



JAMES E. MCGREEVEY
GOVERNOR

STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

MARJORIE SCHWARTZ
ACTING COMMISSIONER

Merit System Board

**MINUTES OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD**

SEPTEMBER 8, 2004

**Marjorie Schwartz, Acting Chairwoman
John Currie
Margaret E.L. Howard
Robert J. Long**

SEPTEMBER 8, 2004

A regular meeting of the Merit System Board was held on Wednesday, September 8, 2004, in Trenton, New Jersey.

PRESENT: Acting Chairwoman Marjorie A. Schwartz, Merit System Board Members, John Currie, Margaret E. L. Howard, and Robert J. Long; Pamela Ullman, Deputy Attorney General; and Henry Maurer, Director, Division of Merit System Practices and Labor Relations.

In accordance with L.1975, c.231, Acting Chairwoman Marjorie A. Schwartz opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on December 11, 2003, and posted at the Department of Personnel, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

STATE

The Merit System Board recorded the recommended changes in the State Classification Plan, copies of which are attached hereto and made a part hereof.

DATE: July 30, 2004

TO: Ida L. Castro, Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

DEPARTMENT OF BANKING AND INSURANCE

The Department of Banking and Insurance requests the creation of a Trainee title for the Financial Examiner series.

The Trainee title will enable the Department to recruit and hire college graduates, and provide them with the experience necessary to progress to the entry level of this series. Recruitment at the entry level is somewhat difficult given the limited areas in which the required experience can be earned.

ESTABLISHMENT OF NEW TITLE

Effective: 07/24/04

Financial Examiner Trainee
P95-_____ Competitive X NE/12

The Merit System Board recorded the confidential appointments, copies of which are attached hereto and made a part hereof.

DATE: August 12, 2004

TO: Merit System Board

FROM: Marjorie Schwartz
Assistant Commissioner
State and Local Operations

SUBJECT: N.J.S.A. 11A:3-4(h). Confidential Appointment

Department of Agriculture

Ms. Holly Chmil appointed as Confidential Assistant effective August 21, 2004, salary of \$63,000.00 per annum. The position is assigned to the Unclassified Service in accordance with N.J.S.A. 11A:3-4(h).

Verification has been made of the number of positions allocated and the number of persons holding Confidential Appointments in this agency and Secretary Kuperus is authorized to make the subject appointment.

Recommendation: Record appointment in the Unclassified Service in accordance with N.J.S.A. 11A:3-4(h).

The appointment of this Confidential Assistant does not exceed the entitlement authorized under N.J.S.A. 11A:3-4(h).

Replacing – Jayne D. Haussler

Vacant Position Number – 008745
Effective Date – 04/17/04

WITHDRAWAL OF APPEALS

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

Diana Alvarado, Judiciary Clerk 2, Department of Judiciary, release at the end of the working test period.

Betty Hetherington, Clerk Typist, Department of Public Affairs and Safety, Borough of Beach Haven, good faith layoff.

Bazelais Jean-Pierre, Food Service Worker, Department of Health, County of Bergen, suspension.

Chukwuemeka Iheukwumere, Employment Specialist, County of Essex, removal.

Sean Malone, County Correction Officer, Department of Public Safety, County of Union, suspension.

Milton Medina, Police Lieutenant, Police Department, City of Newark, removal.

Brian Middleton, County Correction Officer, Department of Corrections, County of Camden, two suspensions.

Sandra Singleton, County Correction Officer, Department of Public Safety, County of Mercer, suspension.

DISMISSAL OF APPEALS – FAILURE TO APPEAR

The Merit System Board dismissed the following cases without prejudice for failure to appear at the scheduled hearing before the Office of Administrative Law:

John Barte, Custodial Worker, Newark School District, resignation not in good standing.

Ralph Bass, Custodial Worker, Newark School District, suspension.

Lazelle Betts, Human Services Assistant, New Lisbon Developmental Center, Department of Human Service, resignation not in good standing.

Jesse Bigham, Clerk Typist, Division of Medical Assistance and Health Services, Department of Human Services, release at the end of the working test period.

William Clark, Juvenile Detention Officer, Department of Citizen Services, County of Essex, indefinite suspension.

Misael Nunez, Residential Services Worker, Woodbine Developmental Center, Department of Human Services, resignation not in good standing.

Emke Onyewjewe, Housing Manager, Newark Housing Authority, removal.

Derek Wright, Security Guard, Jersey City School District, suspension.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Marc Foote
City of East Orange
Police Department
Release at the end of the working test period

In the Matter of Alfonsie Holland
Trenton Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Sharon Kennedy
Sharon Kennedy
City of Burlington
Department of Finance
Removals (2)

In the Matter of Jose Ortiz
New Jersey State Prison
Department of Corrections
Removal

In the Matter of Mark Patrick
City of East Orange
Police Department
Release at the end of the working test period

In the Matter of Bradley Pisker
Department of Transportation
Removal

In the Matter of Gerald E. Shuart
Ramapo College of New Jersey
Removal

In the Matter of Robert Simms
Garden State Youth Correctional Facility
Department of Corrections
Suspension

In the Matter of Marie Thomas
County of Mercer
Department of Human Services
Suspensions

In the Matter of Michael Thomas
County of Union
Department of Public Safety
Suspension

In the Matter of Brenda L. Tozer
Township of Lower
Department of Public Safety
Removal

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 DOUGLAS CHILTON

Douglas Chilton, County Correction Officer, County of Burlington, County Jail, 60-day suspension on charges of incompetency, inefficiency or failure to perform duties, neglect of duty, and violations of policy and procedure, rules and regulations.

Recommendation of the Administrative Law Judge – Modify the 60-day suspension to a 30-day suspension.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-3 MATTHEW IMPARATO

Matthew Imparato, Building Inspector, City of Atlantic City, Department of Neighborhood Services, 30-day suspension on charges of incompetency inefficiency and failure to perform duties, insubordination and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Increase the 30-day suspension to a six-month suspension with credit for 30 days already served.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to uphold the original 30-day suspension.

