ACTION:
B-3 WILLIAM B. WAGNER

William B. Wagner, represented by William D. Sayers, Esq., appeals his rejection as a Fire Fighter candidate by West Orange and its request to remove his name from the eligible list for Fire Fighter (M2578M) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-4 KEVIN GEORGE

Kevin George, a former Police Sergeant with the City of Newark, represented by William S. Greenberg, Esq., requests enforcement of the decision *In the Matter of Kevin George* (MSB, decided September 22, 2004), which granted him back pay, reimbursement for payments to maintain health insurance coverage, counsel fees, and costs. Additionally, the petitioner seeks resolution of a dispute concerning back pay and counsel fees arising from the decision *In the Matter of Kevin George* (CSC, decided July 11, 2012), which reversed his removal.

ACTION:

B-5 JEFFREY THOMPSON

The Department of Human Services, on behalf of Jeffrey Thompson, requests the relaxation of the provisions of *N.J.A.C. 4A:6-1.22* so as to permit Mr. Thompson to donate the balance of his sick days to K.L.J., who is participating in the donated leave program.

ACTION:

B-6 GEORGE BOOKTOR

The Department of Law and Public Safety requests that the provisions of *N.J.A.C. 4A:4-1.1(c)* be relaxed in order to allow George Booktor to be provisionally appointed, pending promotional examination procedures, to the title of Administrative Analyst 2, Accounting.

ACTION:
B-7 MARK BUDAY, ET AL.

The Department of the Treasury requests that the eligible list for Investigator 1, Taxation (PS1469U), Department of the Treasury, be revived in order to permanently appoint Mark Buday, Purnima Gandhi, Jennifer Ivory, Gillian John, and Francis Massaquoi effective June 1, 2013, July 13, 2013, June 29, 2013, July 13, 2013, and May 18, 2013, respectively.

ACTION:

B-8 PAIGE HADLEY-COWIE

Paige Hadley-Cowie, represented by Meko Palmer, Senior Staff Representative, CWA Local 1033, appeals the bypass of her name on the eligible list for Investigator 1, Taxation (PS1469U), Department of the Treasury.

ACTION:

B-9 YACI ALVAREZ

Yaci Alvarez appeals the determination of the Division of Selection Services denying her request for a make-up examination for Supervising Family Service Specialist 2 (PS6696K) and Supervising Family Service Specialist 2 Bilingual Spanish/English (PS6697K), Department of Children and Families.

ACTION:

B-10 FAYE BROWN

Faye Brown appeals the determination of the Division of Selection Services denying her request for a make-up examination for the promotional examination for Family Service Specialist 1 (PS1394K), Department of Children and Families.

ACTION:
B-11 MICHAEL LEDDEN

Michael Ledden, represented by James P. Swift, 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 Police Officer (S9999M), Atlantic City, eligible list due to his failure to respond to the Notice of Certification.

ACTION:

B-12 RAJON OSBORNE

Rajon Osborne 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 Fire Fighter (M2504M), Bergenfield, eligible list due to his failure to respond to the Notice of Certification.

ACTION:

B-13 RAJON OSBORNE

Rajon Osborne appeals the decision of the Division of Classification and Personnel Management which found that the City of Orange had presented a sufficient basis to remove the appellant’s name from the Fire Fighter (M2559M), City of Orange, eligible list on the basis of an unsatisfactory driving record.

ACTION:

B-14 MIOSHA SOREY

Miosha Sorey, represented by Samuel J. Halpern, Esq., appeals the determination of the Division of Classification and Personnel Management upholding the removal of her name from the eligible list for Police Officer (S9999M), City of East Orange, on the basis of not meeting the age requirement.

ACTION:
B-15 JASON ANDERSON, ET AL.

The Passaic County Sheriff's Office, represented by Albert Buglione, Esq., appeals the decisions of the Division of Classification and Personnel Management that the positions of Jason Anderson, Javier Castellanos, Jose Sayan, Robert Scott and John Welsh are properly classified as Sheriff's Officer. The appointing authority seeks job classifications of County Correction Officer.

