



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 18, 2005**

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

MAY 18, 2005

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A regular meeting of the Merit System Board was held on Wednesday, May 18, 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.

**CONFIDENTIAL APPOINTMENTS**

**The Merit System Board recorded the following Confidential Appointment under N.J.S.A. 11A:3-4(h):**

**Alyssa Wolfe, appointed as a Confidential Secretary, Department of Environmental Protection, effective April 16, 2005, salary of \$90,000.00 per annum.**

**WITHDRAWAL OF APPEALS**

**RECOMMENDATION: The following appeals be removed from the hearing calendar and considered closed.**

**The following appellants, who have been granted a hearing, wish to withdraw their appeals:**

**Nirmal Adlakha**, Counselor 1 Vocational Program Developmental Disabilities, North Jersey Developmental Center, Department of Human Services, release at the end of the working test period.

**Harry Dennison**, Sergeant, Riverfront State Prison, Department of Corrections, removal.

**Michael Gallagher**, Fire Chief, Deptford Township Fire District #1, removal.

**Kevin Harth**, Police Officer, City of Perth Amboy Police Department, list bypass.

**Julie Moore**, Senior Clerk Typist, Salem County Board of Social Services, Salem County, suspension.

**David Richardson**, Manager 1, Human Resources, N.J. Veterans Memorial Home at Paramus, Department of Military and Veterans Affairs, release at the end of the working test period.

**James Szalma**, Bridge Repairer, Highway Department, Burlington County, indefinite suspension pending disposition of criminal charges.

**Sanford Thigpen**, Police Officer, City of East Orange Police Department, suspension.

**Thomas Witkowski**, Correction Officer Recruit, Garden State Correction Facility, Department of Corrections, suspension without pay pending disposition of criminal charges.

**DISMISSAL OF APPEALS – FAILURE TO APPEAR**

**RECOMMENDATION: The following cases be dismissed without prejudice.**

**The following appellants failed to appear at the scheduled hearing before the Office of Administrative Law and have not submitted an explanation for their failure to appear:**

**William Bryant**, Cost Estimator, Property Improvement, Burlington County Housing and Community Development, suspension.

**Luis Febles**, Police Officer, City of Passaic Police Department, suspension.

**Carol Pagliuca**, Assistant Head Nurse, Monmouth County Sheriff's Office, Department of Corrections & Youth Services, suspension.

**SECTION A – HEARING MATTERS**

**A-1 SETTLEMENTS**

In the Matter of John Dwyer  
Jersey City School District  
Suspension

In the Matter of Enrique Echevarria  
County of Hudson  
Department of Public Resources  
Suspension

In the Matter of James Gray  
City of North Wildwood  
Department of Public Works  
Removal

In the Matter of Maryette Jensen  
County of Mercer  
Department of Human Services  
Removal

In the Matter of Francetta Minter  
Newark School District  
Removal

In the Matter of Evelyn D. Rawls  
Kean University  
Removal

In the Matter of Luis A. Rivera  
City of Long Branch  
Department of Public Works  
Removal

In the Matter of Sherri Scardaville  
County of Burlington  
Buttonwood Hospital  
Removal

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

**ACTION:** The Merit System Board acknowledged the settlements.

**A2 CHRISTINA DIPIETROPOLO**

Christina DiPietropolo, a State Parole Board Hearing Officer, appeals a determination that she failed to present sufficient evidence to support a finding that she had been discriminated against and harassed on the basis of her race.

Recommendation of the Administrative Law Judge – Provide a copy of the State Policy Prohibiting Discrimination, Harassment and Hostile Environments to the co-worker accused of making the derogatory racial statement and advise her of the consequences of future violations.

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

**A-3 GORDON GIBBS**

Gordon Gibbs, Cook, East Jersey State Prison, Department of Corrections, 15-day suspension on the charge of chronic or excessive absenteeism or lateness.

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 DARRYL MARTIN - REMAND**

Darryl Martin, Sheriff Officer, County of Monmouth, Sheriff's Department, appeals his entitlement to back pay, benefits, leave time and seniority.

Recommendation of the Administrative Law Judge – Grant full back pay, reimbursement of medical expenses and lost vacation days in the amount of \$159,308.48.

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

**A-5 JOHN SULLIVAN**

John Sullivan, Police Officer, Greystone Park Psychiatric Hospital, Department of Human Services, 120-day suspension on charges of violation of a rule, regulation, policy, procedure, order or administrative decision, and intentional abuse or misuse of authority or position.