A-4 BOBBY JORDAN

Bobby Jordan, Senior Correction Officer, Garden State Youth Correctional Facility, Department of Corrections, 45-day suspension on charges of insubordination, intentional disobedience or refusal to accept an order, assaulting or resisting authority, disrespect, or use of insulting or abusive language to a supervisor.

Recommendation of the Administrative Law Judge – Uphold the 45-day suspension.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-5 JOHN WALKER, JR.

John Walker, Jr., Senior Clerk, Mercer County Board of Social Services, return to formerly held permanent title of Clerk at the end of the working test period effective January 22, 2002.

Recommendation of the Administrative Law Judge – Uphold the return to formerly held permanent title at the end of the working test period.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-6 MARTHA WASHINGTON

Martha Washington, Claims Examiner Unemployment and Disability Insurance, Department of Labor, return to formerly held permanent title of Unemployment Insurance Clerk at the end of the working test period effective March 30, 2003.

Recommendation of the Administrative Law Judge – Uphold the return to formerly held permanent title at the end of the working test period effective.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge and granted the appellant a new working test period.

VOTE:	Marjorie A. Schwartz	(Yes)
	John Currie	(Yes)
	Margaret E. L. Howard	(Abstained)
	Robert J. Long	(Yes)

A-7 HENRIETTA BROWN

Henrietta Brown, Cottage Training Technician, Vineland Developmental Center, Department of Human Services, two removals effective November 21, 2003, on the charge of being absent from work as scheduled without permission.

Recommendation of the Administrative Law Judge – Dismiss the appeal as moot.

ACTION: The Merit System Board remanded the matter to the Office of Administrative Law.

A-8 MICHAEL HUCHKO

Michael Huchko, Police Sergeant, Borough of Carteret, Police Department, removal January 24, 2002, on charges of, *inter alia*, incompetency inefficiency, or failure to perform duties, conduct unbecoming a public employee and violation of the Attorney General's guidelines regarding drug use.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-9 LINDA KROMPHOLD

Linda Kromphold, Security Guard, Jersey City School District, removal effective February 7, 2001, on charges of conduct unbecoming a public employee and inability to perform duties.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-10 EDWARD PEARSON

Edward Pearson, Human Services Assistant, Ancora State Hospital, Department of Human Services, removal effective January 7, 2003, on charges of inappropriate physical contact of a patient and verbal abuse of a patient.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

A-11 KENNETH RANKIN

Kenneth Rankin, Police Officer, City of Newark, Police Department, removal effective April 23, 2001, the on charge of inability to perform duties.

Recommendation of the Administrative Law Judge – Modify the removal to a six-month suspension contingent upon appellant’s ability to successfully complete a “fitness for duty” examination.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to reverse the removal subject to an evaluation for psychological fitness.

A-12 MARK STOKES

Mark Stokes, Residential Living Specialist, Greystone Park Psychiatric Hospital, Department of Human Services, removal effective June 5, 2003 on the charge of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge.

SECTION B – MISCELLANEOUS MATTERS

B-1 ERIC W. BECK

Eric W. Beck, represented by Paul L. Kleinbaum, Esq., appeals his rejection as a Police Sergeant candidate by Rockaway Township and its request to remove his name from the eligible list for Police Sergeant (PM2563B) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-2 DAVID BENAKSAS

David Benaksas, represented by Daniel J. Zirrieth, Esq., appeals his rejection as a Police Officer candidate by the Township of West Orange and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-3 DELORFETTE E. CLARK

Delorfette E. Clark appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections as its request to remove his name from the eligible list for Correction Officer Recruit (S9999B) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board referred the matter of independent psychological evaluation.

B-4 ROBERT DIBERNARD

Robert DiBernard appeals his rejection as a County Correction Officer candidate by the County of Warren and its request to remove his name from the eligible list for County Correction Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-5 CHANTA D. HUNTER

Chanta D. Hunter, represented by Hassan Ibn Abdellah, Esq., appeals her rejection as a Police Officer candidate by the Borough of South Plainfield and its request to remove her name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be granted.

B-6 FRANK LORENZO

Frank Lorenzo, represented by Sidney H. Lehmann, Esq., appeals his rejection as a Police Officer candidate by the City of Jersey City and its request to remove his name from the eligible list for Police Officer (S9999B) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be granted.

B-7 WILLIAM M. MCCANN

William M. McCann, represented by Daniel J. Zirrieth, Esq., appeals his rejection as a Police Officer candidate by the Township of Irvington and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board referred the matter for independent psychological evaluation.

B-8 SEAN P. MCGOVERN

Sean P. McGovern represented by D. Gayle Loftis, Esq., appeals his rejection as a Fire Fighter candidate by the City of Jersey City and its request to remove his name from the eligible list for Fire Fighter (M2054A) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-9 JERMAINE MCKINLEY

Jermaine McKinley, represented by Mandy R. Steele, Esq., appeals his rejection as a County Correction Officer candidate by the County of Passaic and its request to remove his name from the eligible list for County Correction Officer (S9999B) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be granted.

B-10 CHRISTIAN NUNEZ

Christian Nunez, represented by Paul W. Bergrin, Esq., appeals his rejection as a Police Officer candidate by the Township of West Orange and its request to remove his name from the eligible list for Police Officer (S9999B) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-11 JOHN SIRICO

John Sirico, represented by Arlindo B. Araujo, Esq., appeals his rejection as a Sheriff's Officer candidate by the County of Morris and its request to remove his name from the eligible list for Sheriff's Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-12 PHILIP TURZANI, JR.

Philip Turzani, Jr., appeals his rejection as a Police Officer candidate by the City of Newark and its request to remove his name from the eligible list for Police Officer (S9999B) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-13 SHAUN WADE

Shaun Wade, represented by David B. Beckett, Esq., appeals his rejection as a Sheriff's Officer candidate by the County of Hudson and its request to remove his name from the eligible list for Sheriff's Officer (S9999B) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-14 BEVERLY RITORTO

Beverly Ritorto, a Taxpayer Service Representative 2 with the Department of the Treasury, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be denied.

B-15 ANILKUMAR SHAH

Anilkumar Shah, a Principal Physical Therapist a Woodbridge Developmental Center, Department of Human Services, represented by Sarah A. Evans, CWA Local 1040, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this appeal be granted.

B-16 CLAUDE CRESONG

Claude Cresong appeals his non-selection from the eligible list for Police Sergeant (PM2552B), Township of Maple Shade.

ACTION: The Merit System Board granted a hearing.

B-17 PRAGNA JOSHI

Pragna Joshi appeals the determination of Human Resource Information Services, which found that the Department of Health and Senior Services had presented a sufficient basis to remove her name from the Accountant 3 (S6424C), Department of Health and Senior Services, eligible list on the basis that she lacked the required education.

ACTION: The Merit System Board directed that this appeal be granted.

B-18 SURINDER KAUR

Surinder Kaur appeals the removal of her name from the eligible list for Librarian (M6023D), City of Camden, on the basis that she lacked the minimum requirements for the position.

ACTION: The Merit System Board directed that this appeal be denied.

B-19 STEPHEN KRAWIEC, ET AL.

Stephen Krawiec, Jonas Weissbrod, and Lyra Williams appeal the appointing authority's request to remove their names from the eligible list for Program Development Specialist 2 (S6480C).

ACTION: The Merit System Board directed that these appeals be denied.

B-20 HARRY LUCAS

Harry Lucas appeals the appointing authority's request to remove his name from the Budget Analyst 1 (S0167E), Department of Human Services eligible list, due to the appellant's failure to respond to the certification notice.

ACTION: The Merit System Board directed that this appeal be granted.

B-21 MICHAEL MILJENOVIC

Michael Miljenovic, represented by Gary D. Tomasella, Esq., appeals the decision of Human Resource Information Services (HRIS), which upheld the bypass of his name on a certification for Police Sergeant (PM2529D), Borough of Lavallette, eligible list.

ACTION: The Merit System Board directed that this appeal be denied.

B-22 CHESTER SAMSEL III

Chester Samsel III, represented by Bruce D. Leder, Esq., appeals the decision of Human Resource Information Services, which upheld the removal of his name from the Correction Officer Recruit (S9999D), Department of Corrections, eligible list based on his falsification of his employment application.

ACTION: The Merit System Board directed that this appeal be denied.

B-23 JOEL TORRES

Joel Torres appeals the removal of his name from the eligible list for Police Officer (S9999B), City of Newark, on the basis of an unsatisfactory driving record.

ACTION: The Merit System Board directed that this appeal be denied.

B-24 CODE ENFORCEMENT OFFICER, STANHOPE BOROUGH (M6023B AND M6470C)

The appointing authority's failure to properly dispose of the certification for Code Enforcement Officer, while a provisional appointee is serving in the title, has been referred to the Merit System Board for enforcement.

ACTION: The Merit System Board ordered the appointing authority to remove the provisional appointee, make an appointment from the certification and pay compliance costs.

B-25 ZONING OFFICER, STANHOPE BOROUGH (M6505C)

The appointing authority's failure to properly dispose of the certification for Zoning Officer, while a provisional appointee is serving in the title, has been referred to the Merit System Board for enforcement.

ACTION: The Merit System Board ordered the appointing authority to remove the provisional appointee, make an appointment from the certification and pay compliance costs.

B-26 FREDERICK LANCASTER

Frederick Lancaster, a Cottage Training Technician at Hunterdon Developmental Center, Department of Human Services (DHS), appeals the determination of the Assistant Commissioner for Human Resources, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION: The Merit System Board directed that this appeal be denied.

B-27 DONNIE MCNEILL

Donnie McNeill, Director of Custody Operations 1 at Riverfront State Prison, Department of Corrections (DOC), appeals the determination of the Assistant Director of the Equal Employment Division (EED) of the DOC, stating 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, Harassment or Hostile Environments in the Workplace.

ACTION: The Merit System Board directed that this appeal be denied.

B-28 JESUS ORTIZ

Jesus Ortiz, a Senior Correction Officer at New Jersey State Prison, Department of Corrections (DOC), appeals the determination of the Assistant Director of the Equal Employment Division with the DOC, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION: The Merit System Board directed that this appeal be denied.

B-29 MARK PIERCE

Mark Pierce, a Trooper 1 with the Division of State Police, Department of Law and Public Safety, appeals the determination of the Deputy Chief of Staff 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, Harassment or Hostile Environments in the Workplace.

ACTION: The Merit System Board directed that this appeal be denied.

B-30 RUTH SPAE

Ruth Spae, an Agent with the Motor Vehicle Commission, appeals the determination of the Director, Division of Civil Rights and Affirmative Action with the DOT, stating that there was probable cause to substantiate a finding that the appellant violated the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION: The Merit System Board directed that this appeal be denied but remanded the matter of the penalty to the Motor Vehicle Commission for further consideration.

B-31 LAURIN STAHL

Laurin Stahl, a Program Support Specialist 1 (Assistance Programs) with the Division of Youth and Family Services, Department of Human Services (DHS), appeals the determination of the Assistant Commissioner for Human Resources of DHS, 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, Harassment or Hostile Environments in the Workplace.

ACTION: The Merit System Board granted a hearing.

B-32 ANTOINETTE D'ANGELO

Antoinette D'Angelo, an Administrative Assistant 1 with the Higher Education Student Assistance Authority petitions the Merit System Board for relief pursuant to N.J.S.A. 11A:2-24 and N.J.A.C. 4A:2-5.1, et seq., from alleged reprisal by her employer.

ACTION: The Merit System Board granted a hearing.

B-33 JOSEPH SCHMIDT

Joseph Schmidt, a former Project Coordinator, Computer Planning and Information with the Higher Education Student Assistance Authority, petitions the Merit System Board for relief, pursuant to N.J.S.A. 11A:2-24 and N.J.A.C. 4A:2-5.1, et seq., from alleged reprisal by his employer.

ACTION: The Merit System Board granted a hearing.

B-34 FRANK DEBARTOLA

Frank DeBartola, a Police Officer with the Borough of Lodi, represented by Arnold Shep Cohen, Esq., seeks enforcement of the Merit System Board decision rendered on February 11, 2004 granting him back pay, benefits and seniority, and awarding him counsel fees.

ACTION: The Merit System Board ordered the Borough of Lodi to pay the appellant \$48,630.88 in back pay and \$14,710 in counsel fees.

B-35 JOYCE JANDOLA AND JEANETTE PANELLI

Joyce Jandola, Education Program Development Specialist 1 and Jeanette Panelli, Education Program Development Specialist 2, Human Resource Development Institute (HRDI), Department of Personnel, both represented by Robert B. Rottkamp, Jr., Esq., request Merit System Board review of a three day and two day suspension, respectively, on sustained charges of violation of the State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION: The Merit System Board granted a hearing.

VOTE:	Marjorie A. Schwartz	(Abstained)
	John Currie	(Yes)
	Margaret E. L. Howard	(Yes)
	Robert J. Long	(Yes)

B-36 DEXTER CLIMESON

Dexter Climeson, a former Senior Correction Officer, Juvenile Justice, with the Juvenile Justice Commission, represented by Charles J. Sciarra, Esq., petitions the Merit System Board for reconsideration of the final decision rendered on February 11, 2004, which upheld his removal.

ACTION: The Merit System Board denied the request.

B-37 RONALD DORN

The appeal of Ronald Dorn, a Park Maintenance Worker with the Township of Pemberton, of his removal, effective January 22, 2003, on charges, was heard by Administrative Law Judge Daniel B. McKeown (ALJ), who rendered his initial decision on July 7, 2004. At its meeting on August 11, 2004, the Merit System Board did not adopt the ALJ's recommendation to uphold the removal. Rather, the Board modified the removal to a six-month suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board directed that this matter be held over.

B-38 BARBARA GREEN

The appeal of Barbara Green, an Executive Assistant 2 with the Department of Corrections, of the determination of the Director, Equal Employment Division (EED) that she failed to present sufficient evidence that she was subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment and Hostile Environments in the Workplace, was heard by Administrative Law Judge (ALJ) Barry N. Frank, who rendered his initial decision July 2, 2004. At its meeting on August 11, 2004, the Merit System Board did not adopt the ALJ's recommendation to uphold the EED's determinations. Rather, the Board ordered that the matter be remanded to the Office of Administrative Law for further proceedings. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board directed that this matter be held over.

B-39 VIRGINIA RYNONE

The appeal of Virginia Rynone, a Recreation Assistant with the New Jersey Veterans' Memorial Home at Menlo Park, Department of Military and Veterans' Affairs, of her 20-day suspension beginning August 7, 2003, on charges, was heard by Chief Administrative Law Judge Laura Sanders (ALJ), who rendered her initial decision on June 15, 2004. At its meeting on August 11, 2004, the Merit System Board did not adopt the ALJ's recommendation to modify the 20-day suspension to a 15-day suspension. Rather, the Board modified the 20-day suspension to a written warning. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board directed that this matter be held over.

B-40 HUSAM ABDALLAH

Husam Abdallah 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 Administrative Analyst 2 (PS806K), Greystone Park Psychiatric Hospital.

ACTION: The Merit System Board directed that this appeal be denied.

B-41 MARIO ALEGRIA

Mario Alegria appeals the determination of the Division of Selection Services that he did not meet the education requirement for the open competitive examination for Probation Officer, Bilingual in Spanish and English (S0301F), Statewide.

ACTION: The Merit System Board directed that this appeal be granted.

B-42 GAIL ANDERSON

Gail Anderson appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in education and/or experience for the promotional examination for the title of Supervisor of Senior Citizens Activities (PM1070E), Township of West Milford.

ACTION: The Merit System Board directed that this appeal be denied.

B-43 EVAN ASTRIN

Evan Astrin 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 Tax Services Specialist 3 (S690E), Department of the Treasury.

ACTION: The Merit System Board directed that this appeal be granted.

B-44 YOLANDA BICKHAM-DINKINS AND DEBBIE POLLACE

Yolanda Bickham-Dinkins and Debbie Pollace appeal the determination of the Division of Selection Services, which found that, per the substitution clause for education, they were below the minimum requirements in experience for the promotional examination for Building Management Technician, Labor (PS8904N), Department of Labor.

ACTION: The Merit System Board directed that these appeals be denied but the classification of their positions be referred to the Division of Human Resource Management for further review.

B-45 CALVIN BLACKSHEAR

Calvin Blackshear 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 Audiovisual Equipment Technician (PC0922E), Camden County.

ACTION: The Merit System Board directed that this appeal be granted.

B-46 FRANCES G. BOISSELLE

Frances G. Boisselle appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience and/or education for the promotional examination for the title of Technical Support Specialist 2 (PS8838H), Department of Health and Senior Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-47 SHERRY BROWN AND JOAN DEMAIO

Sherry Brown and Joan DeMaio appeal the determination of the Division of Selection Services, which found that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Administrative Assistant 3 (PS8628K), Division of Developmental Disabilities.

ACTION: The Merit System Board directed that these appeals be denied.

B-48 THELMA BRYANT-REESE

Thelma Bryant Reese appeals the determination of the Division of Selection Services which found that she did not meet the experience requirement for the open competitive examination for Comptroller (M6400E), City of Camden.

ACTION: The Merit System Board directed that this appeal be granted.

B-49 RENEE BUGGS

Renee Buggs appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the promotional examination for the title of Principal Clerk Bookkeeper (PS9141I), State Parole Board.

ACTION: The Merit System Board directed that this appeal be granted.

B-50 PAULA BURNS AND CYNTHIA POLES

Paula Burns and Cynthia Poles appeal the determinations of the Division of Selection Services that they did not meet the education and experience requirements for the promotional examination for Social Service Technician (PC0871E), Camden County Board of Social Services.

ACTION: The Merit System Board directed that these appeals be granted.

B-51 CHERYL BYE-ALBERTSON

Cheryl Bye-Albertson appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirement for the open competitive examination for Medical Records Clerk, Typing (C0563E), Burlington County.

ACTION: The Merit System Board directed that this appeal be denied.

B-52 ALICE CHAMBLEY

Alice Chambley appeals the determination of the Division of Selection Services, which found that, per the substitution clause for education, she did not meet the experience requirement for the open competitive examination for Investigator 2 (S0231E).

ACTION: The Merit System Board directed that this appeal be denied.

B-53 DETRIEA CHILDS-WYATT

Detriea Childs-Wyatt appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the promotional examination for Deputy Municipal Court Administrator (PM1315E), Atlantic City.

ACTION: The Merit System Board directed that this appeal be granted.

B-54 AUSTIN CLARK

Austin Clark appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirement for the open competitive examination for Executive Assistant (M6434E), Atlantic City.

ACTION: The Merit System Board directed that this appeal be denied.

B-55 CLIFFORD CULHANE

Clifford Culhane appeals the determination of the Division of Selection Services that he was ineligible for the promotional examination for Police Sergeant (PM2543D), Pemberton Township.

ACTION: The Merit System Board directed that this appeal be denied.

B-56 PETER DENNEN

Peter Dennen appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the open competitive examination for Senior Planner, Emergency Management (S6704E).

ACTION: The Merit System Board directed that this appeal be granted.

B-57 ELAINA DIBARTOLO

Elaina DiBartolo 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 Program Development Specialist, Community Services (C6031E), Atlantic County.

ACTION: The Merit System Board directed that this appeal be granted.

B-58 MARY ANN D'ORIA

Mary Ann D'Oria appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the promotional examination for Management Specialist (PC1438D), Mercer County Board of Social Services.

ACTION: The Merit System Board directed that this appeal be denied.

B-59 LINDA M. DUBOIS

Linda M. DuBois appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the promotional examination for the title of Senior Training Technician (PS8306P), Department of Law and Public Safety.

ACTION: The Merit System Board directed that this appeal be granted.

B-60 OMAR FELICIANO

Omar Feliciano appeals the determination of the Division of Selection Services that he did not meet the education requirement for the open competitive examination for Probation Officer, Bilingual in Spanish and English (S0301F), Statewide.

ACTION: The Merit System Board directed that this appeal be granted.

B-61 CESAR FERNANDEZ

Cesar Fernandez appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the open competitive examination for Director, Community Development Program (M6380E), Union City.

ACTION: The Merit System Board directed that this appeal be denied.

B-62 RICHARD FERSTER

Richard Ferster appeals the determination of the Division of Selection Services, which found that he did not meet the education requirements for the open competitive examination for Network Administrator 1 (C6970E), Monmouth County.

ACTION: The Merit System Board directed that this appeal be granted.

B-63 GREGORY FLETCHER, ET AL.

Gregory Fletcher 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 Construction Management Specialist 4 (S6696E). Hitendra Gandhi appeals the determination of the Division of Selection Services, which found that he did not submit an evaluated foreign transcript and that he did not meet the experience requirements for the open competitive examination for Construction Management Specialist 4 (S6696E). Michael Mahoney and Douglas Willey appeal the determination of the Division of Selection Services, which found that they did not meet the education and experience requirements for the open competitive examination for Construction Management Specialist 4 (S6696E). Donald Rutter appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he did not meet the experience requirements for the open competitive examination for Construction Management Specialist 4 (S6696E).

ACTION: The Merit System Board directed that these appeals be denied, with the exception of Donald Rutter which was held over for further review.

B-64 CHRISTINE FLORIO

Christine Florio 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 the title of Program Development Specialist, Community Services (C6053E), Sussex County.

ACTION: The Merit System Board directed that this appeal be granted.

B-65 CAROL FRANCO

Carol Franco appeals the determination of the Division of Selection Services, which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Management Assistant (PS8318P), Division of State Police.

ACTION: The Merit System Board directed that this appeal be granted.

B-66 JOE FRANKEN

Joe Franken 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 Assistant Hospital Administrator (C6159F), Burlington County.

ACTION: The Merit System Board directed that this appeal be granted.

B-67 JAMES GRAHAM

James Graham appeals the decision of the Division of Selection Services which found that, per the substitution clause for education, he did not meet the experience requirements for the promotional examination for Affirmative Action Specialist (PM0006E), Jersey City.

ACTION: The Merit System Board directed that this appeal be granted.

B-68 KEVIN GREEN AND VICTORIA SUAREZ

Kevin Green and Victoria Suarez appeal the determinations of the Division of Selection Services that they did not meet the experience requirements for the open competitive examination for Public Safety Telecommunicator (M0658F), Township of Teaneck.

ACTION: The Merit System Board directed that these appeals be granted.

B-69 JOSEPH GROARK

Joseph Groark appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Assistant Engineer in Charge of Maintenance 1 (PS8245K), Woodbridge Developmental Center.

ACTION: The Merit System Board directed that this matter be held over.

B-70 ANNMARIE HALDEMAN

Annamarie Haldeman 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 Laboratory Technician (S0219E), State of New Jersey.

ACTION: The Merit System Board directed that this appeal be denied.

B-71 STEVEN HALL

Steven Hall appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirements for the open competitive examinations

for Construction Code Inspector (S6702E) and Construction Code Inspector 2 (S6703E), Department of Community Affairs.

ACTION: The Merit System Board directed that these appeals be denied.

B-72 KATHLEEN HARRIS-SEIDLER

Kathleen Harris-Seidler appeals the decision of the Division of Selection Services which found that she did not meet the experience requirement for the promotional examination for Manager, Golf Facilities (PM1796E), Berkeley Township.

ACTION: The Merit System Board directed that this appeal be granted.

B-73 CRAIG HATCH

Craig Hatch appeals the decision of the Division of Selection Services, which found that he did not meet the residency requirement for the open competitive examination for Mechanic (M0013D), Marlboro Township.

ACTION: The Merit System Board directed that this appeal be denied.

B-74 CRISTINA HEREDIA

Christina Heredia appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in education an/or experience for the promotional examination for the title of Personnel Assistant 3 (PS9804F), Department of Education.

ACTION: The Merit System Board directed that this appeal be denied.

B-75 WILLIAM HOLLIS AND SANTIAGO ZAYAS

William Hollis and Santiago Zayas appeal the determination of the Division of Selection Services, which found that they did not meet the experience requirements for the open competitive examination for Construction Code Inspector 1 (S6702E), Department of Community Affairs.

ACTION: The Merit System Board directed that these appeals be denied.

B-76 MARIA HOUGH

Maria Hough appeals the determination of the Division of Selection Services that she did not meet the requirements for the open competitive examination for Senior Clerk Typist (PS0111K), Department of Human Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-77 AUDRAE B. HOWLETT AND ARMINDA RODRIGUES

Audrae B. Howlett and Arminda Rodrigues appeal the determinations of the Division of Selection Services, which found that they did not meet the experience requirements for the promotional examination for Senior Clerk Transcriber (PC0840E), Union County.

ACTION: The Merit System Board directed that these appeals be granted.

B-78 MARION JANUSZ

Marion Janusz appeals the determination of the Division of Selection Services, which found that she was below the minimum in requirements in experience for the open competitive examination for the title of Supervisor of Accounts (S8001E), State of New Jersey.

ACTION: The Merit System Board directed that this appeal be denied.

B-79 ROBERT C. KALBFELL, JR.

Robert C. Kalbfell, Jr. appeals the determination of the Division of Selection Services, which found that he did not provide a transcript or list of courses and credits required to evaluate education for the open competitive examination for Laboratory Technician (S0219E), State of New Jersey.

ACTION: The Merit System Board directed that his appeal be denied.

B-80 CHARLES KELLEHER

Charles Kelleher 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 the title of Supervisor of Public Works (PM1262E), City of Wildwood.

ACTION: The Merit System Board directed that this appeal be granted.

B-81 DONNA MANSILLA

Donna Mansilla appeals the determination of the Division of Selection Services that she did not meet the education and experience requirements for the promotional examination for Management Assistant (PS8826H), Health and Senior Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-82 JANICE MCFADDEN

Janice McFadden 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 Social Service Aide (S0296E), State of New Jersey.

ACTION: The Merit System Board directed that this appeal be denied.

B-83 KATHLEEN MACLEOD

Kathleen MacLeod appeals the determination of the Division of Selection Services that, per the substitution clause for education, she did not meet the experience requirement for the promotional examination for Personnel Officer (PC1150E), Cape May County.

ACTION: The Merit System Board directed that this appeal be granted.

B-84 SHANNON PAYNE

Shannon Payne 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 Program Development Specialist, Community Services (C6031E), Atlantic City.

ACTION: The Merit System Board directed that this appeal be denied.

B-85 HOPE PERRY

Hope Perry appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the promotional examination for Technician, Management Information System (MIS) (PS8230K), Department of Human Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-86 RAMONA PETERSON

Ramona Peterson appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Technical Support Specialist 1 (PS8685P), Department of Law and Public Safety.

ACTION: The Merit System Board directed that this appeal be granted.

B-87 RYAN PLANTIER

Ryan Plantier appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the open competitive examination for Senior Rehabilitation Counselor, Mental Health (S0253E), Department of Human Services.

ACTION: The Merit System Board directed that this appeal be denied.

B-88 SHAUN REILLY, ET AL.

Shaun Reilly, Johnny Sanchez, Louis Severino, and Joseph Vivencio appeal the determination of the Division of Selection Services, which found that they did not meet the experience requirements for the open competitive examination for Inspector, Multiple Dwelling (S0230E), Department of Community Affairs.

ACTION: The Merit System Board directed that these appeals be granted.

B-89 VERLINA REYNOLDS

Verlina Reynolds appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirement for the open competitive examination for Coordinator for Federal and State Aid (M6420E), Jersey City.

ACTION: The Merit System Board directed that this appeal be denied.

B-90 BRANDON RIOS

Brandon Rios 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 Administrative Analyst 2 (Data Processing) (PS7923Q), Office of the Public Defender.

ACTION: The Merit System Board directed that this appeal be granted.

B-91 STEVEN ROSS

Steven Ross appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the open competitive examination for Assistant Business Administrator (M6867D), Long Branch City.

ACTION: The Merit System Board directed that this appeal be denied.

B-92 PATRICIA RUGGIERO

Patricia Ruggiero appeals the determination of the Division of Selection Services that, per the substitution clause for education, she did not meet the experience requirement for the promotional examination for Assistant Superintendent of Recreation (PM1603D), City of Hackensack.

ACTION: The Merit System Board directed that this appeal be granted.

B-93 DOROTHY SEITZ

Dorothy Seitz appeals the determination of the Division of Selection Services, which found that, per the substitution clause for education, she did not meet the experience requirement for the promotional examination for Senior Technician Management Information Systems (PS7862K), Division of Family Development.

ACTION: The Merit System Board directed that this appeal be denied.

B-94 DANIEL SHINE, JR.

Daniel Shine, Jr., appeals the determination of the Division of Selection Services that, per the substitution clause for education, he did not meet the experience requirement for the open competitive examination for Highway Safety Specialist (S0201E), Department of Law and Public Safety.

ACTION: The Merit System Board directed that this appeal be granted.

B-95 KARL THOMAS

Karl Thomas appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirement for the promotional examination for Computer Operator 1 (PS9365K), Division of Youth and Family Services.

ACTION: The Merit System Board directed that this appeal be denied but referred the classification of the appellant's position to the Division of Human Resource Management for further review.

B-96 RAJUMON THOMAS

Rajumon Thomas 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 Tax Services Specialist 3 (S6690E), Department of the Treasury.

ACTION: The Merit System Board directed that this appeal be denied.

B-97 SHARON TIESI

Sharon Tiesi appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements for the promotional examination for Grants Manager (PS7874K), Department of Human Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-98 SUSAN UHLAND

Susan Uhland appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the promotional examination for Cook (PS0082K), New Lisbon Developmental Center.

ACTION: The Merit System Board directed that this appeal be granted.

B-99 FERNANDO URIBE, JR.

Fernando Uribe, Jr., appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the open competitive examination for Consultant on Aging (C6020E), Hudson County.

ACTION: The Merit System Board directed that this appeal be denied.

B-100 DENNIS VISCOMI

Dennis Viscomi 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 the title of Assistant Public Works Superintendent (PM1416E), Town of Phillipsburg.

ACTION: The Merit System Board directed that this appeal be granted.

B-101 ANNA WAINRIGHT

Anna Wainright appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the open competitive examination for Assistant Business Administrator (M6867D), Long Branch City.

ACTION: The Merit System Board directed that this appeal be denied.

B-102 CURTIS WILLIAMS

Curtis Williams appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Crew Supervisor Locksmiths (PS7830K).

ACTION: The Merit System Board directed that this matter be held over.

B-103 ROBYN WRAMAGE-CAPOROSO

Robyn Wramage-Caporoso appeals the determination of the Division of Selection Services, which found that she was below the minimum in experience for the promotional examination for the title of Section Chief Health Care Facility Rehabilitation/Professional Services (PS9051K), Department of Human Services.

ACTION: The Merit System Board directed that this matter be held over.

B-104 GEORGE BRANDT, ET AL.

George Brandt, Shelvie Brennen, Dennis Catalina, Kenneth Genco, June Mills, Marc Piccini and Marie Santa appeal their scores on the promotional examination for Senior Building Maintenance Worker (PC1193D), Ocean County.

ACTION: The Merit System Board directed that these appeals be denied.

B-105 DOUGLAS CRAIG AND PAUL KOCH

Douglas Craig and Paul Koch appeal their scores on the promotional examination for Assistant Crew Supervisor, Mechanics (PS6688U), Department of the Treasury.

ACTION: The Merit System Board directed that these appeals be denied.

B-106 JOSEPH DELIKAT

Joseph Delikat appeals his score for the physical performance portion of the Fire Fighter (M9999A) examination.

ACTION: The Merit System Board directed that this appeal be denied.

B-107 ZARA FLORES

Zara Flores appeals her score on the bilingual skills portion of the examination for Field Representative, Disease Control, Bilingual in Spanish and English (C0033D), Hudson County.

ACTION: The Merit System Board directed that this appeal be denied.

B-108 GREGG GILDEN

Gregg Gilden appeals the decision of the Division of Selection Services concerning the correct answers to specific questions on the open competitive examination for Training Assistant, Human Services (S0118D).

ACTION: The Merit System Board directed that this appeal be denied.

B-109 JOTHAM MUTANGA

Jotham Mutanga appeals his score for the open competitive examination for Family Service Specialist 2 (S6753F), Division of Youth and Family Services.

ACTION: The Merit System Board directed that this appeal be denied.

B-110 JOSEPH VEINTIMILLA

Joseph Veintimilla appeals the scoring of the open competitive examination for Fire Fighter (M2286E), Jersey City.

ACTION: The Merit System Board directed that this appeal be denied.

B-111 LIONEL DELIZ

Lionel Deliz, represented by David Fox, Esq., appeals the administration of the open competitive examination for Fire Fighter (M9999E).

ACTION: The Merit System Board directed that this appeal be denied.

B-112 JOSEPHINE FABER

Josephine Faber requests a make-up for the promotional examination for Supervising Health Care Evaluator (PS7734H), Department of Health and Senior Services.

ACTION: The Merit System Board directed that this appeal be denied.

B-113 DEBRA MORGAN

The Director, Division of Human Resource Management, on behalf of the Department of Health and Senior Services, requests that Debra Moran's out-of-title work experience be accepted to qualify her for a prospective promotional examination for Network Administrator 2, Department of Health and Senior Services.

ACTION: The Merit System Board directed that this appeal be granted.

B-114 ELIZABETH ZUKOSKI

The Director, Division of Human Resource Management, on behalf of Warren County, requests that Elizabeth Zukoski's out-of-title work experience be accepted to qualify her for a prospective promotional examination for Supervisor of Accounts, Warren County.

ACTION: The Merit System Board granted the request.

B-115 JUDITH M. BERNAL

Judith M. Bernal appeals the determination of the Division of Selection Services, which rejected her application for the promotional examination for Human Services Specialist 2, Bilingual in Spanish & English (PC1273E), Bergen County, due to an untimely filing of the application materials.

ACTION: The Merit System Board directed that this appeal be granted.

B-116 DANIA GARCIA

Dania Garcia requests that the provisions of N.J.A.C. 4A:4-2.1(e) be relaxed to accept her late application postmarked after the announced closing date for Senior Clerk (PM0486F), Morristown.

ACTION: The Merit System Board granted the request.

B-117 JEROME JAMES

Jerome James appeals the determination of the Division of Selection Services which found that he filed a late application postmarked after the announced closing date for the

promotional examination for Heavy Equipment Operator (PS4435), Department of Transportation.

ACTION: The Merit System Board directed that this appeal be granted.

B-118 TIMOTHY STRANDBERG

Timothy Strandberg appeals the determination of the Division of Selection Services, which found that he did not file a timely application for the promotional examination for Park Maintenance Worker (PM1149E), Parks and Recreation, Middletown Township.

ACTION: The Merit System Board directed that this appeal be denied.

B-119 JOEL TORRES

The Passaic County Sheriff's Office requests that Joel Torres receive a retroactive date of appointment.

ACTION: The Merit System Board granted the request.

