



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
September 21, 2005**

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

SEPTEMBER 21, 2005

A regular meeting of the Merit System Board was held on Wednesday, September 21, 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. It is noted that Board member John Currie was absent for items A-1 through A-7 and therefore did not consider or vote on these items.

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: September 16, 2005

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

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

DEPARTMENT OF HUMAN SERVICES

The Department of Human Services requests the creation of a new title series to perform a variety of tasks in support of professional Family Service Specialist staff providing a wide range of social and other services to children and families. The Department intends the highest level in this series to serve as a "bridge" to the professional title of Family Service Specialist 2, in that the education and experience earned will enable incumbents to pursue professional careers in the field.

The appropriate negotiations representatives have been advised of this request; the bargaining units were assigned by the Office of Employee Relations.

ESTABLISHMENT OF TITLES:

Effective: 09/17/05

Assistant Family Service Worker 1
H09-____ Career P NE/12

Assistant Family Service Worker 2
H12-____ Career P NE/12

Assistant Family Service Worker 3
H14-____ Career P NE/12

Assistant Family Service Worker 4
H16-____ Career P NE/12

DATE: September 12, 2005

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

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

GENERAL TITLE

A new Trainee title is requested to address salary issues. This new Trainee title is intended to replace an existing Trainee title (16310) to correct a salary issue. We have taken action to prohibit future use of the existing Trainee title upon approval of this request. Further, it will be inactivated once all incumbents are promoted to their respective primary titles.

ADDITION OF TITLE

Effective: 09/17/05

Environmental Engineer Trainee
P95-_____ Non-Competitive * NE/12

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Joseph Bellino
County of Hudson
Department of Corrections
Suspension

In the Matter of Dawad Driggins
Ancora Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Robert Francis
County of Mercer
Department of Public Safety
Removal

In the Matter of Elaine Hooper
Edna Mahan Correctional Facility
Department of Corrections
Suspension

In the Matter of Joyce Jandola
Department of Personnel
Suspension

In the Matter of William Manoes
Keansburg Municipal Utilities Authority
Layoff

In the Matter of Michael Marone
County of Monmouth
Reclamation Center
Removal

In the Matter of Arn Olsen
East Jersey State Prison
Department of Corrections
Discrimination

In the Matter of Jeanette Panelli
Department of Personnel
Suspension

In the Matter of Salimatu Price
Woodbridge Developmental Center
Department of Human Services
Release at the end of the working test period

In the Matter of Robert Schmitt
Township of Lopatcong
Department of Public Works
Removal

In the Matter of William Whalen
County of Mercer
Department of Public Safety
Suspensions (2)

In the Matter of Dorothy Williams
County of Camden
Department of Corrections
Removal

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

ACTION: The Merit System Board acknowledged the settlements. It is noted that Commissioner Torres abstained on the settlements for Jandola and Panelli.

A-2 ROBERTA ADDISON

Roberta Addison, County Correction Officer, County of Burlington, County Jail, 15-day suspension on charges of incompetency, inefficiency or failure to perform duties, conduct unbecoming a public employee, neglect of duty and violation of policy and procedure.

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-3 KEITH PENN

Keith Penn, County Correction Officer, County of Burlington, County Jail, six-day and ten-day suspension on charges of incompetency, inefficiency or failure to perform duties, neglect of duty, other sufficient cause, violation of policy and procedure, and violation of attendance verification.

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

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge to uphold the 6-day suspension but modified the recommendation of the Administrative Law Judge with regard to the 10-day suspension to a 5-day suspension.

A-4 VIRGINIA RYNONE (REMAND)

Virginia Rynone, Recreation Assistant, Veterans' Memorial Home at Menlo Park, Department of Military and Veterans' Affairs, ten-day suspension on the charge of failure or excessive delay in carrying out an order which would not result in danger to persons or property.

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

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

A-5 MONROE TOLBERT

Monroe Tolbert, Human Services Assistant, Trenton Psychiatric Hospital, Department of Human Services, release at the end of the working test period effective May 6, 2001.

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

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

A-6 TANYA VAN JONES

Tanya Van Jones, a Personnel Assistant 2, with the Department of Corrections, 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, color, and gender.

Recommendation of the Administrative Law Judge – Appeal be denied.