ACTION:

B-16 LETITIA FOREMAN

Letitia Foreman appeals the determination of the Division of Classification and Personnel Management that her position is properly classified as a Principal Clerk Typist, with the Department of Corrections. The appellant seeks an Administrative Assistant 3 job classification.

ACTION:

B-17 BRIAN GEOGHEGAN

Brian Geoghegan appeals the April 12, 2013 decision of the Division of Classification and Personnel Management which found that his position with Jackson Township is properly classified as a Police Sergeant.

ACTION:

B-18 PATRICK GOAN

Patrick Goan appeals the decision of the Division of Classification and Personnel Management that the proper classification of his position with the Department of Environmental Protection is Administrative Analyst 2, Fiscal Management. The appellant seeks an Administrative Analyst 1 or Administrative Analyst 1, Fiscal Management job classification.

ACTION:
B-19 ELLENA HERBERT

Ellena Herbert appeals the decision of the Division of Classification and Personnel Management that the proper classification of her position with the Department of Banking and Insurance is Investigator 2. The appellant seeks a Principal Investigator, Insurance Enforcement job classification.

ACTION:

B-20 HENRY LI

Henry Li 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 Engineer 2. The appellant seeks an Environmental Engineer 3 job classification.

ACTION:

B-21 PRIYADARSH SUNDARAM

Priyadarsh Sundaram appeals the determination of the Division of Classification and Personnel Management that her position with the Department of Environmental Protection is properly classified as Environmental Specialist 3. The appellant seeks an Environmental Specialist 4 job classification.

ACTION:

B-22 J. B.

J. B., an Assistant Superintendent 1, Corrections, with the Department of Corrections, appeals the determination of the Director, Equal Employment Division, which found that the appellant failed to 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.

ACTION:

B-23 CHIEF ENGINEER (M0108R), CITY OF PASSAIC

The City of Passaic requests permission not to make an appointment from the October 28, 2013 certification for Chief Engineer (M0108R).

ACTION:
B-24 COMMUNICATIONS OFFICER (M0909K), CITY OF ORANGE

In *In the Matter of Communications Officer (M0909K), City of Orange Township* (CSC, decided August 4, 2010), the Civil Service Commission granted the request of the City of Orange for an appointment waiver for the October 26, 2009 certification and ordered that no selection costs were to be assessed at that time since the appointing authority anticipated making an appointment from the list in fiscal year 2011. However, the appointing authority did not utilize the subject list and the matter of the assessment of costs and is now before the Commission.

ACTION:

B-25 SUPERVISING EMERGENCY MEDICAL TECHNICIAN (M0092N), BORDENTOWN TOWNSHIP

The Division of Classification and Personnel Management seeks enforcement of the Civil Service Commission decision rendered on October 16, 2013 which ordered Bordentown Township to immediately dispose of the July 13, 2011 certification of the Supervising Emergency Medical Technician (M0092N) eligible list.

ACTION:

B-26 SUPERVISOR OF GARAGE SERVICES (M0677L), TOWNSHIP OF SPARTA

In *In the Matter of Supervisor of Garage Services (M0677L), Township of Sparta* (CSC, decided July 21, 2010), the Civil Service Commission granted the request of the Township of Sparta for an appointment waiver for the February 16, 2010 certification and ordered that no selection costs would be assessed at that time since there was a possibility that the list could be utilized prior to its expiration. However, Sparta did not utilize the subject eligible list and the matter of the assessment of costs is now before the Commission.

