



STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

RICHARD J. CODEY
ACTING GOVERNOR

ROLANDO TORRES, JR.
COMMISSIONER

Merit System Board

**MINUTES OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
April 20, 2005**

**Rolando Torres, Jr., Chairman
Flavella Branham
John Currie
Margaret E.L. Howard
Robert Long**

APRIL 20, 2005

A regular meeting of the Merit System Board was held on Wednesday, April 20, 2005, in Trenton, New Jersey.

PRESENT: Chairman Rolando Torres Jr., Merit System Board Members, Flavella Branham, 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, Chairman Rolando Torres, Jr. 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 3, 2004, 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: March 21, 2005

TO: Rolando Torres, Jr., Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

DEPARTMENT OF LAW AND PUBLIC SAFETY

The Department of Law and Public Safety requests the creation of a new title for use by the New Jersey Racing Commission. The Title will be assigned to the unclassified service in accordance with the provisions of N.J.S.A 5:5-37.

The Commission is responsible for three racetracks and ancillary industries of horse racing in New Jersey. The title will be used to supervise Senior Veterinarians, Veterinarians and Animal Health Inspectors providing animal health and inspection services. The Commission currently does not have the availability of a title for this purpose.

The Office of Employee Relations has identified the appropriate bargaining unit. The appropriate negotiations representatives have been notified.

ESTABLISHMENT OF NEW TITLE

Effective: 11/13/04

Principal Veterinarian, New Jersey Racing Commission
R31-____ UA C NL/12

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

William Agar, et al., various titles, Keansburg Borough Police Department, good faith layoffs.

Joffre Alcantara, Family Service Specialist 2, Division of Youth and Family Services, Department of Human Services, release at the end of the working test period.

John Altomare, Police Officer, Department of Public Safety, City of Hoboken, suspension for 15 days.

Michael Anukam, Rent and Housing Coordinator, Department of Citizens Services, Essex County, good faith layoff.

Keith Arroyo, Firefighter, Department of Fire and Emergency Services, Jersey City, suspension for 4 24-hour days.

Hatha Baraka, Correction Lieutenant, Northern State Prison, Department of Corrections, discrimination appeal.

Alexander Barr, Public Works Director, Department of Public Works, Borough of Lawnside, \$3,000 fine.

Joseph Bertuglia, Training Officer, Corrections, Department of Public Safety, Essex County, good faith layoff.

Thomas Blaney, Public Works Repairer, Department of Public Works, Morris County, removal effective March 29, 2005.

Eva Brodie, Senior Correction Officer, Northern State Prison, Department of Corrections, 15-day suspension.

Henrietta Brown, Cottage Training Technician, Vineland Developmental Center, Department of Human Services, two removals.

Samuel Clark, Police Lieutenant, Police Department, City of Newark, multiple suspensions.

Bruce Clermont, Senior Correction Officer, Albert C. Wagner Correctional Facility, Department of Corrections, removal effective February 24, 2004.

Jimmie Colzie, County Correction Officer, County Jail, Burlington County, 45-day suspension.

Lenore Daniel, Human Services Assistant, New Jersey Veterans Memorial Hospital at Menlo Park, release at the end of the working test period.

Paul DeHope, Sergeant, New Jersey State Police, Department of Law and Public Safety, discrimination appeal.

Albert Dempsey, Bridge Repairer, Highway Department, Burlington County, 15-day suspension.

Byron Easterling, Graduate Nurse, Department of Health and Rehabilitation, Essex County, indefinite suspension.

John Foley, Correction Lieutenant, New Jersey State Prison, Department of Corrections, 90-day suspension.

Ediberto Gonzalez, Police Officer, Police Department City of Camden, release at the end of the working test period.

Lucy Gorant, Clerk Typist, County Clerk's Office, Bergen County, removal effective February 10, 2003.

Pierce Graham, Senior Correction Officer, East Jersey State Prison, Department of Corrections, 30-day and 45-day suspensions.

Bernice Hall-Williams, Human Services Specialist 4, Department of Family Services, Hudson County, 10-day suspension.

Kenneth Harvey, County Correction Officer, Department of Public Safety, Mercer County, 6-day suspension.

Brian Hoiberg, North Brunswick Township, list removal.

Alton Jackson, Police Officer, Police Department, City of East Orange, 10-day suspension.

Alicia Johnson, Police Officer, Police Department, City of Newark, removal effective May 30, 2000.