Recommendation of the Administrative Law Judge – Modify the 120-day suspension to a 45-day suspension.

**ACTION:** The Merit System Board modified the recommendation of the Administrative Law Judge to a 120-calender day suspension and directed that the appellant receive additional training.

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

**A-6 OLIVIA TARVER**

Olivia Tarver, Practical Nurse, Ancora Psychiatric Hospital, Department of Human Services, ten-day suspension on the charge of verbal abuse of an employee.

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

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

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

**A-7 MICHAEL WHITFIELD**

Michael Whitfield, Laborer, Newark School District, removal and resignation not in good standing effective July 18, 2003, on the charge of other sufficient cause.

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

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

**A-8 JAMES FLAGG**

James Flagg, Truck Driver, City of Newark, Department of Neighborhood Services, removal effective September 20, 1996, on charges of conduct unbecoming a public employee, criminal charge pending and misuse of public property including a motor vehicle.

Recommendation of the Administrative Law Judge – Modify the removal to a six-month suspension and award back pay for the period of March 6, 1997 to May 13, 1998.

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

**A-9 CLARENCE MCEACHIN**

Clarence McEachin, Senior Correction Officer, Northern State Prison, Department of Corrections, removal effective October 3 2003, on charges of falsification, intentional misstatement of material fact in connection with work, employment, application, attendance, or in any other record, report, investigation or other proceeding, conduct unbecoming a public employee, and violation of a rule, regulation, policy, procedure, order or administrative decision.

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

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

**A-10 MARCIA J. SPENCER**

Marcia J. Spencer, Cottage Training Technician, North Jersey Developmental Center, Department of Human Services, removal effective July 10, 2003, on the charge of physical abuse of a client.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

**A-11 VIVIAN TINSON**

Vivian Tinson, Cottage Training Technician, New Lisbon Developmental Center, Department of Human Services, removal effective November 30, 2001, on the charge of chronic or excessive absenteeism from work without pay.

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

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



**A-12 SETTLEMENTS**

Carmen Petrone  
City of Hoboken  
Department of Public Safety  
Layoff

Grace Roman  
City of Hoboken  
Department of Public Safety  
Layoff

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE –  
ACKNOWLEDGE THE SETTLEMENTS.**

**ACTION:** The Merit System Board acknowledged the settlements.

**SECTION B – MISCELLANEOUS MATTERS**

**B-1 THOMAS F. ARMSTRONG**

Thomas F. Armstrong appeals his rejection as a County Correction Officer candidate by the County of Bergen 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 DAVID T. BACCARELLA**

David T. Baccarella, represented by Thomas J. Cammarata, Esq., appeals his rejection as a Police Officer candidate by the City of Bayonne 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 granted.

**B-3 KEVIN BLOCKER**

Kevin Blocker, represented by Hillary L. Brower, Esq., appeals his rejection as a Senior Correction Officer, Juvenile Justice candidate by the Juvenile Justice Commission and its request to remove his name from the eligible list for Senior Correction Officer, Juvenile Justice (S9999A) 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-4 JOSEPH HOMEIER**

Joseph Homeier appeals his rejection as a Correction Officer Recruit, Juvenile Justice candidate by the Juvenile Justice Commission and its request to remove his name from the eligible list for Correction Officer Recruit, Juvenile Justice (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 JOSEPH HOMEIER**

Joseph Homeier appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (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-6 LAWRENCE J. PHARO, JR.**

Lawrence J. Pharo, Jr. appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (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-7 MICHAEL S. REID**

Michael S. Reid, represented by Caroline S. Kalson, Esq., appeals his rejection as a County Correction Officer candidate by the County of Ocean 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 referred the matter for independent psychological evaluation.