ACTION:
B-27 VOCATIONAL ASSISTANT, COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED (S6897H) AND (S0717K), STATEWIDE

In In the Matter of Vocational Assistant, Commission for the Blind and Visually Impaired (S6897H) and (S0717K) (CSC, decided February 2, 2011), the Civil Service Commission granted the request of the Commission for the Blind and Visually Impaired for an appointment waiver from the March 11, 2010 certification for Vocational Assistant, Commission for the Blind and Visually Impaired (S0717K) for Essex County and from the March 19, 2010 certification for Vocational Assistant, Commission for the Blind and Visually Impaired (S6897H) and (S0717K) for Camden County and ordered that no selection costs were to be assessed at that time since there was a possibility that the list could be utilized prior to its expiration. However, the appointing authority did not utilize the subject eligible list and the matter of the assessment of costs is now before the Commission.

ACTION:

B-28 MARTIN BENDORF

Martin Bendorf requests reconsideration of the final administrative determination In the Matter of Martin Bendorf, Department of Environmental Protection (CSC, decided November 7, 2013) which determined that his position is properly classified as Environmental Specialist 2. The petitioner seeks an Environmental Specialist 3 job classification.

ACTION:

B-29 AH’KALEEM FORD

Ah’Kaleem Ford, County Correction Officer, Hudson County, represented by James Addis, Esq., requests reconsideration of the decision rendered on July 31, 2013, which upheld his 132 working day suspension and reversed his removal contingent upon his successful completion of a psychological fitness for duty examination.

ACTION:
B-30 EDWARD HOBOR

Edward Hobor requests reconsideration of the decision rendered on September 18, 2013 (In the Matter of Robert Christopher, et al., Equipment Operator (PC0677R), Middlesex County, which found that movement from Maintenance Worker 2, Grounds to Equipment Operator represented a promotion.

ACTION:

B-31 NASHYRAH DAY

Nashyrah Day appeals the decision of the Division of Selection Services which found her ineligible for the promotional examination for Correction Sergeant (PS6436I), Department of Corrections.

ACTION:

B-32 TIFFANY CARACCIOLA

Tiffany Caracciola appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Income Maintenance Technician (PS8469K), Department of Human Services.

ACTION:

B-33 SHEILAH COLEY

Sheilah Coley appeals her score on the examination for Deputy Police Chief (PM1747R), Newark.

ACTION:

B-34 DIANA CORTEZ AND JANET MILLS

Diana Cortez and Janet Mills appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirements for the promotional examination for Supervising Community Program Specialist (PS0587K), Commission for the Blind and Visually Impaired.

ACTION:
B-35 SHARON FLAIM

Sharon Flaim appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Assistant Director of Solid Waste Management (PM1152R), Vineland.

ACTION:

B-36 PATRICIA GACUTAN

Patricia Gacutan appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in education and experience for the open-competitive examination for Assistant Health Educator (C0564R), Camden County.

ACTION:

B-37 JOHN GRASS

John Grass appeals the validity of the open competitive examination for Radio Dispatcher (M0725R) Brick School District.

ACTION:

B-38 BETH GREGGS

Beth Greggs appeals the decision of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Quality Assurance Specialist, Health Services (PS4519K), Department of Human Services.

ACTION:

B-39 SEAN HENDERSON

Sean Henderson appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examinations for Environmental Compliance Investigator (PC1627R & PC0702N), Salem County.

ACTION:
B-40 JACLYN HORVATH

Jaclyn Horvath appeals the determination of the Division of Selection Services that she did not meet the education and experience requirements for the open competitive examination for Investigator, County Medical Examiner’s Office (C0282R), Middlesex County.

ACTION:

B-41 TONY MASKER

Tony Masker appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the promotional examination for Senior Traffic Maintenance Worker/Sign Maker 2 (PC1308P), Sussex County.

ACTION:

B-42 MICHELE MCCOURT

Michele McCourt appeals the determination of the Division of Selection Services that she was below the minimum requirements in experience for the open competitive examination for Food Service Manager (C0613R), Atlantic County.

ACTION:

B-43 CARMEN MORGAN

Carmen Morgan 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 promotional examination for Program Support Specialist 2 (Assistance Programs) (PS1739K), Division of Medical Assistance and Health Services.

ACTION:

B-44 LUIGI TRAMONTANA, JR.