Robert Johnson, Senior Correction Officer, East Jersey State Prison, Department of Corrections, resignation not in good standing.

William Korey, Clinical Psychologist 1, DMHS, Woodbine Developmental Center, release at the end of the working test period.

Dennis Lewis, Senior Correction Officer, East Jersey State Prison, Department of Correction 15-day suspension.

James Lyones, Security Guard, Newark School District, 42-day suspension.

Michael Lyons, Crew Supervisor, Building Maintenance Programs, Woodbridge Developmental Center, Department of Human Services, suspensions for 10-days, 20-days, 30-days and 30-days.

Luis Macancela, Rent and Housing Coordinator, Welfare, Department of Citizen Services, County of Essex, good faith layoff.

Vincent Marino, Heavy Equipment Operator, Department of Public Works and Public Property, Wildwood City removal effective February 18, 2004.

Sean McCully, County Correction Officer, Department of Corrections and Youth Services, Monmouth County, 10-day suspension.

Eileen McGee, Data Processing Programmer 3, Office of Information Technology, 10-day suspension.

Thomas Miller, Senior Data Processing Programmer, Data Processing Department, Warren County, good faith layoff.

Mari Mitchell, Principal Account Clerk, Department of Public Works, Jackson Township, removal effective December 11, 2002.

Michael Morris, Human Services Specialist 1, Department of Health and Human Services, Hudson County, 65-day suspension.

Kevin Mulholland, Police Officer, Department of Public Safety, Town of Morristown, 30-day suspension.

Wayne Nurse, Nurses Aide, Department of Health Care Facilities, Monmouth County, 20-days suspension.

LaMar Parker, Laborer, Department of Public Works, Atlantic City, 30-day suspension.

Catherine Reynolds, Regional Staff Nurse, Medical Assistance, Division of Aging and Community Services, Department of Health and Senior Services, release at the end of the working test period.

Michael Reynolds, Truck Driver, Highway Department, Burlington County 6-day suspension.

David Richardson, Coordinator Federal and State Aid, Newark School District, release at the end of the working test period.

Khammee Rivera, Human Services Specialist 2, Bilingual in Spanish and English, Cumberland County Board of Social Services, release at the end of the working test period.

Dennis Rockefeller, Senior Correction Officer, Albert C. Wagner Correctional Facility, Department of Corrections, removal effective February 23, 2004.

Doreleena Sammons-Posey, Research Scientist 1, Department of Health and Senior Services, discrimination appeal.

Karen Seagraves, Senior Clerk Transcriber, Montclair State University, 10-day and 30-day suspensions.

Laurin Stahl, Program Support Specialist 1 (Assistance Programs, Division of Youth and Family Services, Department of Human Services, discrimination appeal.

Carl Tiago, Program Director, Juvenile Rehabilitation, Police Department, Rockaway Township, good faith layoff.

Kim Thomas, Juvenile Detention Officer, Department of Youth Services, Passaic County, removal effective April 10, 2003.

James Walker, Senior Practical Nurse, Sheriffs' Office, Gloucester County, 25-day suspension and removal effective August 19, 2002.

Claude Watts, Police Officer, Department of Police Services, Ocean City, 15-days suspension.

David Woolson, Senior Correction Officer, Albert c. Wagner Correctional Facility, Department of Corrections, removal effective February 23, 2004.

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:

Rotunda Allen, Human Services Assistant, Trenton Psychiatric Hospital, Department of Human Services, Resignation not in good standing, effective November 8, 2003.

Maria Alvarado, Senior Food Service Handler, New Jersey Veterans' Memorial Home, Vineland, Resignation not in good standing, effective September 10, 2004.

Talbert Anderson-Mayers, County Correction Sergeant, County Jail, Burlington County, 10-day suspension.

Zachary Aunchman, Laborer, Department of Public Works, Magnolia Borough, removal effective January 16, 2004.

Kristina Baker, Human Services Assistant, Vineland Developmental Center, Department of Human Services, indefinite suspension, pending outcome of criminal charges.

Irwin Bennett, Building Maintenance Worker, Newark Housing Authority, removal effective June 22, 2004.

Patrick Beston, Sanitation Worker, Morris County Municipal Utilities Authority, removal effective January 13, 2004.

Bobbie Bozarth, Hospital Attendant, Buttonwood Hospital, Burlington County, 60-day suspension.

William Cioffi Sr., Inspector Multiple Dwelling, Department of Community Affairs, resignation not in good standing.

Derell Coleman, Clerk, Department of Law and Public Safety, release at the end of the working test period.

Omar Coll, Cottage Training Technician, Hunterdon Developmental Center, Department of Human Services, removal effective January 17, 2004.

Darrett Copeland, Senior Building Maintenance Worker, The College of New Jersey, removal effective March 9, 2004.

Charen Cotton, Human Services Assistant, New Lisbon Developmental Center, Department of Human Services, removal effective June 17, 2003.

Aaron Dixon, Pumping Station Attendant, Camden County Municipal Utilities Authority, removal effective December 12, 2003.

Charles Easter, Senior Building Maintenance Worker, William Paterson University, removal effective February 13, 2004.

Michele Fikes, Human Services Assistant, New Jersey Veterans' Memorial Home, Vineland, 4 10-day suspensions.

Linda Frank, Secretarial Assistant 3, Montclair State University, 15-day suspension.

Donald Gentile, Motor Vehicle Operator Elderly and Handicapped persons, Department of Transportation, Monmouth County, 10-day suspension.

David Jackson, Residential Services Worker, Buttonwood Hospital, Burlington County, release at the end of the working test period effective February 13, 2004.

Lakeisha Johnson, Human Services Assistant, Vineland Developmental Center, Department of Human Services, release at the end of the working test period effective July 10, 2004.

Terrance Johnson, Senior Correction Officer, Central Reception Assignment Facility, Department of Corrections 15-day suspension.

Scott Jurkiewicz, Equipment Operator, Highway Department, Middlesex County, removal effective November 7, 2003.

Robert Kelly, Mechanic Voting Machines, Office of Commissioner of Registration/Superintendent of Elections, Essex County, good faith layoff.

Tony Knight, Clerk Driver, Division of Law, Department of Law and Public Safety, release at the end of the working test period effective May 3, 2002.

Jae Ho Lee, Family Service Specialist 2, Division of Youth and Family Services, Department of Human Services, release at the end of the working test period, effective March 20, 2004.

Clara Marciano, Juvenile Detention Officer, Department of Youth Services, Passaic County, removal effective April 10, 2003.

Michael Marlette, Public Safety Telecommunicator, State Police, Department of Law and Public Safety, removal effective January 20, 2004.

Brian McDermott, Laborer, Department of Public Work, Middle Township, removal effective February 11, 2004.

Brenda Merrill-Johnson, Security Guard, Atlantic City Housing Authority, 10-day suspension.

Rosemary Myers, Mimeograph Machine Operator, Department of Health Care Facilities, Monmouth County, 20-day suspension.

Rachelle Nembhard-Adams, Clerk Typist, Newark School District, Removal effective October 6, 2003.

Michael Newsome, Judiciary Clerk 2, Judiciary, Essex Vicinage, removal effective November 13, 2003.

Bright Okere, Auditor 3, Taxation, Department of Treasury, removal effective January 3, 2003.

Anthony Paladino, Custodial Worker, Jersey City School District, 10-day suspension.

Paul Panfili, Supervising Mechanic, Department of Recreation, City of Trenton, removal effective March 19, 2003.

David Parmalee, Security Guard, Jersey City School District, release at the end of the working test period, effective May 6, 2003.

Laurel Scott, Nurses Aide, Department of Health Care Facilities, Monmouth County, removal effective June 18, 2004.

Sonia Shurn, Security Guard, Jersey City School District, release at the end of the working test period, effective May 2, 2003.

Mary Taylor, Security Guard, Jersey City School District, release at the end of the working test period, effective May 5, 2003.

William Washington, Senior Correction Officer, East Jersey State Prison, Department of Corrections, retaliation appeal.

Robert Wilson, Boiler Operator, Jersey City School District, 26-day suspension and removal effective June 26, 2003.

Carlton Wright, Youth Worker, Department of Military and Veterans' Affairs, 30-day suspension.

Adrian Zimmerman, Building Maintenance Worker, Department of Long Term Care Services, Morris County, removal effective April 2, 2003.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Ruth Carpenter
Department of Labor
Release at the end of the working test period

In the Matter of Antoine Mantley
Woodbine Developmental Center
Department of Human Services
Removal

In the Matter of Nicholas Popailo
City of Jersey City
List Removal

In the Matter of Mildred Scholtz
County of Burlington
Suspension and Demotion

In the Matter of Barry Wainwright
Ancora Psychiatric Hospital
Department of Human Services
Sick Leave Injury Benefits

In the Matter of Danianna Zaslavskiy
Department of Labor
Release at the end of the working test period

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

ACTION: The Merit System Board acknowledged the settlements.