**B-8 TRACEY L. SUTTON**

Tracey L. Sutton appeals her rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove her name from the eligible list for Correction Officer Recruit (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-9 LINDA BOSWELL**

Linda Boswell, a Senior Correction Officer with East Jersey State Prison, Department of Corrections, represented by Joseph A. Carmen, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

**B-10 CASSANDRA HOLMES**

Cassandra Holmes, a Senior Correction Officer with East Jersey State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

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

**B-11 RONALD WILLIAMS**

Ronald Williams, a Senior Correction Officer at East Jersey State Prison, Department of Corrections, represented by Henry J. Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

**B-12 GRACE AMAECHI**

Grace Amaechi, a Family Service Specialist 2 with the Division of Youth and Family Services, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

**B-13 MICHAEL COMPTON**

Michael Compton, a Plumber and Steamfitter with Woodbridge Developmental Center, Department of Human Services, represented by Thomas W. Barlow, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

**B-14 DARLENE CURTIS**

Darlene Curtis, a Technical Assistant, Classification with the Department of Corrections, represented by William L. Kauffman, Staff Representative, CWA Local 1040, appeals the denial of sick leave injury (SLI) benefits.

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

**B-15 CATHERINE EDWARDS**

Catherine Edwards, an Accountant/Auditor with the Commerce and Economic Growth Commission, represented by Adam Liebttag, CWA Local 1034, appeals the denial of sick leave injury (SLI) benefits.

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

**B-16 CLINTON FALWELL**

Clinton Falwell, a Human Services Technician at Trenton 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-17 JOANNA KASIAN**

Joanna Kasian, a Cottage Training Technician with Hunterdon 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-18 CARL LADD**

Carl Ladd, a Youth Work Supervisor with the Department of Human Services appeals the denial of sick leave injury (SLI) benefits.

**ACTION:** The Merit System Board referred the matter to the Medical Examiner's Panel.

**B-19 MELINDA LEWIS**

Melinda Lewis, a Human Services Assistant with Ancora Psychiatric Hospital, Department of Human Services, represented by David B. Fox, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

**B-20 CAROLYN MACK**

Carolyn Mack a Practical Nurse with Greystone Park Psychiatric Hospital, Department of Human Services, represented by John J. Sheptock, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

**B-21 LINDA MCGRUTHER**

Linda McGruther, a Principal Standards and Procedures Technician with the Office of Children's Services, 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-22 GERALDINE MIGLIACCIO**

Geraldine Migliaccio, a Management Assistant with the Department of Education, represented by Peter Maurer, Staff Representative, Communications Workers of America (CWA), Local 1033, appeals the denial of sick leave injury (SLI) benefits.

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

**B-23 EDWARD MOON**

Edward Moon, a Manager 3 with the Motor Vehicle Commission, represented by James A. Hicks, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

**B-24 ADEYANJU M. NURUDEEN**

Adeyanju M. Nurudeen, a Supervising Family Service Specialist 2 with the Division of Youth and Family Services, Department of Human Services, represented by Rose M. Silva, Staff Representative, CWA Local 1039, appeals the denial of sick leave injury (SLI) benefits.

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

**B-25 ROBIN THOMAS**

Robin Thomas, a Cottage Training Technician at Hunterdon 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-26 SANTA TYSON**

Santa Tyson, a Correction Officer with the 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 granted.

**B-27 JASON WOJCIK**

Jason Wojcik, a Senior Correction Officer at New Jersey State Prison, Department of Corrections, represented by Joseph A. Carmen, Esq., appeals the denial of sick leave (SLI) benefits.

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

**B-28 BUDD WORRELL**

Budd Worrell, a Senior Correction Officer with the Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

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

**B-29 MILDRE AYALA**

Mildre Ayala appeals the decision of Human Resource Information Services which removed her name from the eligible list for Fire Fighter (M2013A), City of Camden due to the appellant's failure to complete preemployment processing.

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

**B-30 STEFANIE BHOORASINGH**

Stefanie Bhoorasingh appeals the decision of Human Resource Information Services (HRIS) which upheld the removal of her name from the Correction Officer Recruit (S9999D), Department of Corrections, eligible list due to her failure to respond to the Notice of Certification and to attend preemployment processing.

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

**B-31 MICHAEL FIGUEROA**

Michael Figueroa appeals the decisions of Human Resource Information Services (HRIS) which found that the Juvenile Justice Commission (JJC) and the Department of Corrections (DOC) had presented a sufficient basis to remove his name from the eligible list for Correction Officer Recruit, Juvenile Justice (S9999D), JJC, and Correction Officer Recruit (S9999D), DOC, respectively, due to an unsatisfactory criminal record. The appellant also appeals the decision of Mercer County to remove him from the County Correction Officer (S9999D), Mercer County eligible list based on an unsatisfactory criminal record.

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

**B-32 SEAN K. GLOVER**

Sean K. Glover appeals the decision of Human Resource Information Services which upheld the removal of his name from the Fire Fighter (M2013A), City of Camden, eligible list due to his failure to respond to the Notice of Certification.

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

**B-33 DAVID SEYBERT**

David Seybert, represented by Kristofer B. Chiesa, Esq., appeals the decision of Human Resource Information Services, which found that the City of Camden had presented a sufficient basis to remove the appellant's name from the Fire Fighter (M2013A), City of Camden eligible list, on the basis of not completing his preemployment application.

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

**B-34 PATRICIA THOMAS**

Patricia Thomas, a Field Service Supervisor 2 with the Department of Human Services, appeals the bypass of her name on the District Office Manager 1, Medical Assistance/Health Services (PS8565K), eligible list.

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



**B-35 SHIU-JEN CHOU**

Shiu-Jen Chou, a Senior Chemist with the Department of Health and Senior Services (DH&SS), appeals the determination of the Chief of Staff of DH&SS, 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 directed that this appeal be denied.

**B-36 RHONDA M. WILLIAMS**

Rhonda M. Williams a Program Development Specialist 1 with the Department of Health and Senior Services (DHSS), appeals the determination of the Commissioner of DHSS, 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 directed that this appeal be granted, but no further action is required.

**B-37 KENNETH POOLE**

Kenneth Poole, a Recreation Program Specialist with the County of Passaic, represented by Timothy R. Smith, Esq., appeals his immediate suspension, effective January 4, 2005.

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

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

**B-38 ROBERTA FARBER**

Roberta Farber, represented by James E. Patterson, Esq., petitions the Merit System Board for a determination of her entitlement to permanent status.

**ACTION:** The Merit System Board denied the request.

**B-39 ANNEMARIE KRUSZNIS**

Annemarie Krusznis, a former Systems Analyst with the Essex County Board of Elections, represented by Linda J. Niedweske, Esq., requests a hearing regarding her layoff, effective September 15, 2003.

**ACTION:** The Merit System Board denied the request.

**B-40 OWEN WILLIAMS**

Owen Williams a Supervising Juvenile Detention Officer, represented by Edward C. Bertucio, Esq., seeks Merit System Board resolution of a dispute concerning the amount of back pay and benefits due him as a result of the decision of the Board in *In the Matter of Owen Williams* (MSB, decided October 6, 2004).

**ACTION:** The Merit System Board granted back pay in the amount of \$62,198.77.

**B-41 ATIYA WAHAB**

Atiya Wahab and the Department of Environmental Protection, represented by Adam B. Lavinthal, Deputy Attorney General, petitions the Merit System Board for acknowledgement of the settlement agreement reached by the parties.

**ACTION:** The Merit System Board acknowledged the settlement as clarified.

**B-42 COMPUTER OPERATOR (M6142D), PASSAIC VALLEY WATER COMMISSION**

The Passaic Valley Water Commission requests reconsideration of the decision rendered on July 14, 2004 by the Merit System Board in *In the Matter of Computer Operator (M6142D), Passaic Valley Water Commission*, which ordered it to immediately remove the provisional James Caratenuto and to properly dispose of the February 4, 2003 certification within 30 days.

**ACTION:** The Merit System Board denied the requests for reconsideration and an appointment waiver.

**B-43 DANNY GLENN**

The appeal of Danny Glenn, a Public Works Inspector with the Township of Irvington, of his removal effective February 4, 2003, on charges, was heard by Administrative Law Judge Jesse H. Strauss (ALJ), who rendered his initial decision on February 25, 2005. At its meeting on May 4, 2005, the Merit System Board did not adopt the recommendation of the ALJ to uphold the removal. Rather, the Board modified the penalty to a six-month suspension. The proposed decision is now submitted for the Board's review.

**ACTION:** The Merit System Board adopted the decision.

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

**B-44 DAVID NICHOLS**

The appeal of David Nichols, a Police Officer with the City of Salem Police Department, of his removal effective January 20, 2004, on charges, was heard by Administrative Law Judge Solomon A. Metzger (ALJ), who rendered his initial decision on March 30, 2005. At its meeting on May 4, 2005, the Merit System Board adopted the ALJ's recommendation that the removal be upheld. The proposed final decision is now submitted for the Board's review.

**ACTION:** The Merit System Board adopted the final decision.

**B-45 ANTHONY NICOSIA**

The appeal of Anthony Nicosia, a Heavy Equipment Operator with the Township of Belleville, of his removal, effective August 20, 2003, on charges, was heard by Administrative Law Judge (ALJ) Jesse H. Strauss, who rendered his initial decision on March 2, 2005. At its meeting on May 4, 2005, the Merit System Board adopted the ALJ's recommendation to uphold the removal. The proposed final decision is now submitted for the Board's review.

**ACTION:** The Merit System Board adopted the final decision.

**B-46 JOHN VARALLI**

The appeal of John Varalli, a County Correction Officer with the County of Gloucester, of his 30-day suspension, on charges was heard by Chief Administrative Law Judge Laura Sanders (ALJ), who rendered her initial decision on March 28, 2005. At its meeting on May 4, 2005, the Board did not adopt the ALJ's recommendation to modify the 30-day suspension to a one-day suspension. Rather, the Board upheld the 30-day suspension. The proposed final decision is now submitted for the Board's review.

**ACTION:** The Merit System Board adopted the final decision.

**B-47 CECILY JACKSON WILLIAMS**

The appeal of Cecily Jackson Williams, a Nursing Services Clerk, with Trenton Psychiatric Hospital, Department of Human Services, of her removal effective February 7, 2004, on charges, was heard by Administrative Law Judge Beatrice S. Tylutki (ALJ), who rendered her initial decision on March 18, 2005. At its meeting on May 4, 2005, the Merit System Board adopted the ALJ's recommendation to uphold the removal. The proposed final decision is now submitted for the Board's review.

**ACTION:** The Merit System Board adopted the final decision.

**B-48 COREY BECK AND RICARDO MORALES**

Corey Beck and Ricardo Morales appeal the determination of the Division of Selection Services which found that they did not possess the required amount of permanent status to establish eligibility for the promotional examination for Police Sergeant, Health Care Facilities (PS1778K), Department of Human Services Police Force.

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

**B-49 LEAH BREVARD**

Leah Brevard appeals the decision of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Tenant Selection Supervisor (PM0901F), Paterson.

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

**B-50 PATRICIA BUSH**

Patricia Bush appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Administrative Analyst 2 (PS1877K), Department of Human Services.

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

**B-51 LOUIS D'AMICO**

Louis D'Amico appeals the determination of the Division of Selection Services that found that he did not meet the experience requirements for the open competitive examination for Senior Construction Inspector (C0783F), Hudson County.

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

**B-52 DAVID DURHAM**

Christina Mongon, Confidential Assistant for Human Resources, Department of Human Services, on behalf of David Durham, petitions the Merit System Board for reconsideration of the decision rendered on December 15, 2004, which found that, per the substitution clause for education, he did not meet the experience requirements for the promotional examination for Training Technician (PS7842K), North Jersey Developmental Center.

**ACTION:** The Merit System Board denied the request.

**B-53 IKE EZE**

Ike Eze appeals the determination of the Division of Selection Services that found that he did not meet the experience requirements for the open competitive examination for Insurance Examiner 2 (S0343F), Department of Banking and Insurance.

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

**B-54 LAURA GILROY AND DIANILDA TORRES**

Laura Gilroy and Dianilda Torres appeal the determinations of the Division of Selection Services that found that they did not meet the educational and/or experience requirements for the promotional examination for Accounting Assistant (PM0783F), Vineland City.

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

**B-55 MARGARET OSSONT**

Margaret Ossont appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for a prospective promotional examination for Executive Assistant 3, Garden State Reception and Youth Correctional Facility.

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

**B-56 ERNEST NIZZA**

Ernest Nizza appeals his score and rank on the promotional examination for Investigator 2, Labor (PS6635N), Department of Labor and Workforce Development.

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

**B-57 JOSEPH SAMSEL AND JOHN TYSON**

Joseph Samsel and John Tyson appeal their scores on the promotional examination for Supervising Insurance Examiner (PS3627L), Department of Banking and Insurance.

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

**B-58 KAREN SCOTT**

Karen Scott appeals her score on the promotional examination for Registered Environmental Health Inspector 3 (PS3526H), Department of Health and Senior Services.

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

**B-59 JOAN CAMPBELL**

Joan Campbell appeals the determination of ineligibility for the Assistant Supervisor, Professional Residential Service, Developmental Disabilities (PS6929K), North Jersey Developmental Center promotional examination and requests a make-up examination.

