



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  
June 22, 2005**

**Margaret E. L. Howard, Presiding  
Flavella Branham  
John Currie  
Robert Long**

JUNE 22, 2005

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A regular meeting of the Merit System Board was held on Wednesday, June 22, 2005, in Trenton, New Jersey.

**PRESENT:** Margaret E. L. Howard, Presiding Merit System Board Member, Merit System Board Members, Flavella Branham, John Currie and Robert J. Long; Barbara Bereski, Deputy Attorney General; and Henry Maurer, Director, Division of Merit System Practices and Labor Relations.

In accordance with L.1975, c.231, Presiding Board Member Margaret E.L. Howard 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:** June 14, 2005

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

**FROM:** Elizabeth Van Marter, Director  
Human Resource Management

**SUBJECT:** Change in the State Classification Plan

**BANKING AND INSURANCE**

The Department of Banking and Insurance requests the reactivation of a department-specific, variant title series, the reallocation of the series to the interim non-competitive service for one pay period to appoint existing incumbents, and a two range salary reevaluation. This request is pursuant to an agreement between the negotiations representatives and the Department of Banking and Insurance.

In July, 1998, a number of selected functions and staff were transferred from the Department of Banking and Insurance to the Department of Law and Public Safety. These transferred functions were allocated to the unclassified service by statute. The transfer agreement did not include the insurance fraud investigative functions conducted by the Audit and Compliance, Industry Education or Collection Sections that remained under the direction of Banking and Insurance. The remaining incumbents at the Department of Banking and Insurance continue to serve in the unclassified service despite the fact that there is no statutory justification to do so.

The requested titles will provide for the proper classification and retention of trained staff. Incumbents will receive interim, non-competitive appointments to the reactivated titles. The two range increase is requested to properly compensate investigative staff, given the level of responsibility and increase in job requirements.

**VARIANT TITLE REACTIVATION, INTERIM SERVICE REALLOCATION,  
RANGE CHANGE**

**Effective:** 06-11-05

R. Torres, Jr.  
 June 14, 2005  
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**FROM:**

**TO:**

Investigator Insurance, Enforcement  
 P17-55152h     C    X     NE/12

Investigator Insurance, Enforcement  
 P19-55152h     NC   X     NE/12

Senior Investigator Insurance, Enforcement  
 Enforcement  
 P20-55153g     C    X     NE/12

Senior     Investigator     Insurance,  
 P22-55153g     NC   X     NE/12

**VARIANT TITLE REACTIVATION, INTERIM SERVICE REALLOCATION,  
 RANGE CHANGE (cont.)**

**FROM:**

**TO:**

Pr. Investigator Insurance, Enforcement  
 Enforcement  
 R23-55154g     C    X     NL/12

Pr.     Investigator     Insurance,  
 R25-55154g     NC   X     NL/12

Sprvsng Invstgtr Insurance, Enforcement  
 Enforcement  
 S26-55156g     C    X     NL/12

Sprvsng     Invstgtr     Insurance,  
 S28-55156g     NC   X     NL/12

**SERVICE REALLOCATION – NON-COMPETITIVE TO COMPETITIVE**

Effective:   06-25-05

Investigator Insurance, Enforcement  
 P19-55152h     NC   X     NE/12

Investigator Insurance, Enforcement  
 P19-55152h     C    X     NE/12

Senior Investigator Insurance, Enforcement  
 Enforcement P22-55153g     NC   X  
 X     NE/12

Senior     Investigator     Insurance,  
 P22-55153g     C

Pr. Investigator Insurance, Enforcement  
 Enforcement  
 R25-55154g     NC   X     NL/12

Pr.     Investigator     Insurance,  
 R25-55154g     C    X     NL/12

Sprvsng Invstgtr Insurance, Enforcement  
 Enforcement  
 S28-55156g     NC   X     NL/12

Sprvsng     Invstgtr     Insurance,  
 S28-55156g     C    X     NL/12

**SECTION A – HEARING MATTERS**

**A-1 SETTLEMENTS**

In the Matter of Robin Bridges  
Newark Housing Authority  
Removal

In the Matter of Eudora Couse-Payne  
County of Monmouth  
Department of Health Care Facilities  
Suspension

In the Matter of Mark Creuz  
County of Monmouth  
Department of Corrections and Youth Services  
Suspension

In the Matter of Aligya David  
Trenton Psychiatric Hospital  
Department of Human Services  
Removal

In the Matter of Earnest Drake  
Arthur Brisbane Child Treatment Center  
Department of Human Services  
Removal

In the Matter of Charles Holmes  
Camden County Municipal Utilities Authority  
Removal