A2 SUZANNE BUTLER

Suzanne Butler, Police Officer, Township of Scotch Plains, Police Department, 90-day suspension, on charges of violation of Police Department rules regarding obedience to law and rules, courtesy, use of derogatory terms, misconduct, discriminatory conduct, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the 90-day suspension.

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

A-3 EDUARDO DIAZ

Eduardo Diaz, Laborer, City of Newark, Engineering Department, resignation not in good standing effective August 25, 2003, on the charge of abandonment of position.

Recommendation of the Administrative Law Judge – Uphold the resignation not in good standing.

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

A-4 PURVIS RICKS, III

Purvis Ricks, III, County Correction Officer, County of Burlington, County Jail, 15-day suspension on charges of insubordination, neglect of duty and violation of policy and procedures.

Recommendation of the Administrative Law Judge – Uphold the 15-day suspension.

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

A-5 CARMEN COLON

Carmen Colon, Police Officer, City of Camden, Police Department, removal effective May 11, 2004, on charges of conduct unbecoming a public employee, other sufficient cause and violation of various Police Department rules.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION: The Merit System Board directed that this matter be remanded to the Office of Administrative Law.

A-6 JAMES GIST, JR.

James Gist, Jr., Police Officer, Township of Willingboro, Police Department, removal effective October 7, 2003, on the charge of violation of rules regarding truthfulness and false entry on report.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board directed that this matter be remanded to the Office of Administrative Law.

A-7 JANICE GOMEZ

Janice Gomez, Library Page, Jersey City Library, removal effective April 3, 2003, on the charge of abandonment of position.

Recommendation of the Administrative Law Judge – Dismiss the appeal with prejudice.

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

A-8 DONALD KENNEDY

Donald Kennedy, Campus Police Officer, The College of New Jersey, removal effective March 3, 2003, on charges of conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-9 MONET S. MASON

Monet S. Mason, Youth Worker, County of Mercer, Youth Detention Center, removal effective June 30, 2003, on charges of violation of policy and procedure, familiarity/fraternization, jeopardizing safety and security of facility, inappropriate physical contact and conduct unbecoming a public employee.

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

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to uphold the removal.

A-10 YUMEIKA THOMPSON

Yumeika Thompson, County Correction Officer, County of Passaic, Sheriff's Department, removal effective April 8, 1996, on charges of failure to complete mandatory police training within time period established by statute and inability to perform duties.

Recommendation of the Administrative Law Judge – Dismiss the appeal without prejudice.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to dismiss the appeal with prejudice.

A-11 RAYMOND O'HARE – SETTLEMENT

Raymond O'Hare, Police Chief, Borough of Keansburg, Police Department, 1) removal effective March 14, 2002, on charges of misconduct, official misconduct, conduct unbecoming a public employee, misuse of public property and neglect of duty, 2) removal effective March 12, 2002, on charges of misconduct, obstructing administration of law or other government, incompetency, inefficiency and failure to perform duties, conduct unbecoming a public employee and neglect of duty, and 3) removal effective March 14, 2002, on the charges of misconduct, interference with lawful authority of police director, insubordination, conduct unbecoming a public employee and neglect of duty. Submitted for the Board's review and approval is a settlement agreement between the parties entered into after the rendering of an initial decision.

Recommendation of the Administrative Law Judge – Uphold the removals.

ACTION: The Merit System Board rejected the initial decision of the Administrative Law Judge and acknowledged the settlement.

A motion was made and seconded that the open session be recessed and that, pursuant to Section 12(b) of the Open Public Meetings Act, the Merit System Board entered into Executive Session for the purpose of legal advice on the matter of A-12 T.L. The Board subsequently reconvened the public meeting.

A-12 T. L.

T.L., a Supervising Family Service Specialist 2, Division of Youth and Family Services, Department of Human Services, removal effective April 26, 2000 on the charge of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

SECTION B – MISCELLANEOUS MATTERS

B-1 JOSE A. SERRANO

Jose A. Serrano, represented by Leonard C. Schiro, Esq., appeals his rejection as a County Correction Officer candidate by the County of Union 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 granted.

B-2 MICHAEL THOMPSON

Michael Thompson appeals his rejection as a Police Officer by the City of Millville and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of medical unfitness to perform effectively the duties of the position.

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

B-3 MARIE DALRYMPLE

Marie Dalrymple, a Cottage Training Supervisor with Hunterdon Developmental Center, Department of Human Services, represented by Robert O. Yeager, Principal Staff Representative, CWA Local 1040, appeals the denial of sick leave injury (SLI) benefits.

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

B-4 MARY E. JOHNSON

Mary E. Johnson, a Cottage Training Technician at Vineland Developmental Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

B-5 ANA M. LONG

Ana M. Long, a Charge Nurse at New Lisbon Developmental Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

B-6 JUDITH MELANI

Judith Melani, an Assistant Supervisor of Professional Residential Services, Developmental Disabilities, with the North Jersey Developmental Center, Department of Human Services, represented by Thomas Melani, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-7 DONNA MERRICK

Donna Merrick, a Technical Assistant 3 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-8 LOUISE M. MUCHLER

Louise M. Muchler, a Senior Therapy Program Assistant at Woodbine Developmental Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

B-9 ANGELA SNELL

Angela Snell, a Communications Operator, Secured Facilities, at New Jersey State Prison, Department of Corrections (DOC), appeals the denial of sick leave injury (SLI) benefits.

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

B-10 JAMES THOMAS

James Thomas, a former Senior Parole Officer with the State Parole Board, appeals the denial of sick leave injury (SLI) benefits.

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

B-11 DOMINICK YACOVELLI

Dominick Yacovelli, a Senior Parole Officer with the New Jersey State Parole Board, appeals the denial of sick leave injury (SLI) benefits.

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

B-12 DANIEL BOSSIO

Daniel Bossio, represented by Robert J. Haney, Esq., appeals the decision of Human Resource Information Services (HRIS), which upheld the removal of his name from the eligible list for Police Officer (S9999D), Lawrence Township based on an unsatisfactory background report.

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

B-13 RICHARD ROSZKOWSKI

Richard Roszkowski, represented by Anthony Carbone, Esq., appeals the decision of Human Resource Information Services which found that the County of Hudson had presented a sufficient basis to remove the appellant's name from the Sheriff's Officer (S9999D), County of Hudson, eligible list due to an unsatisfactory background report.

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

B-14 HOUSING INSPECTOR (M6539E), CITY OF ORANGE HOUSING AUTHORITY

The appointing authority's failure to dispose of the certification for Housing Inspector (M6539E), while a provisional 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-15 MAINTENANCE REPAIRER (PM0343D), CITY OF ORANGE HOUSING AUTHORITY

The appointing authority's failure to dispose of the certification for Maintenance Repairer (PM0343D), while a provisional 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-16 KENNETH RANKIN

Kenneth Rankin, a Police Officer with the Police Department, City of Newark, represented by Bette Grayson, Esq., seeks enforcement of the decision of the Merit System Board in *In the Matter of Kenneth Rankin* (MSB, decided September 8, 2004), with respect to the scheduling of a fitness for duty examination.

ACTION: The Merit System Board granted the request for enforcement and directed that Mr. Rankin be referred to Dr. Robert Kanen for a fitness for duty evaluation.

B-17 ALLISON HAMES

Allison, Hames, a Cottage Training Technician with the New Lisbon Developmental Center, Department of Human Services, represented by Stephan Siegel, Esq., requests a hearing on her removal, effective December 26, 2003.

ACTION: The Merit System Board denied the request.

B-18 CYRUS HARDY

Cyrus Hardy, represented by Louis E. Granata, Esq., petitions the Merit System Board for a hearing regarding his termination from employment.

ACTION: The Merit System Board granted a hearing.

B-19 RENE CORA

Rene Cora, a Laborer with Lakewood Township (Township), represented by Patrick Guaschino, Director of Public Employees Sector, Teamsters Local Union No. 97, appeals the Township's decision to end his provisional appointment as a Recycling Program Aide and return him to his permanent position of Laborer.

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

B-20 ERIC ROWLAND

Eric Rowland, a Fire Fighter with the City of Bayonne, represented by Craig S. Gumpel, Esq., petitions the Merit System Board for interim relief of his immediate suspension, effective January 20, 2005.

ACTION: The Merit System Board denied the request.

B-21 SUZANNE FREDRIKSEN

The appeal of Suzanne Fredriksen, a Senior Clerk Typist with the City of Cape May, of her removal, effective July 25, 2003, on charges, was heard by Administrative Law Judge Bruce M. Gorman (ALJ), who rendered his initial decision on March 3, 2005. At its meeting on April 6, 2005, the Merit System Board adopted the ALJ's recommendation that the removal be modified to a 120-day suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

VOTE:	Rolando Torres, Jr.	(Yes)
	Flavella Branhan	(Yes)
	John Currie	(Yes)
	Margaret E. L. Howard	(Abstained)
	Robert J. Long	(Yes)

B-22 LEONARD WILSON

The appeal of Leonard Wilson, a Senior Correction Officer with the Albert C. Wagner Youth Correctional Facility, Department of Corrections, of his 15-day suspension and removal, effective April 25, 2002, on charges was before Administrative Law Judge Jeff S. Masin (ALJ), who rendered his initial decision on January 19, 2005. At its meeting on April 6, 2005, the Merit System Board did not adopt the ALJ's recommendation to dismiss the charges, Rather, the Board modified the 15-day suspension and removal to an official written reprimand. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

VOTE:	Rolando Torres, Jr.	(Yes)
	Flavella Branhan	(Yes)
	John Currie	(Yes)
	Margaret E. L. Howard	(Abstained)
	Robert J. Long	(Yes)

B-23 DEBORAH WREDE

The appeal of Deborah Wrede, a Practical Nurse at Greystone Park Psychiatric Hospital, Department of Human Services, of her removal on charges, effective September 4, 2003, was before Administrative Law Judge Ken R. Springer (ALJ), who rendered his initial decision on February 23, 2005, dismissing the appeal. At its meeting on April 6, 2005, the Merit System Board ordered that this matter be remanded to the Office of Administrative Law. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

VOTE:	Rolando Torres, Jr.	(Yes)
	Flavella Branhan	(Yes)
	John Currie	(Yes)
	Margaret E. L. Howard	(Abstained)
	Robert J. Long	(Yes)

B-24 JOHN P. BATTISTI

John P. Battisti appeals the determination of the Division of Selection Services which found that he was not eligible for the open competitive examination for Housing Inspector (M6742F), Township of Berkeley, because his application was postmarked after the closing date of the examination announcement.

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

B-25 ALPHA BHAVSAR ET AL.

Alpha Bhavsar, Jon Czarny, Sejal Shah, and John Tronco 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 Engineering Technician 5 (S0383F), Department of Transportation.

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

B-26 EUGENE BOYLE, III, ET AL.

Eugene Boyle, III, William Drayton, Adam Hand, and John Nelson appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirements for the open competitive examination for Assistant Engineer-in-Charge of Maintenance 1 (S0347F).

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

B-27 KRISTIN CRATE

Betty Ann Rizzo, Manager, Shared Services 1, on the behalf of Kristin Crate, appeal the decision of the Division of Selection Services which found that Ms. Crate did not meet the experience requirements for the promotional examination for Senior Fiscal Analyst (PS2784S), Department of State.

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

B-28 ANNETTE M. DIBLASIO AND MICHAEL E. GREENE

Annette M. DiBlasio and Michael E. Greene appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirements for the open competitive examination for Management Information Systems Specialist (C6265F), County of Essex.

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

B-29 JOANN DIEHL, ET AL.

Joann Diehl, David Powers and Venus White appeal the determinations of the Division of Selection Services which found that they did not meet the experience, or education and experience requirements, for the promotional examination for Program Support Specialist 1 (Assistance Programs), (PS0714K), Division of Medical Assistance and Health Services.

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

B-30 LISA HARBRIGHT

Lisa Harbright appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the open competitive examination for Management Specialist (M6848F), Margate City.

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

B-31 ALAN HOLLADAY

Alan Holladay 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 Substance Abuse Counselor 2 (S0351F).

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

B-32 GAIL HORNE-HILL AND MARTHA JOHNSON

Gail Horne-Hill and Martha Johnson appeal the determinations of the Division of Selection Services which found that, pursuant to the substitution clause for education, they were below the minimum requirements in experience for the promotional examination for Program Support Specialist 2, Assistance Programs (PS2544H), Department of Health and Senior Services.

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

B-33 ANN HUTCHINSON

Ann Hutchinson 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 Contract Administrator 1 (PS1878K), Division of Developmental Disabilities.