Luigi Tramontana, Jr., appeals his oral scores on the promotional examination for Fire Chief (PM1767R), Vineland.

ACTION:
B-45 MICHAEL WARRING

Michael Warring appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the open-competitive examination for Stock Clerk (C0721R), Warren County.

ACTION:

B-46 TIM WIRKUS

Tim Wirkus appeals his oral scores on the promotional examination for Fire Chief (PM1768R), Union Township.

ACTION:

B-47 CIVIL SERVICE COMMISSION MINUTES

Submitted for adoption are the Civil Service Commission minutes of its meeting of March 13, 2013.

ACTION:

B-48 LISA CAPONE

Lisa Capone, a Family Service Specialist 2 with the Department of Children and Families, requests to have her application and examination score for Supervising Family Service Specialist 2, Bilingual in Spanish and English (PS6697K), DCF, be transferred and applied to Supervising Family Service Specialist 2 (PS6696K), DCF, since she mistakenly applied for the wrong examination.

ACTION:

B-49 FRANCIS CAPUTO

Francis Caputo, Jr., appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the open competitive examination for Traffic Investigator (S0740R), Statewide.

ACTION:
B-50 TAIWAN LAMB

Taiwan Lamb appeals the decision of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Deputy Municipal Court Administrator (PM1859R), Camden.

ACTION:

B-51 JOHN MADDOX

John Maddox appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the open competitive examination for Institutional Fire Chief (S0397R), Statewide.

ACTION:

B-52 CHRISTOPHER O'HEARN

Christopher O'Hearn appeals the determination of the Division of Selection Services which found that he was below the experience requirements for the promotional examination for Training Technician (PC1720R), Hudson County.

ACTION:

B-53 KRISTINA QUAY

Kristina Quay appeals the determination of the Division of Selection Services which found that she did not meet the education and experience requirements for the promotional examination for Vocational Rehabilitation Counselor 2 (PS1417N), Department of Labor and Workforce Development.

ACTION:

B-54 PRATHEEPA SRIBAVAN

Pratheepa Sribavan requests a make-up examination for the open-competitive examination for Nursing Services Clerk (S0266R), Statewide.

ACTION:
B-55 CASSANDRA WILLIAMS

Cassandra Williams, a Secretarial Assistant 3 Non-stenographic with Ancora Psychiatric Hospital requests back pay for working in an acting position as a Management Assistant.

ACTION:

B-56 DARRIN BROWN

Darrin Brown appeals the decision of the Division of Classification and Personnel Management that his position with the Department of the Treasury is properly classified as Network Administrator 1. The appellant seeks a Network Administrator 2 job classification.

ACTION:

B-57 SHWETHA KAMATH

Shwetha Kamath appeals the decision of the Division of Classification and Personnel Management which found that her position with the Department of Health is properly classified as Health Data Specialist 2. The appellant seeks a Research Scientist 2 job classification.

ACTION:

B-58 LAWRENCE MARINARI

Lawrence Marinari appeals the decision of the Division of Classification and Personnel Management that his position with the Department of the Treasury is correctly classified as Technical Assistant, Management Information Systems. The appellant seeks an Information Technology Specialist job classification.

ACTION:
B-59 JOSEPH ADINGRA

Joseph Adingra appeals his score for the Bilingual Communication Abilities Test for English/Spanish for Juvenile Officer, Bilingual in Spanish/English (C0606P), Passaic County. In addition, the Division of Classification and Personnel Management requests that Passaic County be ordered to return the May 15, 2013 certification (OL130668) for the eligible list for Juvenile Officer, Bilingual in Spanish/English (C0606P), Passaic County for proper disposition.

ACTION:

B-60 PATRICIA SCOTT

Patricia Scott requests reconsideration of the final administrative decision rendered on March 6, 2013, upholding the determination that the proper classification of her position with the Department of Environmental Protection is Head Clerk.

ACTION:

B-61 RECENT COURT DECISIONS

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

ACTION: