



RICHARD J. CODEY
ACTING GOVERNOR

STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

ROLANDO TORRES, JR.
COMMISSIONER

Merit System Board

**MINUTES OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
JULY 27, 2005**

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

JULY 27, 2005

A regular meeting of the Merit System Board was held on Wednesday, July 27, 2005, in Trenton, New Jersey.

PRESENT: Rolando Torres, Jr., Chairman, 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.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Tracy Callender
County of Hudson
Register Department
Suspensions (2)

In the Matter of John Centrella
Township of Lakewood
Police Department
Suspensions (2)

In the Matter of Thomas Gillett-Spio
Ancora Psychiatric Hospital
Department of Human Services
Removal

In the Matter of John Gossard
County of Burlington
Juvenile Detention Center
Suspension

In the Matter of Walter Greci
Township of Berkeley
Department of Administrative Services
Removal

In the Matter of Donna Herman
Township of Lower
Revenue and Finance Department
Resignation not in good standing

In the Matter of Karen Hogan-Shaw
New Jersey Veteran's Memorial Home Vineland
Department of Military and Veterans Affairs
Removal

In the Matter of Tomas Jiminez
Town of West New York
Removal

In the Matter of David Kutzman
County of Hunterdon
Department of Corrections
Suspension and Demotion

In the Matter of Jorge Santana
City of Jersey City
Department of Public Safety
Suspension

In the Matter of Frank Scipio
Town of Morristown
Department of Public Works
Removal

In the Matter of Vernon Scott
County of Burlington
County Jail
Suspension

In the Matter of Keith Tonks
Township of Jackson
Department of Public Works
Suspension

In the Matter of Dolores Williams
New Jersey Motor Vehicle Commission
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 PAUL KENNEDY

Paul Kennedy, a former Assistant District Parole Supervisor with the New Jersey State Parole Board, was returned to his formerly held permanent title of Senior Parole Officer at the end of the working test period effective October 5, 2001.

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

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

A-3 ANTHONY BAILEY

Anthony Bailey, County Correction Officer, County of Mercer, Department of Public Safety, four removals and a ten-day and a 20-day suspension on charges of unsatisfactory attendance, chronic and excessive absenteeism and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Reverse the removals and suspensions.

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

A-4 RICHARD BODINE

Richard Bodine, Institutional Trade Instructor, South Woods State Prison, Department of Corrections, removal effective August 13, 2004, on charges of violation of rules regarding improper or unauthorized contact with inmates, undue familiarity with inmates, parolees, their families, or friends.

Recommendation of the Administrative Law Judge – Modify the removal to a resignation in good standing.

ACTION: The Merit System Board reversed the recommendation of the Administrative Law Judge and upheld the removal.

A-5 CHRISTIAN COFONE (CONSOLIDATION)

Christian Cofone, Police Officer, Township of Middletown, Department of Public Safety, indefinite suspension on charges of conduct unbecoming a public employee and other sufficient cause and a removal effective June 23, 2003, on charges of violations of various Police Department rules and regulations, *inter alia*, obedience to laws and rules, prohibited activity on duty, personal conduct and duty requirements, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the removal to a Letter of Reprimand.

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

A-6 PEDRO GONZALEZ

Pedro Gonzalez, Senior Correction Officer, Mountainview Youth Correctional Facility, Department of Corrections, removal effective September 30, 2002, on charges of conduct unbecoming a public employee, personal conduct, conviction of an offense involving dishonesty or of a crime of the third degree or above, or of an offense involving or touching his/her office, position or employment.

Recommendation of the Administrative Law Judge – Grant Summary Decision and uphold the removal.

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

A motion was made and seconded that the open session be recessed and that, pursuant to Section 12(b) of the Open Public Meetings Act, the Merit System Board entered into Executive Session for the purpose of legal advice on the matter of A-7 Richard Holland. The Board subsequently reconvened the public meeting.

A-7 RICHARD HOLLAND

Richard Holland, Grounds Worker, Rowan University, removal effective November 7, 1997, on charges of conviction of a crime and conduct unbecoming a public employee. This matter was previously presented to the Merit System Board at its regular meeting of July 13, 2005, but was held over for the Board to obtain advice from the Attorney General's Office.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION: The Merit System Board reversed the recommendation of the Administrative Law Judge and upheld the removal.

