



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
May 4, 2005**

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

MAY 4, 2005

A regular meeting of the Merit System Board was held on Wednesday, May 4, 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: April 1, 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 HEALTH AND SENIOR SERVICES

The Department of Health and Senior Services requests a two-range upward change in class code for the title of Supervising Health Care Evaluator.

The title is currently evaluated at a range 25, but is compensated at a 27 because it is part of the group of nursing titles that received raises unlinked to class code in 1990. The title required a license as a Registered Nurse at that time, because the scope of responsibility was limited to the evaluation of health care facilities. The license requirement was removed in 2000, and the scope of responsibility was expanded to include the review of health care plans and health care organizations, expanding the scope of eligibility beyond registered nurses. The changes at that time were necessary to acknowledge changes in health care needs and trends, and expand use into different divisions.

The Compensation Compendium indicates that incumbents in titles in the nursing group must possess licenses as nurses to be eligible for the special incentive salary program. This title no longer fits the criteria for inclusion in this group, and should be removed from the special incentive salary program. The Department of Health and Senior Services requests that the experience requirements be increased to reflect the broadening of responsibilities and, that the class code be raised from 25 to 27. There is no cost impact.

This action has the consent of the Office of Employee Relations and the appropriate negotiations representatives.

CHANGE IN CLASS CODE

Effective: 04/02/05

FROM:

Supervising Health Care Evaluator
cc 25, R27-60454 Career K NL/12

TO:

Supervising Health Care Evaluator
cc 27, R27-60454 Career K NL/12

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Frederick Hutchins
City of Newark
Department of Neighborhood and Recreational Services
Suspension

In the Matter of Tommie Jennings
William Paterson University
Suspension and removal

In the Matter of Lamont Mack
City of Plainfield
Department of Public Affairs and Safety
Removal

In the Matter of Larry Steverson
Paterson Housing Authority
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 CYNTHIA ALEXANDER

Cynthia Alexander, Practical Nurse, New Lisbon Developmental Center, Department of Human Services, resignation not in good standing effective March 21, 2004, on charges of failure to return to duty for five or more consecutive business days following an approved leave of absence.

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-3 RUI DOMINGUES

Rui Domingues, Police Officer, City of Newark, Police Department, 15-day suspension on charges of neglect of duty, and violations of Police Department rules regarding false statement and responsibility for own actions.

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-4 JOHN VARALLI

John Varalli, County Correction Officer, County of Gloucester, Sheriff's Department, 30-day suspension on the charge of conduct unbecoming a public employee.

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

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

A-5 DANNY GLENN

Danny Glenn, Public Works Inspector, Township of Irvington, Department of Housing Services, removal effective February 4, 2003, on charges of insubordination, incompetence, inefficiency, excessive lateness, neglect of duty and nonfeasance.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a six-month suspension.

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

A-6 DARREN GROSSMAN

Darren Grossman, Police Officer, City of East Orange, Police Department, removal effective May 1, 2001, on charges of conduct unbecoming a public employee, neglect of duty and violations of various Police Department rules.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-7 CHARLES NEWSOME

Charles Newsome, Senior Correction Officer, Northern State Prison, Department of Corrections, removal effective August 12, 2004, on charges of conduct unbecoming a public employee, safety and security precautions, improper or unauthorized contact with, undue familiarity with inmates, parolees, their families or friends and violation of a rule, regulation, policy, procedure, order, or administrative decision..

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

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

A-8 DAVID NICHOLS

David Nichols, Police Officer, City of Salem, Police Department, removal effective January 20, 2004, on charges of incompetency, inefficiency or failure to perform duties, conduct unbecoming of a public employee, neglect of duty, other sufficient cause and violation of several Department rules and regulations.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-9 ANTHONY P. NICOSIA

Anthony Nicosia, Heavy Equipment Operator, Township of Belleville, Department of Public Works, removal effective August 20, 2003, on charges of conduct unbecoming a public employee and terroristic threats.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-10 JANICE SANFORD (REMAND)

Janice Sanford, Cottage Training Technician, New Lisbon Developmental Center, Department of Human Services, two removals effective November 9, 1999, on charges of chronic or excessive absenteeism and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the removals.

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

A-11 CECILY JACKSON WILLIAMS

Cecily Jackson Williams, Nursing Services Clerk, Trenton Psychiatric Hospital, Department of Human Services, removal effective February 6, 2004, on charges of conduct unbecoming a public employee, and violation of a policy.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-12 IRENE WILLIAMSON

Irene Williamson, Clerk Typist, County of Camden, Department of Health and Human Services, removal effective April 13, 2001, on charges of conduct unbecoming a public employee, forgery, fraud, and prevarication.

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 MATTER

B-1 STEFANIE BHOORASINGH

Stefanie Bhoorasingh appeals her rejection as a Police Officer by the City of East Orange and its request to remove her 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 denied.

B-2 KIMBERLY MUSE

Kimberly Muse appeals her rejection as a Police Officer by the City of East Orange and its request to remove her 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 JOAN E. GRAY

Joan E. Gray, a Regional Staff Nurse, Medical Assistance, with the Department of Health and Senior Services, appeals the denial of sick leave injury (SLI) benefits.

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

B-4 TRACY HARRIS

Tracy Harris, a Senior Correction Officer with Southern State Correctional Facility, Department of Corrections, represented by Joseph Fava, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-5 LORI JENKINS

Lori Jenkins, a Therapy Aide with Ancora Psychiatric Hospital, 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 FRANKLIN KENNEDY

Franklin Kennedy, a Senior Correction Officer with East Jersey State Prison, Department of Corrections, appeals the denials of sick leave injury (SLI) benefits.

ACTION: The Merit System directed that these appeal be granted.

B-7 JO-ANN MURATH

Jo-Ann Murath, a Senior Probation Officer with the Judiciary, Vicinage 9 – Monmouth County, represented by John J. Marinan, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-8 LIBERTY MYERS

Liberty Myers, a former Charge Nurse with Ancora Psychiatric Hospital, 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 PHILIP B. RONDINELLI

Philip B. Rondinelli, an Institutional Trade Instructor 1, Welding, at Albert C. Wagner Youth Correctional Facility, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

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

B-10 THOMASINA SHANKS

Thomasina Shanks, a Practical Nurse at Woodbridge 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-11 MILDRED TAYLOR

Mildred Taylor, a Principal Technician Management Information Systems, with the Department of Health and Senior Services, appeals the denial of sick leave injury (SLI) benefits.

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

B-12 JOHN H. HAMAN

John H. Haman appeals the determination of the Division of Human Resource Information Services which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for Mechanic (M0694F), Borough of Park Ridge.

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

B-13 MICHAEL KERNOR

Michael Kernor, represented by Gary D. Tomasella, Esq., appeals the bypass of his name for appointment from the Police Sergeant (PM2534B), Town of Dover eligible list.

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

B-14 JOSEPH NASATKA

Joseph Nasatka, a Truck Driver, Single Axle with the Department of Transportation appeals the bypass of his name from the Equipment Operator (PS5076T) eligible list.

ACTION: The Merit System Board granted a hearing.

B-15 FRANCIS TOMLINSON

Francis Tomlinson appeals the decision of Human Resource Information Services, which denied as untimely his appeal of the bypass of his name on certifications of Assistant Chief Investigator, Public Defender (PS0508Q), Office of the Public Defender, eligible list.

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

B-16 DORIS CHAKERAS AND VALERIE MARRONE

Doris Chakeras and Valerie Marrone, represented by Christopher W. Mikkelson, President, Transport Workers Union of America, AFL-CIO Local 225 Branch 4, petition the Merit System Board for enforcement of the Department of Personnel's determinations concerning their reclassification to the Senior Clerk Typist title.

ACTION: The Merit System Board granted the request.

B-17 RICARDO MALDONADO

Ricardo Maldonado, a Police Officer with the City of Newark, represented by Ronald J. Ricci, Esq., seeks enforcement of the Merit System Board decision rendered on October 1, 2003, granting him back pay, benefits, and seniority.

ACTION: The Merit System Board granted back pay in the amount of \$60,658.17.

B-18 FIRE CHIEF (PM3588E), HILLSIDE TOWNSHIP

Hillside Township, represented by Chryzanta Hentisz, Esq., petitions the Merit System Board for a stay of the use of the eligible list, pending its appeal to the Superior Court, Appellate Division of the decision rendered by the Board in *In the Matter of Fire Chief (PM3588E), Hillside Township* (MSB, decided February 23, 2005).

ACTION: The Merit System Board denied the request.

B-19 NELSON PERDOMO

Nelson Perdomo, a Senior Correction Officer with East Jersey State Prison, Department of Corrections, represented by William Toolen, Institutional Vice President, FOB Local 200, petitions the Merit System Board for reconsideration of the administrative determination, rendered February 7, 2005, by the Director of Merit System Practices and Labor Relations, denying his request for a hearing.

ACTION: The Merit System Board denied the request for reconsideration.

B-20 CARMEN COLON

The appeal of Carmen Colon, a Police Officer with the City of Camden of her removal, effective May 11, 2004, on charges, was heard by Administrative Law Judge Donald J. Stein (ALJ), who rendered his initial decision on March 16, 2005. At its meeting on April 20, 2005, the Merit System Board did not adopt the ALJ's recommendation to dismiss the charges. Rather, the Board ordered that the 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.

B-21 JAMES GIST, JR.

The appeal of James Gist, Jr., a Police Officer with the Township of Willingboro, of his removal effective October 7, 2003, on charges, was heard by Administrative Law Judge John R. Tassini (ALJ), who rendered his initial decision on March 7, 2005. At its meeting on April 20, 2005, the Merit System Board did not adopt the ALJ's recommendation to uphold the removal. Rather, the Board ordered that the 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.

B-22 MONET MASON

The appeal of Monet S. Mason, a Youth Worker at the County of Mercer's Youth Detention Center, of her removal, effective June 30, 2003, on charges, was heard by Administrative Law Judge Donald J. Stein (ALJ), who rendered his initial decision on February 8, 2005. At its meeting on April 20, 2005, the Merit System Board did not adopt the ALJ's recommendation to modify the removal to a six-month suspension. Rather, the Board upheld the removal. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-23 MICHELLE THURBER

The appeal of Michelle Thurber, a Deputy Municipal Court Administrator with the City of Burlington, of her removals, effective May 11, 2001, on charges, was heard by Administrative Law Judge (ALJ) Israel D. Dubin, who rendered his initial decision on August 16, 2004. At its meeting on April 6, 2005, the Merit System Board adopted the ALJ's recommendation to modify the removals to a six-month suspension. The Board further ordered that the appellant be reinstated to her position. 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 CARMELLA VARGA

The appeal of Carmella Varga, a Deputy Municipal Court Administrator with the Township of North Brunswick, of her removal, effective April 10, 2003, on charges, was heard by Administrative Law Judge (ALJ) Joseph F. Fidler, who rendered his initial decision on August 12, 2004. At its meeting on April 6, 2005, the Merit System Board adopted the ALJ's recommendation to reverse the removal. 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-25 LUCY BALLISTY, ET AL.

Lucy Ballisty, Margarita Boone and Joyce Scott appeal the determination of the Division of Selection Services that per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Administrative Assistant 3 (PS1796F), Department of Education.

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

B-26 ROBERT CAROTHERS

Robert Carothers appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Motor Vehicle Operator 1 (PS9367K), Division of Youth and Family Services.

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

B-27 DEBRA CRAMER

Debra Cramer appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Administrative Analyst 4 (PS9760K0, Department of Human Services.

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

B-28 KAREN DROUBI

On behalf of Karen Droubi, the appointing authority appeals the decision of Selection Services that found that Ms. Droubi did not meet the experience requirement for the promotional examination for Secretarial Assistant 3 (Non-Stenographic) (PS6974J), Ramapo College.

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

B-29 SEBASTIAN FAMULARO

Sebastian Famularo appeals the determination of the Division of Selection Services that found that he did not meet the experience requirements for the promotional examination for Operating Engineer Repairer (PS3317K), Greenbrook Regional Center.

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

B-30 RHONDA GORDEN

Rhonda Gorden 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 Administrative Assistant 3 (PS1796F), Department of Education.