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

**B-60 ANDREW PREVITALI**

Andrew Previtali appeals the determination of the Division of Selection Services which denied his request for a make-up for the open competitive examination for Property Management Services Specialist 4 (S0245E), Department of the Treasury.

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

**B-61 ALICE RICH**

Alice Rich appeals her failing score on the promotional examination for Claims Adjudicator Supervisor, Disabilities Determination (PS3008N), Department of Labor and Workforce Development and requests a make-up examination.

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

**B-62 GENE RUFF**

The Division of Human Resource Management, on behalf of the Department of Corrections, requests that Gene Ruff's out-of-title work experience be accepted to qualify him for a prospective promotional examination for Hearing Officer 2.

**ACTION:** The Merit System Board granted the request.

**B-63 RICHARD DEY AND KHALID NASH**

The Palisades Interstate Park Commission requests administrative relief and relaxation of N.J.A.C. 4A:4-71.A(c) so as to permit the intergovernmental transfer of Richard Dey from the title of County Correction Officer, Essex County, to the title of Police Officer Palisades Interstate Park Commission.

Additionally it is requested that the employment records of Michael Cobb, Sergio Cunha, Janice Guy, Austin Johnson, Gregory Johnson, Jason Mignone, Anthony Pierri, Kevin Skorupski, Michael Tortoello and Mary Porter, similarly situated County Correction Officer, Essex County be correctly recorded.

Khalid Nash, represented by Ciro Spina III, Esq., petitions the Merit System Board for reconsideration of that part of the decision rendered on February 9, 2005 in *In the Matter of Kelly McKenith, et al, County of Essex*, which dismissed the appeal of his termination from employment as a County Correction Officer, Essex County, based on the Board's lack of jurisdiction.

**ACTION:** The Merit System Board granted the request and the petition.

**B-64 STATE VOLUNTARY FURLOUGH PROGRAM**

The Commissioner, Department of Personnel, recommends relaxation of eligibility criteria to extend the voluntary furlough program up to the end of fiscal year 2006.

**ACTION:** The Merit System Board granted the request.

**B-65 MERIT SYSTEM BOARD MINUTES**

The Merit System Board minutes of its meeting of May 4, 2005 are submitted for adoption.

**ACTION:** The Merit System Board adopted the minutes of its meeting of May 4, 2005.



**B-66 CHAD S. BATIUK**

Chad S. Batiuk, represented by D. William Subin, Esq., appeals his rejection as a Police Officer candidate by Woodbridge Township 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-67 BIMAL SARAIYA**

Bimal Saraiya appeals the decision of the State Parole Board to remove his name from the eligible list for Principal Clerk Bookkeeper (S0104D) based on an inability to communicate effectively in English in order to perform the duties of the position.

**ACTION:** The Merit System Board granted a hearing.

**B-68 MATTHEW PRETTY**

The Township of Little Egg Harbor requests relaxation of N.J.A.C. 4A:4-7.1A(c) so as to permit the intergovernmental transfer of Matthew Pretty from the title of Sheriff's Officer, Ocean County Sheriff's Office to the title of Police Officer, Little Egg Harbor Township.

**ACTION:** The Merit System Board granted the request.

**B-69 DAVID SPERA AND MICHAEL COOK**

The Town of Harrison, represented by Mary E. Hennessy-Shotter, Esq., requests administrative relief in order to effectuate the transfers of David Spera and Michael Cook, federal Firefighters, Naval Support Activity in Lakehurst, to the title of Firefighter, Harrison.

**ACTION:** The Merit System Board denied the request.

**B-70 LILLIAN FOSTER**

The Superior Court of New Jersey, Appellate Division, has remanded the matter of the bypasses of Lillian Foster's name on the eligible list for Employment Services Trainee (S0103D), Department of Labor and Workforce Development, to the Merit System Board for a determination.

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

**B-71 EARLY SETTLEMENTS**

Madlyn Frisby  
County of Burlington  
County Jail  
Suspension

Jerome Thompson  
Ancora Psychiatric Hospital  
Department of Human Services  
Removal

Elaine Yezo  
Judiciary  
Ocean Vicinage  
Release at the end of the 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, June 8, 2005 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.**

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**ROLANDO TORRES, JR.  
COMMISSIONER  
MERIT SYSTEM BOARD**