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

A-7 AJIA COOK

Ajia Cook, Senior Correction Officer, South Woods State Prison, Department of Corrections, removal effective January 3, 2003, on the charge of conduct unbecoming a public employee.

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-8 DAVID FLOYD

David Floyd, Laborer, Refuse Collection, City of Newark, Department Neighborhood and Recreational Services, removal effective November 22, 2000, on charges of conduct unbecoming a public employee, failure to perform duties and other sufficient causes.

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

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

A-9 JOSEPH FOTI

Joseph Foti, County Police Officer, County of Essex, Sheriff's Department, removal effective December 3, 2002, on charges of incompetency, inefficiency or failure to perform duties, conduct unbecoming a public employee, and violation of rules regarding duty responsibilities, obedience to laws and regulation and reporting accidents.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-10 ROBIN SNELL

Robin Snell, Correction Officer Recruit, New Jersey State Prison, Department of Corrections, removal effective July 1, 2003, on charges of conduct unbecoming a public employee, and violation of rules regarding safety and security, precautions, improper or unauthorized contact with inmate, undue familiarity with inmates, paroles, their families or friends and violation of a rule, regulation, policy, procedure, order, or administrative decision.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-11 RICHARD WILKINS, JR.

Richard Wilkins, Jr., Police Aide, Township of Irvington, Police Department, removal effective July 17, 2003, on the charge of conduct unbecoming public employee.

Recommendation of the Administrative Law Judge – Modify the removal to a written reprimand and referral to the Township's Employee Assistance Program.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a six-month suspension, periodic drug screening pursuant to the appointing authority's policy, and referral to the Township's Employee Assistance Program.

A-12 JOHN GRAHAM

John Graham, Senior Correction Officer, Juvenile Justice Commission, Department of Law and Public Safety, six-month suspension on charges of conduct unbecoming a public employee, neglect of duty, negligence in performing duty resulting in injury to persons or damage to property, failure to report injury, abuse, or accident involving inmates, residents, patients, or clients and violation of a rule, regulation, policy, procedure, order, or administrative decision. This matter was previously presented to the Merit System Board at its regular meeting of July 13, 2005, but was held over for testimony summary.

Recommendation of the Administrative Law Judge – Reverse the six-month suspension.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge. Upon its own motion, the Merit System Board reconsidered the matter and affirmed its prior decision to affirm the recommendation of the Administrative Law Judge.

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

A-13 ANDREW LANCELOTTI – SETTLEMENT

Andrew Lancelotti, City of Jersey City, Police Department, removal effective June 3, 2002, on the charge of narcotics use, settled to a resignation in good standing or a disability retirement and 12 months back pay. This matter was previously presented to the Merit System Board at its regularly scheduled meeting of September 7, 2005, but was held over for Attorney General's Office review.

Recommendation of the Administrative Law Judge – Acknowledge the settlement.

ACTION: The Merit System Board acknowledged the settlement.

SECTION B – MISCELLANEOUS MATTERS**B-1 LORENZO MIGALE**

Lorenzo Migale, represented by Douglas C. Anton, Esq., appeals his rejection as a County Correction Officer by Bergen County and its request to remove his name from the eligible list for County Correction Officer (S9999D) on the basis of medical unfitness to perform effectively the duties of the position.

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

B-2 DANIEL RAMOS

Daniel Ramos appeals his rejection as a County Correction Officer by Passaic County and its request to remove his name from the eligible list for County Correction Officer (S9999D) on the basis of medical unfitness to perform effectively the duties of the position.

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

B-3 DONNA CLARK

Donna Clark, an Investigator for Vicinage 15, Cumberland/Gloucester/Salem Counties, appeals the denial of sick leave injury (SLI) benefits.

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

B-4 PHILIP LARIS

Philip Laris, an Institutional Trade Instructor 1 (Cooking) 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 denied.

B-5 ROSANNA E. LEONARD

Rosanna E. Leonard, an Intermittent Data Entry Machine Operator with the Department of Treasury (Treasury), represented by Peter G. Maurer, Communications Workers of America, Local 1033, appeals the denial of sick leave injury (SLI) benefits.