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

B-34 EMILY IRIZARRY

Emily Irizarry appeals the determination of the Division of Selection Services which found that she was not eligible for the promotional examination for Senior Unemployment Insurance Clerk (PS2349N), Department of Labor, because her application was postmarked after the closing date of the examination announcement.

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

B-35 RENEA JEFFERSON

Renea Jefferson 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 Social Worker, Juvenile Rehabilitation (C0830F), Sussex County.

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

B-36 MICHELE JONES-DRAFTON

Michele Jones-Drafton 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 Technical Assistant, Personnel (PS3270K0, Division of Mental Health Services.

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

B-37 NICOLE R. KANKO

Nicole R. Kanko appeals the determination of the Division of Selection Services which found that she was not eligible for the promotional examination for Principal Account Clerk Typing (PC1491F), Ocean County Sheriff's Department, because her application was postmarked after the closing date of the examination announcement.

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

B-38 JAMES KYLE

James Kyle, represented by Michelle Douglass, Esq., appeals the determination of the Division of Selection Services which found that he submitted late applications for the promotional examinations for Supervising Fire Prevention Specialist (PM1580F) and Fire Official (PM1535F), Atlantic City.

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

B-39 RALPH F. LOLLAR, ET AL.

Ralph F. Lollar, Kathleen M. Palsho, Kassandra D. Ross, and Lauri Woodward appeal the determination of the Division of Selection Services which found that they did not meet the requirements for the promotional examination for Chief, Office of Program Development, Human Services (PS1465K), Department of Human Services.

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

B-40 PATRICIA LONGO

Patricia Longo appeals the determination of the Division of Selection Services which determined that she was below the minimum requirements in experience for the promotional examination for Program Support Specialist 2 (PSS2), Assistance Programs (PS2544H), Department of Health and Senior Services.

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

B-41 RONNIE LOTTERMANN

Ronnie Lottermann 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 Public Works Superintendent (PM1249F), Fair Lawn.

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

B-42 JUDITH ANN LUGO

Judith Ann Lugo 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 Superintendent of Weights and Measures (M3512F), City of Camden.

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

B-43 JOSEPH NAYDA

Joseph Nayda, represented by Bruce Leder, Esq., appeals the decision of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Fire Chief (PM3532F), Passaic.

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

B-44 CAROL NICHOLAS

Carol Nicholas 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 Executive Director, Office on Aging (M6870F), Lawrence Township.

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

B-45 THOMAS NIGRO

Thomas Nigro appeals the determination of the Division of Selection Services which found that he did not meet the minimum requirements in experience for the open competitive examination for Network Administrator 1 (C6342F), Warren County.

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

B-46 GLENNIS PARKS

Glennis Parks appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Senior Community Program Specialist (PS3612K), Division of Developmental Disabilities.

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

B-47 DAWN PINKNEY

Dawn Pinkney appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Office Supervisor (PM1147E), Atlantic City Housing Authority.

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

B-48 MARY F. POTTER, ET AL.

Mary F. Potter, Denise Thompson, Lynda L. Welden, and Terri L. Zanes appeal the determination of the Division of Selection Services which found that they did not meet the requirements for the promotional examination for Assistant Supervisor of Resident Living, Developmental Disabilities (PS2709K), Department of Human Services.

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

B-49 MONICA REINHARDT

Monica Reinhardt 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 Legal Secretary 2 (S0348F).

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

B-50 LEONARD RUGGIERI

Leonard Ruggieri appeals the determination of the Division of Selection Services that he did not meet the education requirement for the open competitive examination for Graphic Artist 2 (S6770F), Statewide.

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

B-51 NORMAN RUSSO

Norman Russo 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 General Supervisor, Roads (PM1202F), Pennsauken.

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

B-52 SAUL SABIN

Saul Sabin appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the Supervising Pumping Station Operator (PC1125F), Monmouth County promotional examination.

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

B-53 SMITA SHAH

Smita Shah 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 Engineering Technician 5 (S0383F), Department of Transportation.

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

B-54 ARLENE SULLIVAN

Arlene Sullivan appeals the determination of the Division of Selection Services that per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Personnel Officer (PM0297F), Township of West Orange.

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

B-55 DONNA HORNYAK

Donna Hornyak 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 Personnel Assistant 1 (PS2992K), Department of Human Services.

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

B-56 JESSE THATCHER

Jesse Thatcher appeals his ineligibility for the open competitive examination for Director, Community Development Program (M6543E), Hamilton Township on the basis of not meeting the announced residency requirement.