In the Matter of Timothy M. Lapinski  
County of Monmouth  
Department of Corrections and Youth Services  
Suspensions (2)

In the Matter of John Leach  
Township of Willingboro  
Police Department  
Release at the end of the working test period

In the Matter of Gil Panganiban  
County of Morris  
Department of Public Works  
Suspension

In the Matter of Concepcion Reyes, Jr.  
City of Trenton  
Department of Public Works  
Removal

In the Matter of James Rinaldo  
County of Union  
Department of Public Safety  
Suspension

In the Matter of Judy Sanderlin  
County of Salem  
Sheriff's Department  
Removal

In the Matter of Philip Shapiro  
Department of Labor  
Return to formerly held permanent title at the end of the working test period

In the Matter of Michael Smith  
Township of Lawrence  
Department of Public Safety  
Suspension

In the Matter of Christina Stout  
County of Burlington  
Department of Public Safety Services  
Suspensions (2)

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

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

**A2 HARRY AGIN (REMAND)**

Harry Agin, Construction Official, Township of North Brunswick, Department of Community Development, ten-day suspension on charges of incompetency, inefficiency, failure to perform duties and insubordination.

Recommendation of the Administrative Law Judge – Dismiss the appeal.

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

**A-3 BRIAN BETHEA**

Brian Bethea, Senior Medical Security Officer, Ann Klein Forensic Psychiatric Hospital, Department of Human Services, 10-day suspension on charges of being absent from work as scheduled without permission and without giving proper notice of intended absence.

Recommendation of the Administrative Law Judge – Uphold the 10-day suspension.

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

**A-4 EDWARD J. FIORE**

Edward J. Fiore, County Correction Officer, County of Monmouth, Department of Corrections and Youth Services, six-day suspension on charges of abuse of sick leave and unauthorized absences.

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

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

**A-5 BARBARA GREEN (REMAND)**

Barbara Green, an Executive Assistant 2 with the Department of Corrections appeals the determination of the Director, Equal Employment Division, stating that she 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. It is noted that at the time of the complaint the appellant was a Program Development Specialist 1 at East Jersey State Prison.

Recommendation of the Administrative Law Judge – Deny the appeal.

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

**A-6 GERARDINA LOCASCIO**

Gerardina LoCascio, Senior Library Assistant, Bloomfield Public Library, appeals the good faith of her layoff effective July 21, 2003, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Grant Summary Decision and dismiss the appeal.

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

**A-7 ANTOINETTE ROSS**

Antoinette Ross, County Correction Officer, County of Camden, Department of Corrections, release at the end of the working test period effective November 7, 2001.

Recommendation of the Administrative Law Judge – Uphold the release at the end of the working test.

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



**A-8 ANGEL SUERO**

Angel Suero, Security Guard, Newark School District, resignation not in good standing effective May 7, 2001, on charges of job abandonment and other sufficient cause.

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-9 JUAN M. TAPARI**

Juan M. Tapari, Building Maintenance Worker, County of Union, Department of Operations and Facilities, ten-day suspension on charges of insubordination and conduct unbecoming a public employee.

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

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

**A-10 VERNON ALLEN**

Vernon Allen, Motor Vehicle Operator, New Jersey Veterans' Memorial Home, Department of Military and Veterans Affairs, removal June 28, 2004, on charges of inappropriate physical contact or mistreatment of a patient, client, resident, or employee, fighting or creating a disturbance on state property, insubordination and conduct unbecoming a public employee.

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

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

**A-11 DOUGLAS BLOCH**

Douglas Bloch, Omnibus Operator, County of Gloucester, Department of Human Services, removal effective December 15, 1999, on the charge of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

**A-12 WILLIAM FATUM**

William Fatum, Program Development Specialist I, Juvenile Justice Commission, Department of Law and Public Safety, removal effective February 18, 2000, on charges of conduct unbecoming a public employee and neglect of duty.

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

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

**A-13 PATRICIA FLORENCE**

Patricia Florence, Head Vault Clerk, New Jersey Department of State, removal effective January 26, 2001, on the charge of inability to perform duties.

Recommendation of the Administrative Law Judge – Dismiss the appeal for lack of prosecution.

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

**A-14 WAYNE KOZAK**

Wayne Kozak, Behavior Modification Program Technician, Woodbridge Developmental Center, Department of Human Services, resignation not in good standing effective March 11, 2003, on the charge of job abandonment and a removal effective May 29, 2003 on the charge of being absent from work as scheduled without permission and without giving proper notice of intended absence.

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

**ACTION:** The Merit System Board reversed the resignation not in good standing and modified the removal to a 3-month suspension.

**A-15 CHERYL PORTEE-CLARK**

Cheryl Portee-Clark, Head Nurse, County of Monmouth, Department of Corrections and Youth Services, 30-day suspension, 45-day suspension, 90-day suspension and removal effective December 14, 2002 on charges of, *inter alia*, sleeping while on duty, neglect of duty, failure to devote attention to tasks which could result in danger to inmates, leaving an assigned post and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge - Modify the 30-day suspension to a 15-day suspension, uphold the 45-day suspension, uphold the 90-day suspension, and uphold the removal

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

**SECTION B – MISCELLANEOUS MATTERS**

**B-1 ANTONIO DELA CALLE**

Antonio Dela Calle, represented by Rocco F. Errico, Esq., 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 granted.

**B-2 ROBERT J. FOBELL, II**

Robert J. Fobell, II, represented by Michael D. Miller, Esq., appeals his rejection as a Fire Fighter candidate by the City of Camden and its request to remove his name from the eligible list for Fire Fighter (M2013A) on the basis of psychological unfitness to perform effectively the duties of the position.

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

**B-3 TONYA JOHNSON**

Tonya Johnson 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 granted.

**B-4 RYAN TULKO**

Ryan Tulko, represented by William P. Flahive, Esq., appeals his rejection as a Sheriff's Officer candidate by the County of Ocean and its request to remove his name from the eligible list for Sheriff's Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

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

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

**B-5 GEORGE M. CARPENTER**

George M. Carpenter appeals the request by the New Jersey Department of Corrections to remove his name from the Correction Officer Recruit (S9999F) eligible list for medical unfitness to effectively perform the duties of the position.

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

**B-6 LOUIS EGGERT**

Louis Eggert, a Crew Supervisor, Electricians with the Juvenile Justice Commission, Department of Law and Public Safety, represented by David A. Gies, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

**B-7 SANDRA EMBRY**

Sandra Embry, a Principal Data Entry Machine Operator (Terminal) 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 MICHAEL MARELLA**

Michael Marella, a former Painter 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-9 RICHARD NOBLE**

Richard Noble, a Contract Administrator 1 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 denied.

**B-10 KAREN SMITH**

Karen Smith, a Head Bus Driver with the Office of Education, 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 MICHAEL J. WALSH**

Michael J. Walsh, a Senior Wildlife Worker with the Department of Environmental Protection, appeals the denial of sick leave injury (SLI) benefits.

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

**B-12 EDITH JOHNSON**

Edith Johnson appeals the removal of her name from the Family Service Supervisor (PC1167C), Essex County eligible list and the bypass of her name on the Administrative Analyst (PC1505C), Essex County eligible list.

**ACTION:** The Merit System Board directed that the list removal appeal be granted but denied the bypass appeal.

**B-13 MATTHEW FRIERSON**

Matthew Frierson, an Investigator 1, Unemployment Insurance, with the Department of Labor and Workforce Development (DOL), appeals the determination of the Commissioner of the DOL which found that the appellant failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

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

**B-14 JACQUELINE PETTEY**

Jacqueline Pettey, a Social Worker 2, Corrections, at Albert C. Wagner Youth Correctional Facility, Department of Corrections (DOC), appeals the determination of the Acting Director, Equal Employment Division, with the DOC, stating that the appellant failed to present sufficient evidence to support a finding that she had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

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

**B-15 JAMES V. BURKE**

James V. Burke request reconsideration of the final decision of the Merit System Board (Board) rendered on January 26, 2005, which found that the appointing authority's bypass of the petitioner's name for appointment on the March 2, 2004 certification of the Police Sergeant (PM2543A), Sea Isle City, eligible list was proper.

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

**B-16 ZONING OFFICER, TOWNSHIP OF MOUNT LAUREL (M6341E)**

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

**ACTION:** The Merit System Board ordered the appointing authority to properly dispose of the certification and pay compliance costs.

**B-17 MARIA CARBONE**

Maria Carbone, a Senior Data Entry Machine Operator with the Department of Labor, petitions the Merit System Board for reconsideration of the final decision, rendered on January 26, 2005, which acknowledged the withdrawal of her appeal concerning her 20-day suspension and permanent reassignment on charges commencing on April 23, 2003.

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

**B-18 MALIKA HALE**

Malika Hale, a Support Services Representative 2 with the Motor Vehicle Commission, represented by Jesse J. Averhart, CWA Local 1033, petitions the Merit System Board for reconsideration of the final decision rendered on August 11, 2004, which modified her six-month suspension to a three-month suspension.

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

**B-19 WAYNE VARGA**

Wayne Varga, a former Investigator 3, Taxation, with the Department of the Treasury, requests reconsideration of the decision of the Merit System Board rendered on March 23, 2005, denying his appeal of his resignation in good standing effective April 8, 2004.

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

**B-20 KEITH FERGUSON**

Keith Ferguson, a Police Officer with the City of Atlantic City, represented by Stuart Alterman, Esq., seeks enforcement of the Merit System Board decision rendered on June 26, 2002, granting him back pay, benefits, seniority and counsel fees.

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

**B-21 KAREN JENKINS**

The Department of Corrections, represented by Vivian I. Zumas, Deputy Attorney General, requests interlocutory review of the order of Administrative Law Judge (ALJ) Bruce M. Gorman in *Karen Jenkins v. Department of Corrections*, DOP Docket No. 2004-3868, OAL Docket No. CSV 6363-04, pursuant to N.J.A.C. 11-14.10(a).

**ACTION:** The Merit System Board granted interlocutory review and reversed the ALJ's order.

**B-22 PAMELA MITCHELL**

Pamela Mitchell, Senior Correction Officer, appeals an Official Written Reprimand issued by the Department of Corrections.

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

**B-23 CATHY A. ADAMO**

Cathy A. Adamo 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 Supervisor of Records (PC1368F), Atlantic County.

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



**B-24 YVETTE BARR AND RUPINDER JAGPAL**

Yvette Barr and Rupinder Jagpal appeals the determination of the Division of Selection Services which found that they did not meet the experience requirement for the open competitive examination for Program Development Specialist 2 (Child Nutrition Administration) (S6807G), Department of Agriculture.

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

**B-25 MECHELLE BOGADO AND GERALD DELORENZO**

Mechelle Bogado and Gerald DeLorenzo appeal the determination of the Division of Selection Services which found that they were below the minimum requirements in experience for the promotional examination for Assistant Administrative Supervisor of Income Maintenance (PC0923F), Mercer County Board of Social Services.

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

**B-26 NICOLE BROADNAX**

Nicole Broadnax 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 Program Development Specialist, Community Services (C6237F), Essex County.

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

**B-27 KAREN BUVEL**

Karen Buvel appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the examination for Government Relations Specialist 2 (PS3259K), Department of Human Services.

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

**B-28 MARK A. CAPONE**

Mark A. Capone, in an appeal filed on his behalf by Philip A. LiVecchi, Director, Essex County Department of Public Works, appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Supervising Road Inspector (PC1126F0, Essex County).

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

**B-29 DAVID CHAVEZ**

David Chavez appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the examination for Tenant Interviewer Bilingual in Spanish and English (M6827F), City of Bayonne.

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

**B-30 ZANE DION CLARK**

Zane Dion Clark appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the examination for Housing Inspector (M6787F), City of Trenton.

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

**B-31 FRANK DANNER, ET AL.**

Frank Danner and Valerie Frankie appeal the determination of the Division of Selection Services which found that they were below the minimum requirements in experience for the promotional examination for Assistant Field Services Supervisor, Family Development (PS1892K), Division of Family Development. Sharon Walinski 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 Assistant Field Services Supervisor, Family Development (PS1892K), Division of Family Development.

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

**B-32 MONICA DARRELL AND JULIE FANNING**

Monica Darrell and Julie Fanning appeal the determination of the Division of Selection Services, which found that they were below the minimum requirements in experience for the promotional examination for Contract Administrator 1 (PS3315K), Division of Developmental Disabilities.

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

**B-33 NELLIE HEWITT**

Nellie Hewitt appeals the determination of the Division of Selection Services that found that she did not meet the education and experience requirements for the promotional examination for Administrative Analyst 4 (Data Processing), (PS1836I), Department of Corrections.

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

**B-34 ANSELM JEEVARATNAN**

Anselm Jeevaratnam appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Program Development Specialist 1 Medical Assistance and Health Services (PS2236K), Division of Medical Assistance and Health Services.

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

**B-35 LISA METZ AND DONEEN PORTA**

Lisa Metz and Doneen Porta 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 Research Aide (C0917G), Hudson County.

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

**B-36 ALISON MORRISON**

Alison Morrison appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the open competitive examination for Executive Assistant (M6914G), Teaneck.

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

**B-37 YOLANDA PETERSON**

Yolanda Peterson appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Supervising Accountant (PM1121F), Atlantic City.

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

**B-38 EDWARD ROMANI AND BARRY SCHNEIDER**

Edward Romani and Barry Schneider appeal the determinations of the Division of Selection Services that found that they did not meet the experience requirements or the license requirements, respectively, for the promotional examination for Operating Engineer, Heating and Air Conditioning (PS2698K), New Lisbon Developmental Center.

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

**B-39 YAJANA SCHWENK**

Yajana Schwenk 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 Human Services Specialist 2 (Bilingual in Spanish and English) (C0939G), Morris County.

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

**B-40 JOSPEH SEWARD**

Joseph Seward 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, Heating and Air Conditioning (PS2698K), New Lisbon Developmental Center.

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

**B-41 FREDERICK J. SIMPSON**

Frederick J. Simpson appeals the decision of the Division of Selection Services which found him to be below the minimum requirements in experience for the promotional examination for Sanitation Driver (PM0676F), Little Egg Harbor Township.

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

**B-42 LEN TIGHE**

Len Tighe appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he did not meet the experience requirements for the examination for Senior Data Processing Systems Programmer (PC1283F), Camden County.

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

**B-43 FRANCIS VENEZIALE**

Francis Veneziaale appeals the determination of the Division of Selection Services which found that he did not meet the experience requirement for the open competitive examination for Deputy County Emergency Management Coordinator (C6401G), Hunterdon County.

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

**B-44 DONNA VERRIER**

Donna Verrier 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 Clerk Typist (PS4447K), Division of Youth and Family Services.

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

**B-45 AMINATOU DIALLO**

Aminatou Diallo appeals her score for the examination for Technical Assistant 3 (S0190E).

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

**B-46 HARRY CHANCE AND DONALD COUGHLAN**

Harry Chance and Donald Coughlan appeal their scores on the examination for Director of Custody Operations 1 (PS3874I), Department of Corrections.

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

**B-47 GAGE CALDWELL**

Gage Caldwell appeals the test administration and test content of the promotional examination for Construction and Maintenance Technician 5 (PS0428T), Department of Transportation.

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

**B-48 JENNIFER ANZELONE**

Lower Township requests relaxation of N.J.A.C. 4A:4-7.1A(c) so as to permit the intergovernmental transfer of Jennifer Anzelone from the title of Ranger, Department of Environmental Protection, to the title of Police Officer, Lower Township.

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

**B-49 INVESTIGATOR INSURANCE, ENFORCEMENT, ET AL.**

The Director, Division of Human Resource Management (HRM), requests the reallocation of the Investigator Insurance, Enforcement title series to the non competitive division of the career service on an interim basis for one pay period.

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

**B-50 RECENT COURT DECISIONS**

Submitted for the Board's information are summaries of recent court decisions involving Merit System Board and Department of Personnel determinations *In the Matter of Lillian Foster, Senior Right of Way Negotiator (S0757C), Department of Transportation* (Appellate Division, decided 4/5/05); *In the Matter of Samad Washington, City of Newark* (Appellate Division, decided 4/13/05); *In the Matter of Gideon Bernhard* (Appellate Division, decided 4/18/05); and *In the Matter of Sharon Peterson v. Department of Corrections; James Roberson v. East Jersey State Prison* (Appellate Division, decided 4/21/05).

**ACTION:** The Merit System Board noted the decisions.

**B-51 MERIT SYSTEM BOARD MINUTES**

Submitted for the Board's approval are the Merit System Board minutes of its meeting of June 8, 2005.

**ACTION:** The Merit System Board adopted the minutes of its meeting of June 8, 2005

**B-52 GEORGE AYAD**

George Ayad, an Administrative Analyst with the Division of Commerce, Department of Housing, Economic Development and Commerce, City of Jersey City, petitions the Merit System Board for relief, pursuant to *N.J.S.A. 11A:2-24* and *N.J.A.C. 4A:2-5.1, et seq.*, from alleged reprisal by his employer.

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

**B-53 POLICE SERGEANT (PM3213S), CITY OF CAMDEN**

Scott Shaw, Monica Davenport, Darrell Henderson, Randy Smith, Jerome Heath, Vincent McCalla, Robert Babnew, and Lawrence Cox, represented by John B. Kearney, Esq., requests reconsideration of the decision of the Merit System Board rendered on August 11, 2004, reviving the eligible list for Police Sergeant (PM3213S), City of Camden.

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

**B-55 EARLY SETTLEMENTS**

Gina Filardo  
Judiciary Vicinage  
Removal

Steven Hansbury  
Ancora Psychiatric Hospital  
Resignation not in good standing

Brooke Jacobs  
Ancora Psychiatric Hospital  
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, July 13, 2005 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.**

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**MARGARET E. L. HOWARD  
PRESIDING  
MERIT SYSTEM BOARD**