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

B-6 DAVID MELCHIORRE

David Melchiorre, a Construction Official with the Department of Community Affairs, appeals the denial of sick leave injury (SLI) benefits.

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

B-7 BARRY PANICK

Barry Panick, a Parks Maintenance Specialist 2 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-8 PERRY SHAW

Perry Shaw, a Senior 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-9 LENORA SIMON

Lenora Simon, a Senior Correction Officer with Northern 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 denied.

B-10 KEVIN C. ALLMANN, JR.

Kevin C. Allmann, Jr., represented by Lourdes Lucas, Esq. appeals the removal of his name from the Police Officer (S9999F), Borough of Lakehurst, eligible list on the basis that he was no longer interested in the position.

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

B-11 ANITA BOSE

Anita Bose appeals the decision of Human Resource Information Services which upheld the removal of her name from the Forensic Scientist 1, Law and Public Safety (S6708E), Department of Law and Public Safety, eligible list on the basis that she was not interested in the duties of the position.

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

B-12 JAMES R. ERWIN

James R. Erwin appeals the decision of Human Resource Information Services (HRIS) which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for Fire Fighter (M2280E), City of Hackensack, due to his criminal record, unsatisfactory driving record, and falsification of his employment application.

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

B-13 DOUGLAS J. JANDOLI

Douglas J. Jandoli appeals the decision of Human Resource Information Services (HRIS) which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for Fire Fighter (M2105A), Township of West Orange (Township), because of his failure to meet the residency requirements for the position.

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

B-14 JERRY D. JONES

Jerry D. Jones appeals the determinations of the Division of Human Resource Information Services (HRIS) which found that the appointing authorities had presented a sufficient basis to remove his name from the eligible list for County Correction Officer (S9999D), Hudson County on the basis of an unsatisfactory criminal background, and Correction Officer Recruit (S9999D), Juvenile Justice Commission (JJC) on the basis of falsification of his application.

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

B-15 HENRY VANCE DAVIS

Henry Vance Davis, a Professor with Ramapo College of New Jersey (RCNJ), appeals the determination of the Interim President, RCNJ stating that the appellant violated the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION: The Merit System Board granted a hearing.

B-16 ERIC ESTOK

Eric Estok, a Lieutenant with the Division of State Police, Department of Law and Public Safety, appeals the determination of the Executive Assistant Attorney General stating that the appellant 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-17 LISA HAMILTON

Lisa Hamilton, an Intermittent Labor Clerk 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 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 remanded the matter to the Department of Labor and Workforce Development for a supplemental investigation.

B-18 BRIAN ROYSTER

Brian Royster, a Sergeant with the Division of State Police, Department of Law and Public Safety, appeals the determination of the Executive Assistant Attorney General which found that the appellant failed to present sufficient evidence to support a finding that he 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-19 KAREN HAMSHAR

Karen Hamshar, a Maintenance Worker 1, Transportation with the Department of Transportation, represented by Ronald W. Bronstein, Esq., appeals the determination of the Deputy Commissioner, Department of Transportation (DOT), 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 (State Policy). The appellant also appealed the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board granted a hearing on both appeals.

B-20 VANESSA DAY

Vanessa Day petitions the Merit System Board for reconsideration of the decision rendered on May 5, 2005 which denied her request for a make-up of the promotional examination for Manager 4, Technical/Scientific/Engineering (PS1252G), Department of Environmental Protection.

ACTION: The Merit System Board denied the request.

B-21 LUZ SANCHEZ

Luz Sanchez, an Education Program Assistant 1, Bilingual in Spanish and English, with the New Jersey State Library, requests a retroactive date of appointment.

ACTION: The Merit System Board denied the request.

B-22 CHRISTOPHER TOMASCO

The Township of Voorhees requests relation of *N.J.A.C. 4A:4-7.1A(c)* so as to permit the intergovernmental transfer of Christopher Tomasco from the title of Sheriff's Officer, Gloucester County Sheriff's Office, to the title of Police Officer, Township of Voorhees.

ACTION: The Merit System Board granted the request.

B-23 DONALD HICKS

The Superior Court of New Jersey, Appellate Division, has remanded the matter of Donald Hicks' entitlement to back pay to the Merit System Board for a hearing at the Office of Administrative Law.

ACTION: The Merit System Board granted a hearing.

B-24 ALPHONSO HUNT

Alphonso Hunt, a County Correction Officer with the Cumberland County Department of Corrections, represented by Erika A. Appenzeller, Esq., petitions the Merit System Board (Board) for enforcement of its decision, *In the Matter of Alphonso Hunt* (MSB, decided September 22, 2004), with respect to the award of back pay and counsel fees.

ACTION: The Merit System Board denied back pay and granted counsel fees in the amount of \$4,068.

B-25 THE ESTATE OF HUGH BELL

The Estate of Hugh Bell, a former Senior Mechanic with the Department of Public Resources, Hudson County, represented by Arnold Shep Cohen, Esq., seeks enforcement of the Merit System Board decision rendered on November 17, 2004, granting him mitigated back pay, benefits and seniority.

ACTION: The Merit System Board denied the request.

B-26 SHAUYN COPELAND

The appeal of Shauyn Copeland, a Data Control Clerk, Typing, with the Newark School District, of her removal effective February 24, 2004 on charges, was heard by Administrative Law Judge Carol I. Cohen (ALJ), who rendered her initial decision on August 4, 2005. At its meeting on September 7, 2005, the Merit System Board did not adopt the ALJ's recommendation to modify the penalty to a six-month suspension. Rather, the Board modified the appellant's removal to a four-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	(Yes)
	John Currie	(Abstained)
	Margaret E. L. Howard	(Yes)
	Robert J. Long	(Yes)

B-27 FRANK GILFONE

The appeal of Frank Gilfone, a Mason with the County of Essex, Department of Parks and Recreation and Cultural Affairs, of his removal effective May 31, 2002, on charges, was heard by Administrative Law Judge Maria Mancini LaFiandra (ALJ), who rendered her initial decision on July 15, 2005. At its meeting on September 7, 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.

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

B-28 GERALDINE SIMS

The appeal of Geraldine Sims, a County Correction Officer with the Monmouth County Department of Corrections and Youth Services, of her removal effective April 1, 2004, on charges was heard by Administrative Law Judge Stephanie M. Wauters (ALJ), who rendered her initial decision on August 3, 2005. At its meeting on September 7, 2005, the Merit System Board did not adopt the ALJ's recommendation to modify the removal to a six-month suspension. Rather the Board upheld the removal. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

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

B-29 KIM SYKES

The appeal of Kim Sykes, a Probation Officer with the New Jersey Judiciary – Middlesex Vicinage, of her resignation not in good standing effective September 12, 2003, on charges, was heard by Administrative Law Judge Joseph F. Martone (ALJ), who rendered his initial decision on July 12, 2005. At its meeting on September 7, 2005, the Merit System Board adopted the ALJ's recommendation to modify the resignation not in good standing to a resignation in good standing. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

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

B-30 PIERRE J. ADAMS

Pierre J. Adams 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 Administrative Analyst 2 (PS4835T), Department of Transportation.

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

B-31 DINA APUZZIO

Dina Apuzzio 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 Office Supervisor (PC0307G), Union County.

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

B-32 CHRIS L. BOTZAN

Chris L. Botzan 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 Mechanic (M0731F), County of Hunterdon.

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

B-33 VINCENT BOZZARELLO

Vincent Bozzarello appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he was below the minimum requirements in experience for the promotional examination for Management Improvement Specialist 1 (PS5049S), Higher Education Student Assistance Authority.

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

B-34 JEWEL CARTER

Jewel Carter 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 Coordinator, Health Projects 3 (PM0101G), City of Newark.

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

B-35 REBECCA COATES

Rebecca Coates 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 Classification Officer 1, Department of Corrections.

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

B-36 CLARENCE DOMBROSKY

Clarence Dombrosky appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Assistant Chief, Occupational Safety (PS5588t), Department of Transportation.

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

B-37 TERESA DUNCAN

Teresa Duncan 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 Administrative Assistant 3 (PS4218U), Department of the Treasury.

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

B-38 ALVIN DYOTT

Alvin Dyott appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he was below the minimum requirements in experience for the promotional examination for Supervisor of Enforcement (PS3888D), Department of Community Affairs.

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

B-39 AHMAD ESHRAGHI ET AL.