VOTE:	Marjorie A. Schwartz	(Yes)
	John Currie	(Abstained)
	Margaret E. L. Howard	(Yes)
	Robert J. Long	(Yes)

B-120 NUNO CARVALHO

The City of Plainfield requests administrative relief so as to permit the intergovernmental transfer of Nuno Carvalho from the title of Sheriff's Officer, Union County Sheriff's Office, to the title of Police Officer, City of Plainfield.

ACTION: The Merit System Board granted the request.

B-121 DINO COLAROCCO

The Township of Freehold requests administrative relief in order to process the Intergovernmental Transfer of Dino Colarocco from the title of Senior Public Works Inspector, Hamilton Township to the title of Assistant Public Works Superintendent, Township of Freehold.

ACTION: The Merit System Board granted the request.

B-122 DAWN MCDONOUGH

The Department of Environmental Protection appeals the determination of the Director, Office of Intergovernmental Services that it could not process the intergovernmental transfer of Dawn McDonough from the title of Sheriff's Officer, Salem County, to the title of Ranger, Department of Environmental Protection.

ACTION: The Merit System Board directed that this appeal be granted.

B-123 ALLEN CHENG, ET AL.

Allen Cheng, Girija Mallenpalle, David McPartland, Harold Nebling, and Nicholas Zripko, represented by Adam Liebttag, Staff Representative for the Communications Workers of America (CWA) Local 1034, petition the Merit System Board for reconsideration of its final administrative decision in *In the Matter of Allen Cheng, et al., Supervising Environmental Specialist, Water Resources (PS4827G), Department of Environmental Protection* (Merit System Board, decided August 21, 2003), which found that they lacked the requisite experience for the promotional examination for Supervising Environmental Specialist, Water Resources (PS4827G), Department of Environmental Protection.

ACTION: The Merit System Board denied the request.

B-124 MICHAEL HRBEK

Michael Hrbek requests reconsideration of the final administrative determination in *In the Matter of Michael Hrbek, Director of Purchasing (PM0786E), Middletown Township* (Decided June 23, 2004).

ACTION: The Merit System Board granted the request.

B-125 SYLVESTER LEE

Sylvester Lee requests reconsideration of the final administrative determination in *In the Matter of Sylvester Lee, Fire Captain (PM3589A), Newark* (Merit System Board, decided May 29, 1992) which denied his appeal regarding his score on the oral portion of the subject examination.

ACTION: The Merit System Board denied the request.

B-126 THOMAS LEWIS

Thomas Lewis, represented by Robert O. Yeager, Staff Representative, Communications Workers of America (CWA) Local 1034, petitions the Merit System Board for reconsideration of the decision rendered on June 23, 2004, *In the Matter of Glenn Douglass and Thomas Lewis*, which found that, per the substitution clause for education, he did not meet the experience requirements for the promotional examination for Industrial Manager 2, State Use Industries (PS7400I), South Woods State Prison.

ACTION: The Merit System Board denied the request.

B-127 HENRY J. SZWALEK

Henry J. Szwalek petitions the Merit System Board for reconsideration of the final administrative decision in *In the Matter of Henry J. Szwalek, Supervisor, Public Works (PM2037D), City of Passaic* (Merit System Board, decided September 3, 2003), which found that he did not meet the experience requirements for the promotional examination for Supervisor, Public Works (PM2037D), City of Passaic.

ACTION: The Merit System Board denied the request.

B-128 JENNIFER MESSINA

Jennifer Messina appeals the determination of the Division of Selection Services that she did not meet the education and experience requirements for the promotional examination for Social service Technician (PC0871E), Camden County Board of Social services.

ACTION: The Merit System Board directed that this appeal be denied.

B-129 PROPOSED AMENDMENTS TO N.J.A.C. 4A:1-1.3, 4A:4-2.11, 4A:7-1.1 AND 4A:7-3.1 (DOMESTIC PARTNERSHIPS)

It is recommended that the proposed amendments to N.J.A.C. 4A:1-1.3, 4A:4-2.11, 4A:7-1.1 and 4A:7-3.1 (Domestic Partnerships) be approved for publication in the New Jersey Register and on the Department's web site for public notice and comment.

ACTION: The Merit System Board approved for publication the proposed amendments.

B-130 PROPOSED AMENDMENTS TO N.J.A.C. 4A:6-1.22 (DONATED LEAVE)

It is recommended that the proposed amendments to N.J.A.C. 4A:6-1.22 (Donated Leave) be approved for publication in the New Jersey Register and on the Department's web site for public notice and comment.

ACTION: The Merit System Board approved for publication the proposed amendments.

B-131 PROPOSED AMENDMENTS TO N.J.A.C. 4A:6-2.2A (4L WORKWEEK)

It is recommended that the proposed amendments to N.J.A.C. 4A:6-2.2a (4L Workweek) be approved for publication in the New Jersey Register and on the Department's web site for public notice and comment.

ACTION: The Merit System Board approved for publication the proposed amendments.

B-132 MERIT SYSTEM BOARD MINUTES

The minutes of the Merit System Board meeting of August 11, 2004 are submitted for adoption.

ACTION: The Merit System Board directed that this matter be held over.

B-133 INVESTIGATOR TRAINEE, PUBLIC DEFENDER

The Director, Division of Human Resource Management, requests the reallocation of 14 positions in the title of Investigator Trainee, Public Defender in the Office of the Public Defender to the noncompetitive division of the career service in accordance with *N.J.A.C.* 4A:3-1.2(c).

ACTION: The Merit System Board granted the request.

B-134 EARLY SETTLEMENTS

In the matter of John Clark
Juvenile Justice Commission
15-day suspension

In the matter of Maureen DelGaudio
County of Hunterdon – Library
Removal

In the matter of David Hargrove
County of Burlington – County Jail
Eight-day suspension

In the matter of Patrick McCrossen
Township of Middle School District
Released at the end of working test period

ACTION: The Merit System Board acknowledged the settlements.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, September 22, 2004 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

**MARJORIE A. SCHWARTZ
ACTING COMMISSIONER
MERIT SYSTEM BOARD**