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

B-57 MILAGROS TUCKER

Milagros Tucker, 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 Personnel Assistant 1 (PS2992K), Department of Human Services.

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

B-58 MARYANN BUCCHI AND ERICKA MCCOY

Frank Cirillo, Director of Welfare, Mercer County Board of Social Services, on behalf of Maryann Bucchi and Ericka McCoy, petitions the Merit System Board for reconsideration of the decision rendered on February 9, 2005 which found that they did not meet the experience requirements for the promotional examination for Procedures Analyst (PC0467F), Mercer County Board of Social Services.

ACTION: The Merit System Board denied the requests.

B-59 ANN WEBER-RODRIGUEZ

Ann Weber-Rodriguez petitions the Merit System Board for reconsideration of the decision rendered on October 20, 2004, which found that she did not meet the experience requirements for the promotional examination for Administrative Analyst 1 (PS8626K), Division of Developmental Disabilities.

ACTION: The Merit System Board denied the request.

B-60 ROGER BORICHEWSKI

Roger Borichewski petitions the Merit System Board for reconsideration of the decision rendered on January 12, 2005 which upheld the validity of the promotional examination for Administrator, Psychiatric Social Services (PS5404K), Senator Garrett Hagedorn Psychiatric Hospital.

ACTION: The Merit System Board denied the request.

B-61 EUGENE ASKIN

Eugene Askin appeals his score on the promotional examination for Senior Repairer (PS2383T), Department of Transportation.

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

B-62 KASON CHEEKS

Kason Cheeks appeals the denial of his request for a make-up examination for the promotional examination for Police Sergeant (PM2559F), City of Newark.

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

B-63 ANITA JACKSON

Anita Jackson appeals the test administration and validity of the promotional examination for Management Assistant (PS0305K), Ancora Psychiatric Hospital.

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

B-64 PHEOBE PAGE-ASKIE

Pheobe Page-Askie appeals the use of the Management Test Battery (MTB) for the promotional examination for Administrator, Employee Relations (PS2989K), Department of Human Services.

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

VOTE:	Rolando Torres, Jr.	(Abstained)
	Flavella Branhan	(Yes)
	John Currie	(Yes)
	Margaret E. L. Howard	(Yes)
	Robert J. Long	(Yes)

B-65 NATUCHIA FRAZIER ET AL.

The Director, Division of Human Resource Management, on behalf of the South Woods Prison, requests that Natuchia Frazier, Lucy Gardiner, and Teresa Smiley's out-of-title work be accepted to qualify them for a prospective promotional examination for Principal Clerk Bookkeeper.

ACTION: The Merit System Board granted the request.

B-66 RECENT COURT DECISIONS

Submitted for the Board's review are summaries of recent court decisions involving Merit System Board and Department of Personnel determinations in *In the Matter of Police Officer Christopher Ent* (Appellate Division, decided 2/3/05); *In the Matter of Seth Jackson v. City of Newark* (Appellate Division, decided 2/3/05); *In the Matter of Donald H. Nelson, Jr.* (Appellate Division, decided 2/4/05); *In the Matter of Robert Rain* (Appellate Division, decided 2/4/05); *In the Matter of Mark Hruska* (Appellate Division, decided 2/8/05); *In the Matter of Robert E. Swanwick* (Appellate Division, decided 2/8/05); *In the Matter of Thomas Ang and Scott Smith* (Appellate Division, decided 2/22/05); *In the Matter of William J. Brennan v. New Jersey Department of Personnel, et al.* (Appellate Division, decided 2/24/05); and *In the Matter of Rory Scheumeister* (Appellate Division, decided 2/28/05).

ACTION: The Merit System Board noted the decisions.

B-67 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of April 9, 2005 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of April 9, 2005.

VOTE:	Rolando Torres, Jr.	(Yes)
	Flavella Branhan	(Yes)
	John Currie	(Yes)
	Margaret E. L. Howard	(Abstained)
	Robert J. Long	(Yes)

B-68 EARLY SETTLEMENTS

Steve Jarosz
Department of Transportation
Suspension

Shantia Owens
Division of Youth & Family Services
Department of Human Services
Release at the end of working test period

Elizabeth Still
County of Monmouth
Sheriff's Department
Removal

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, May 4, 2005 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

ROLANDO TORRES, JR.
COMMISSIONER
MERIT SYSTEM BOARD