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

B-31 BRIAN HAWTHORNE AND RICARDO NOCE

Brian Hawthorne and Ricardo Noce 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 Construction and Maintenance Technician 5 (S6796F), Department of Transportation.

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

B-32 KAREN HEDSTROM

Karen Hedstrom appeals the determination of the Division of Selection Services which found that she did not meet the educational requirement for the open competitive examination for Microbiologist (C0900G), Cape May County.

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

B-33 GARY PROBOLA

Gary Probola appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for a prospective appointment to the title of Support Services Representative 3, Motor Vehicle Commission.

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

B-34 DAVID MOLDOVAN

David Moldovan appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the open competitive examination for Mason and Plasterer (S0307F), Statewide.

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

B-35 LAURA SINGLE

Laura Single appeals the determination of the Division of Selection Services that she did not meet the requirements for the open competitive examination for Investigator, Consumer Protection (C0781F), Bergen County.

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

B-36 WILLIAM SUGRUE, JR.

William Sugrue, Jr. 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 and Maintenance Technician 5 (S6796F), Department of Transportation.

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

B-37 STEVEN UNGER

Steven Unger appeals his rank on the open competitive examination for Social Worker (C0836F), Warren County.

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

B-38 MICHAEL MARTIN

Michael Martin, represented by Joseph Fortunato, Esq., appeals the denial of his request for a make-up examination for Fire Captain (PM3588B), Jersey City.

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

B-39 VANESSA DAY

Vanessa Day appeals the determination of the Division of Selection Services which denied her request for a make-up examination for Manager 4, Technical/Scientific/Engineering (PS1252G), Department of Environmental Protection.

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

B-40 THOMAS MALKINSKI, ET AL.

Thomas Malkinski, Fire Captain (PM3584F), Bloomfield; Brett Blake, Vincent Colavitti, Jr., Kevin Cooper and Brian Mulligan, Fire Captain (PM3586F), Clifton; and Fred Cassel, Louis Gazzo and Gary Tyburczy, Fire Captain (PM3596F), Linden, appeal the correct responses to various questions on their respective promotional examinations.

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

B-41 DANIEL O'BRIEN

The Township of Maple Shade requests relaxation of N.J.A.C. 4A:4-7.1Ac so as to permit the intergovernmental transfer of Daniel O'Brien from the title of Sheriff's Officer, Camden County Sheriff's Office to the title of Police Officer Township of Maple Shade.

ACTION: The Merit System Board granted the request.

B-42 RECENT COURT DECISIONS

Submitted for the Board's information are recent court decisions involving Merit System Board and Department of Personnel determinations *In the Matter of Mary Vetreno, et al. v. Division of Youth and Family Services and the Department of Personnel* (Appellate Division, decided 3/4/05); *Michael A. DePompeo v. New Jersey Merit System Board* (Appellate Division, decided 3/11/05); *In the Matter of Anthony Carter* (Appellate Division, decided 3/14/05); *In the Matter of Correction Sergeant (PS5613I), Department of Corrections* (Appellate Division, decided 3/14/05); *Howard C. McLaughlin v. Merit System Board and City of Atlantic City* (Appellate Division, decided 3/14/05); *In the Matter of Brownlee, et al. v. Castro, et al.* (Law Division, decided 3/15/05); *In the Matter of Lawrence Flanagan* (Appellate Division, decided 3/16/05); *In the Matter of Andre Soltes* (Appellate Division, decided 3/17/05); *In the Matter of James Watson v. City of Newark* (Appellate Division, decided 3/22/05); *In the Matter of Lisa Biamonte-Crea, Bergen County Correction Officer* (Appellate Division, decided 3/24/05); *In the Matter of Lance Spencer* (Appellate Division, decided 3/24/05); *In the Matter of Steven Palamara* (Appellate Division, decided 3/30/05);

ACTION: The Merit System Board noted the decisions.

B-43 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of April 20, 2005 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of April 20, 2005.

B-44 MICHAEL STOECKER

Michael Stoecker, a Fire Fighter with the North Hudson Regional Fire and Rescue Service, appeals his immediate suspension, effective August 24, 2004.

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

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, February 27, 2002 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

ROLANDO TORRES, JR.
COMMISSIONER
MERIT SYSTEM BOARD