A-8 ANTONIO RIOS, JR

Antonio Rios, Jr., Cottage Training Technician, Hunterdon Developmental Center, Department of Human Services, removal effective July 10, 2003, on the charge that the appellant pled guilty to an offense of disorderly conduct.

Recommendation of the Administrative Law Judge – Dismiss the appeal as moot pursuant to an order of forfeiture.

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

A-9 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. This matter was previously presented to the Merit System Board at its regular meeting of June 8, 2005, but was held over for summary of testimony.

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 affirmed the recommendation of the Administrative Law Judge modifying the removal to a six-month suspension but modified the award of back pay from January 1, 2001 through May 6, 2002.

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| A-9 VOTE: Rolando Torres, Jr. | (Yes) |
| Flavella Branham | (Abstained) |
| John Currie | (Yes) |
| Margaret E. L. Howard | (Yes) |
| Robert J. Long | (Yes) |

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. This matter was previously presented to the Merit System Board at its regular meeting of May 18, 2005, but was held over for summary of testimony.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

SECTION B – MISCELLANEOUS MATTERS

B-1 STEVEN C. JONES

Steven C. Jones, represented by Jerrold A. Tenzer, 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 COLM F. MCQUAID

Colm F. McQuaid appeals his rejection as a Police Officer candidate by the Borough of Fort Lee and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform the duties of the position.

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

B-3 MARCO MERINO

Marco Merino appeals his rejection as a Parole Officer Recruit candidate by the State Parole Board and its request to remove his name from the eligible list for Parole Officer Recruit (S2036E) 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 WILLIAM TROY

William Troy appeals his rejection as Campus Police Officer candidate by The College of New Jersey and its request to remove his name from the eligible list for Campus 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-5 LENORE ADAMS

Lenore Adams, a Charge Nurse, 12 Months 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 EVERTON DASENT

Everton Dasent, a Senior Correction Officer with the New Jersey State Prison, Department of Corrections (DOC), represented by Joseph A. Carmen, Esq., appeals the denial of sick leave injury benefits.

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

B-7 BETTY REED

Betty Reed, a Senior Correction Officer with New Jersey State Prison, Department of Corrections (DOC), 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-8 SUZANNE SILVERS

Suzanne Silvers, a Program Support Specialist 2, Assistance Programs with the 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 CARMEN SOTO

Carmen Soto, a Principal Social Service Aide 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 MARTIN CARLUCCIO

Martin Carluccio appeals the determinations of the Division of Human Resource Information Services which found that the appointing authorities had presented a sufficient basis to remove his name from the eligible lists for Juvenile Detention Officer (C2091F), Sussex County, and (C2093F), Morris County, on the basis of an unsatisfactory criminal background. The appellant also appeals the removal of his name from the eligible list for Juvenile Detention Officer (C2092F), Warren County on the basis of an unsatisfactory criminal background.

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

B-11 JAMES CERVINO

James Cervino, represented by James P. Sheehan, Esq., appeals the decision of Human Resource Information Services which upheld the removal of his name from the eligible list for Police Officer (S9999D), City of Jersey City, on the basis of an unsatisfactory background report.

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

B-12 JAMES R. FOSTER

James R. Foster, represented by Leonard C. Schiro, Esq., appeals the decision of Human Resource Information Services which upheld the bypass of his name for appointment on the Police Lieutenant (PM2607D), Union Township, eligible list.

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

B-13 JIMMY FREYRE

Jimmy Freyre appeals the decision of Human Resource Information Services which upheld the removal of his name from the eligible list for Police Officer (S9999D), City of Jersey City, on the basis of an unsatisfactory driving record.

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

B-14 JEREMY LANCELLOTTI

Jeremy Lancellotti, represented by Oswin Hadley, Esq., appeals the decision of Human Resource Information Services which upheld the removal of his name from the Police Officer (S9999D), City of Jersey City, eligible list based on his falsification of his employment application and an unsatisfactory driving record.

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

B-15 CHARLES MITCHELL

Charles Mitchell, represented by Charles M. Grossman, Esq., appeals the decision of Human Resource Information Services which upheld the removal of his name from the eligible list for Police Officer (S9999B), City of Newark, on the basis of an unsatisfactory driving record.

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

B-16 VICTOR RODRIGUEZ

Victor Rodriguez, represented by Pasquale F. Giannetta, Esq., appeals the decision of Human Resource Information Services which found that the City of Newark had presented a sufficient basis to remove the appellant's name from the Police Officer (S9999B), City of Newark, eligible list due to his unsatisfactory driving record.

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

B-17 DONNELL SHIELDS

Donnell Shields appeals the determination of the Division of Human Resource Information Service which upheld his removal from the eligible list for Police Officer (S9999D), Township of Irvington on the basis that he did not complete preemployment processing.

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

B-18 FRANK TURSI

Frank Tursi appeals the decision of Human Resource Information Services which upheld the removal of his name from the Fire Fighter (M2079A), City of Paterson, eligible list due to his failure to meet the residency requirement.

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

B-19 ROBERT CAMMESO

Robert Cammeso, an Intermittent Technical Assistant 3 with the Department of the Treasury, appeals the determination of the Affirmative Action Officer which found that he had violated the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace (State Policy).

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

B-20 WILLIE HEARN III

Willie Hearn III, a former Technical Assistant, Management Information Systems (MIS), with the Department of Corrections (DOC), appeals the determination of the Acting Director of Equal Employment division (EED) with the DOC, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to 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-21 JANE BENTLEY

Jane Bentley, a Sheriff's Officer with Atlantic County, represented by Steven R. Cohen, Esq., appeals an order to submit to a psychological evaluation and her separation from duty, pending that evaluation and her compliance with the results of that evaluation.

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

B-22 RONALD DORN

Ronald Dorn, a Park Maintenance Worker with the Township of Pemberton, represented by William B. Hildenbrand, Esq., seeks enforcement of the Merit System Board decision rendered on September 22, 2004 granting him back pay, benefits and seniority.

ACTION: The Merit System Board granted the request.

B-23 CHARLES MATOS

Charles Matos, represented by Daniel M. Rosenberg, Esq., petitions the Merit System Board for reconsideration of its decision rendered April 6, 2005, upholding the bypass of his name on the eligible list for Police Sergeant (PM0959W), City of Newark.

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

B-24 HECTOR FUENTES

The appeal of Hector Fuentes, a Senior Correction Officer, Juvenile Justice, with the Juvenile Justice Commission, Department of Law and Public Safety, of his 30-day suspension on charges, was heard by Administrative Law Judge Anthony T. Bruno (ALJ), who rendered his initial decision on June 2, 2005. At its meeting on July 13, 1005, the Merit System Board did not adopt the ALJ's recommendation to reverse the suspension. 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.

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

B-25 DARRYL MARTIN

The appeal of Darryl Martin, a former County Correction Officer with the Monmouth County Sheriff's Office, of his entitlement to back pay, benefits and counsel fees was heard by Administrative Law Judge Joseph Lavery (ALJ), who rendered his initial decision on April 6, 2005. At its meeting on July 13, 2005, the Merit System Board did not adopt the ALJ's recommendation to grant full back pay and benefits. Rather, the Board modified the back pay award and reversed the award of benefits. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

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

B-26 KATHLEEN WILSON

The appeal of Kathleen Wilson, a Sheriff's Officer with Camden County, of her removal, effective April 29, 2003, on charges, was heard by Administrative Law Judge John R. Tassini (ALJ), who rendered his initial decision on June 2, 2005. At its meeting on July 13, 2005, the Merit System Board adopted the ALJ's recommendation to uphold the removal but granted back pay for the period of the appellant's immediate suspension from April 29, 2003 to May 28, 2003. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

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| VOTE: | Rolando Torres, Jr. | (Yes) |
| | Flavella Branham | (Abstained) |
| | John Currie | (Yes) |
| | Margaret E. L. Howard | (Yes) |
| | Robert J. Long | (No) |

B-27 RALPH ASPLEN, ET AL.

Ralph Asplen, Scot Frow, John Edwards, Joseph DeMarie, Charles D'Amico, Robert Goodwin, Herbert Gross, and Steven Rinaldi 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 Section Chief Waste Management, Managerial (PS5209G), Department of Environmental Protection.

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

B-28 NANCY AVILA

Nancy Avila 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 Accountant 1 (PS2223K), Commission for the Blind and Visually Impaired.

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

B-29 MARCY BLATT

Marcy Blatt appeals the determination of the Division of Selection Services that she is ineligible to participate in the promotional examination for Health Economics Research Specialist 1 (PS4943H), Department of Health and Senior Services because she failed to achieve a passing score on the Supervisory Test Battery (STB).

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

B-30 JANEENE BROWN, ET AL.

The appointing authority, on behalf of Janeene Brown, Kwanique Johnson-Ward and Susan Roerty, appeals the determinations of the Division of Selection Services that found that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Classification Officer 1 (PS3545I), Northern State Prison.

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

B-31 KATHLEEN A. CALVI

Kathleen A. Calvi appeals the determination of the Division of Selection Services which found that she did not meet the experience requirement for the promotional examination for Officer Services Manager (PC0986F), Atlantic County.

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

B-32 THERESA CHIACCHIO

Theresa Chiacchio 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 2 (S6788F).

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

B-33 MATTHEW CUNNINGHAM

Matthew Cunningham 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 Forensic Chemist (C0921G), Union County.

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

B-34 JONATHAN DEJOSEPH, ET AL.

Jonathan DeJoseph, Gary Haman, and Susan Lewis appeal the determinations of the Division of Selection Services that they were below the experience requirements for the open competitive examination for Senior Buyer (S6808G), Statewide.

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

B-35 DAVID E. EARL

David E. Earl appeals the determination of the Division of Selection Services which found that he did not meet the education requirements for the promotional examination for Supervising Engineer, Constructions and Maintenance (PS2391T), Department of Transportation.

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

B-36 AMY EMMELL

Amy Emmell appeals the determination of the Division of Selection Services which found that, pursuant to the substitution clause for education, she was below the minimum requirements in experience for the open competitive examination for Accountant (C0878F), Atlantic County.

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

B-37 RAPHAEL FELICIANO

Raphael Feliciano 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 Supervisor of Motor Pool (M0710F), Paterson.

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

B-38 RICHARD FERRAIOLI

Richard Ferraioli appeals the determination of the Division of Selection Services that found that he did not meet the experience requirements for the promotional examination for Water Superintendent (PM1390F), Kearny.

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

B-39 FRANCIS FINN

The Borough of Point Pleasant Beach, on behalf of Francis Finn requests that he be assigned a retroactive appointment date for record purposes and seeks his eligibility for the promotional examination for Police Sergeant (PM2534E), Point Pleasant Beach.

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

B-40 YVONNE FONT

Yvonne Font 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 Claims Examiner, Unemployment and Disability Insurance (Bilingual in Spanish and English) (PS2348N), Department of Labor and Workforce Development.

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

B-41 TERRI FORREST

Terri Forrest appeals the decision of the Division of Selection Services that found that she did not meet the experience requirements for the open competitive examination for Human Services Specialist 2 (C0923G), Atlantic County.

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

B-42 ALICIA GAMBINO

Alicia Gambino appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the open competitive examination for Health Educator (M9451F), City of Clifton.

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

B-43 JOSEPH GREENLEAF, SR.

Joseph Greenleaf, Sr., appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Landscape Technician (PS3038T), Department of Transportation.

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

B-44 MARIA JACOBI

Maria Jacobi appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for a prospective provisional appointment to the title of Administrative Analyst 2, Department of Transportation.

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

B-45 BARBARA JOHNSON, ET AL.

Barbara Johnson, Cheryl Parker and Bruce Williams appeal the determinations of the Division of Selection Services that they were below the experience requirements for the open competitive examination for Code Enforcement Officer (M6864F), Camden City.

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

B-46 JOHN KENNEDY

John Kennedy appeals the determination of the Division of Selection Services which found that he lacks the experience requirements for the open competitive examination for Supervising Program Development Specialist, Code Enforcement (S3031F), Division of Fire Safety.

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

B-47 JOSHUA LAZARUS

Joshua Lazarus appeals the determinations of the Division of Selection Services that he did not meet the experience requirements for the open competitive examinations for Senior Planner, Emergency Management, Fire (S2043F), Principal Planner Emergency Management, Fire (S2042F), and Supervising Planner, Emergency Management, Fire S2044F).

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

B-48 SUZANNE MAFFEI

Suzanne Maffei appeals the determination of the Division of Selection Services that found that, per the substitution clause for education, she did not meet the experience requirements for the open competitive examination for Personnel Assistant 4 (S0340F), Statewide.

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

B-49 AVANI MEHTA

Avani Mehta appeals the determination for the Division of Selection Services that she did not meet the experience requirement for the open competitive examination for Human Services Specialist 2 (C0831F), Morris County.

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

B-50 THOMAS MINCH

Thomas Minch appeals the determinations of the Division of Selection Services which found that he lacks the experience requirements for the open competitive examination for Data Processing Analyst 1 (S6772F), Statewide.

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

B-51 JOHN MUSKETT

John Muskett appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Boardwalk Superintendent (PM00007G), Atlantic City.

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

B-52 SEUNG OH

Seung Oh, an Operating Engineer, Heating and Air Conditioning, at William Paterson University, represented by William O'Brien, Chapter President, IFPTE Local 195, appeals the denial of sick leave injury (SLI) benefits.

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

B-53 VICTOR ORTIZ

Victor Ortiz 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 Housing Inspector (M6786F), Paterson.

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

B-54 JOSPEH PUCILOWSKI

Joseph Pucilowski appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in education for the promotional examination for Substance Abuse Counselor 1 (PC1118F), Essex County.

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

B-55 DONNA RICHARDS

The appointing authority on behalf of Donna Richards, 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 Accountant 3 (PS5232A), Department of Agriculture.

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

B-56 WANDER RICHARDSON

Wander Richardson appeals the determination of the Division of Selection Services that found that she did not meet the experience requirement for the promotional examination for Office Supervisor (PS3028P), Department of Law and Public Safety.

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

B-57 GINO RECKSIEK

Gino Recksiek appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Municipal Recycling Coordinator (PM0034G), Jefferson Township.

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

B-58 DEBORAH ROBINSON

The Director, Office of Human Resources, Department of Corrections (DOC), on behalf of Deborah Robinson, 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 Paralegal Technician 2 (PS4327I), Department of Corrections.

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

B-59 JAMES ROGERS

James Rogers appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Landscape Technician (PS3038T), Department of Transportation.

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

B-60 HAYDEE ROSARIO

Haydee Rosario 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 Library Technician (PS4358J), William Paterson University.

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

B-61 SHARON ROSENBERGER-MUGRAUER AND LINDA WATSON

Sharon Rosenberger-Mugrauer and Linda Watson appeal the determinations of the Division of Selection Services that found that, per the substitution clause for education, they did not meet the experience requirements for the open competitive examination for Personnel Assistant 4 (S0340F), Statewide.

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

B-62 RILESH SHAH

Rilesh Shah appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in education and experience for the promotional examination for Assistant Engineer, Traffic (PS4891T), Department of Transportation.

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

B-63 PAVAN SHETH

Pavan Sheth appeals the determinations of the Division of Selection Services which found that he did not meet the educational requirement for the promotional examination for Senior Engineer, Geotechnical (PS4831T), Department of Transportation.

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

B-64 JASON SPYCH

Jason Spych 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 promotional examination for Technical Assistant, Management Information Systems (PS4429K), Woodbridge Developmental Center.

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

B-65 FRANCINE WEISSMAN

Francine Weissman 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 Claims Examiner, Workers Compensation, Typing (PM0950F), Fort Lee.

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

B-66 ALEXANDER BOROVSKIS ET AL.

Alexander Borovskis, Mahesh Desai, Rajendra Patel, and Richard Weber petition the Merit System Board for reconsideration of the decision rendered on March 23, 2005 which found that they did not meet the experience requirements for the promotional examination for Project Engineer, Construction (PS3426T), Department of Transportation.

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

B-67 PIERRE CHARLES

Pierre Charles appeals his disqualification from the promotional examination for Senior Engineer, Transportation (PS4833T), Department of Transportation.

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

B-68 WILLIE BOOKER

Willie Booker, represented by Eldridge Hawkins, Esq., appeals the determination of the Division of Selection Services which found that his application for the promotional examination for Fire Captain (PM3514F), Newark was late.

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

B-69 SYLVIA CARTER

Sylvia Carter appeals the validity of the promotional examinations for Assistant Supervisor of Resident Living (Developmental Disabilities) (PS3732K) and Assistant Supervisor of Professional Residential Services (Developmental Disabilities) (PS3615K), Hunterdon Developmental Center.

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

B-70 JOHN DORRITY

John Dorrity appeals the validity of the open competitive examination for Veterans Service Officer (C0603E), Ocean County.

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

B-71 MICHAEL GILMARTIN

Michael Gilmartin appeals the test administration and his score for the oral portion of the examination for Police Captain (PM3572F), Fort Lee.

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

B-72 TODD HEALY

Todd Healy appeals the examination administration for Fire Lieutenant (PM2631F), Clifton.

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

B-73 JOHN DWYER

John Dwyer appeals the determination of the Division of Selection Services which denied his request for a make-up examination for Fire Captain (PM3595F), Kearny.

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

B-74 GABRIELLE ATKINS

The former Manager, Shared Services Center 3, on behalf of the Office of Information Technology, requests that Gabrielle Atkins' out-of-title work experience be accepted to qualify her for a lateral reclassification to Graphic Artist 2.

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

B-75 EARL BAKER ET AL.

The former Manager, Shared Services Center 3, on behalf of the Office of Information Technology, requests that Earl Baker, Kenneth DeBlieu, Lara Edwards, Henry Hensley and Maria Rooney's out-of-title work experience be accepted to qualify them for a prospective promotional examination for Assistant Promotional Materials Specialist.

ACTION: The Merit System Board granted the request.

B-76 SOFTWARE DEVELOPMENT SPECIALIST PROMOTIONAL EXAMINATIONS

Ling Abatto, Elaine Allen, Carolyn Ayres, Rehana Bharmas, Farhad Bonakdar, Huoy Braun, Sherice Brown-Mendenhall, Helen Chan, Christine Chan, Azalee Cooper, Angela Davis, Charles Davis, Tejinder Dhillon, Cyril Elias, Irina Eychis, Judy Ann Ford, Anna Giller, Manju Goel, Steven Goldsmith, Olga Guzman, Vijay Hari, Linda Haws, Betty Hoepfner, Serivan Intirat, Joyce James, Ava Johnson, Mike Karyakin, Shelly Kraft, Tamara Kuzmicz, Tatyana Mazum, Emad Michael, Zahra Moazenzadeh, Sidney Morginstin, Jayanthi Nadig, Vivian Nieves, Patrick Patrick, Sujatha Putta, Jeffrey Rivera, Yuri Singidas, Jocelyn Spady, Dharshini Sriranganathan, Richard Stout, Mia Svoboda, Joseph Tulloch, Vitaliy Valtsis and Daniel Yates appeal the validity of the promotional examination for Software Development Specialist (PS4595U), (PS4597U), (PS4599U), PS4601U) and (PS4604U) and Software Development Specialist 3 (PS4596U), PS4598U), PS4600U), PS4602U) and (PS5231U), Office of Information Technology.

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

B-77 POLICE CHIEF (PM3512G), CITY OF BORDENTOWN

The City of Bordentown, represented by Richard W. Hunt, Esq., appeals the determination of the Division of Human Resource Management that denied its request to waive the promotional examination for Police Chief (PM3512G), City of Bordentown.

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

B-78 CARRIE D. LEWIS

Carrie D. Lewis, a Management Assistant with the Department of Law and Public Safety, appeals the decision of the Office of the Attorney General, Department of Law and Public Safety, which denied her request to participate in the donated sick leave program.

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

B-79 LORENZO SHOCKLEY AND RALPH D. BURKE

The City of Pleasantville requests relaxation of N.J.A.C. 4A:4-71.A(c) so as to permit the intergovernmental transfers of Lorenzo Shockley and Ralph D. Burke from the title of Sheriff's Officer, Cape May County Sheriff's Office, to the title of Police Officer, City of Pleasantville.

ACTION: The Merit System Board granted the requests.

B-80 HAZARDOUS SITE MITIGATION SPECIALIST 1 (PS4887G)

Irene Kropp, the Assistant Commissioner, Management and Budget, Department of Environmental Protection and Adam Liebttag, Staff Representative, Communications Workers of America (CWA), Local 1034, request a one-time rule relaxation of the supervisory experience requirement for the promotional examination for Hazardous Site Mitigation Specialist 1 (PS4887G). Richard Campbell, Scot Frow, Irving Gandy, Carolyn Hansel, Robin Heston, Krishnamur Kasturi, Nicholas Nader, Frank Piliere, John Scott, Mark Searfoss, Ram Shah, Joseph Staab, Rama Thangada, Jeff Vervuurt and Ronald Wienckoski appeal the determination of the Division of Selection Services that they did not meet the experience requirements for the promotional examination for Hazardous Site Mitigation Specialist 1 (PS4887G).

ACTION: The Merit System Board granted the request and directed that the eligibility appeals be rendered moot.

B-81 COUNTY ADJUSTER

The Director, Division of Human Resource Management, requests Merit System Board review of the establishment of the County Adjuster title in both the career and unclassified services.

ACTION: The Merit System Board remanded the matter to the Division of Human Resource Management.

B-82 PERSONNEL OFFICER, TOWNSHIP OF HAZLET

The Director, Division of Human Resource Management requests the reallocation of the Personnel Officer title to the noncompetitive division of the career service on an interim basis.

ACTION: The Merit System Board granted the request.

B-83 MERIT SYSTEM BOARD MINTUES

The minutes of the Merit System Board meeting of July 13, 2005 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of July 13, 2005.

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

B-84 EARLY SETTLEMENTS

Marlene Manning
Woodbridge Developmental Center
Department of Human Services
Suspension

Renee Smith
Department of the Treasury
Release at the end of the working test period

ACTION: The Merit System Board acknowledged the settlements.

B-85 PUBLIC HEARING ON SUPERVISING SCHOOL TRAFFIC GUARD

The Director, Division of Human Resource Management requests Merit System Board review of the establishment of the title Supervising School Traffic Guard in the career service.

Pursuant to N.J.S.A. 11A:3-6, a public hearing was required when the Merit System Board considers reallocating a title from the career to the unclassified service. To that end, the current incumbents in the title, their appointing authorities, and their representatives were given notice that a public hearing would be conducted during the Board's regularly scheduled meeting on July 27, 2005. In addition, this notice was included on the agenda item for the Board's meeting and posted on the Department of Personnel's website in order to provide notice to the general public. Thus, prior to voting on this item, an opportunity for public comment was provided. The Board voted to hold the matter over for further review of the public comments which were presented at the meeting.

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

B-86 INVESTIGATOR INSURANCE, ENFORCEMENT, ET AL.

The Director Division of Human Resource Management, petitions the Merit System Board (Board) for reconsideration of the final administrative decision, rendered on June 22, 2005, in which the Board reallocated the Investigator Insurance, Enforcement title series to the noncompetitive division of the career service on an interim basis from the June 25, 2005 to July 8, 2005.

ACTION: The Merit System Board granted the request.

B-87 WILLIAM FATUM

The appeal of William Fatum, a Program Development Specialist 1 (Corrections) with the Juvenile Justice Commission, of his removal effective February 18, 2000, on charges, was heard by Administrative Law Judge John Schuster III (ALJ), who rendered his initial decision on April 13, 2005. At its meeting on July 13, 2005, the Merit System Board (Board) adopted the ALJ's recommendation to modify the removal to a six-month suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

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

B-88 DANIEL STROCHAK

Daniel Strochak appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the promotional examination for Section Chief, Technical/Scientific/Engineering (PS3510G), Department of Environmental Protection.

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

B-89 DARRYL JOHNSON

Gloucester County requests relaxation of *N.J.A.C.* 4A:4-7.1A(d) so as to permit the intergovernmental transfer of Darryl Johnson from the title of County Correction Captain, Camden County, to the title of County Correction Captain, Gloucester County.

ACTION: The Merit System Board granted the request.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, August 10, 2005 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

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