Ahmad Eshraghi and Yun-Hsu Lan appeal their scores on the promotional examination for Software Development Specialist 2 (PS4599U), Office of Information Technology. Richard Krenzel and Johanna Rooda appeal their scores on the promotional examination for Software Development Specialist 2 (PS 4597U), Office of Information Technology.

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

B-40 STUART FENSTER

Stuart Fenster appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the qualifying examination for Quality Assurance Specialist, Health Services, Trenton Psychiatric Hospital.

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

B-41 ROSEANN MESSINA

Roseann Messina appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Technical Assistant Personnel (PS4980K), Arthur Brisbane Child Treatment Center, Department of Human Services.

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

B-42 KIMBERLY MORRIS

Gregory Vida, Director, Division of Human Resources, on behalf of Kimberly Morris, appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the qualifying examination for Administrative Supervisor 1, Transportation, Department of Transportation.

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

B-43 DEANNA SAVIDGE

Deanna Savidge 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 Administrative Assistant 3 (PS5085T), Motor Vehicle Commission.

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

B-44 STEVEN SERVILLO

Steven Servillo appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Technical Support Specialist 2 (PS1747T), Department of Transportation.

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

B-45 CHERYL SMITH

Cheryl Smith 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 Senior Buyer (M0858G), City of Newark.

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

B-46 ADAM STEVENS

Adam Stevens 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 Personnel Assistant 4 (PS4258K), Division of Youth and Family Services.

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

B-47 CHRISTOPHER STAFFIERI

Christopher Staffieri appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the prospective provisional appointment to the title of Supervisor of Operations, Department of Environmental Protection.

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

B-48 ROSEMARY SUAREZ

Rosemary Suarez appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the open competitive examination for Principal Accountant (M6926G), City of Newark.

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

B-49 FREDRICK TENUTO

Fredrick Tenuto 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 open competitive examination for Engineering Technician 3 (S0431G).

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

B-50 LIZZETTE VARGAS

Lizzette Vargas appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Unemployment Insurance Clerk, Reemployment Call Center (PS1950N), Department of Labor and Workforce Development.

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

B-51 KATHLEEN VASI

Kathleen Vasi 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 Administrative Analyst 4 (Data Processing) (PS4217U), Department of the Treasury.

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

B-52 ANNA J. WOLF

Anna J. Wolf 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 (PS5596T), Department of Transportation.

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

B-53 MICHAEL ALLORA

Michael Allora appeals his score for the oral portion of the examination for the second level Fire Captain (PM3586F), Clifton.

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

B-54 HARRY COREY, ET AL.

Harry Corey, Michael Kennedy, Cynthia McSweeney, Joseph Pino, William Rochin, and Nirmal Sawhney appeal their scores on the promotional examination for Forensic Scientist 3, Department of Law and Public Safety (PS1164P), Division of State Police.

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

B-55 BEULAH CRUMEDY-WARREN

Beulah Crumedy-Warren appeals her score for the open-competitive examination for Field Representative Housing, Housing Assistance Program (S0403G), Statewide.

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

B-56 MARK DONOVAN

Mark Donovan appeals his score of the oral portion of the promotional examination for Deputy Fire Chief (PM3655F), Bayonne.

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

B-57 FRED DORNER

Fred Dorner appeals his score for the oral portion of the examination for Police Captain (PM3556F), Long Branch City.

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

B-58 RAYMOND GRIFFIS III

Raymond Griffis III appeals his score of the open-competitive examination for Engineering Technician 4 (S0400G), Department of Transportation.

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

B-59 GILBERT HORRACH, JR.

Gilbert Horrach Jr. appeals his score of the oral portion of the examination for Police Captain (PM3556F), Long Branch City.

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

B-60 MARY BETH HUETER, ET AL.

Mary Beth Hueter, Eric McKinnles, and Fernando Uribe Jr., appeal their scores on the promotional examination for Senior Investigator, Public Defender (PS5192Q), Office of the Public Defender.

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

B-61 BRIAN MULLIGAN

Brian Mulligan appeals his score of the oral portion of the examination for the second level Fire Captain (PM3586F), Clifton.

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

B-62 MELANIE BULMER

The Director, Division of Human Resource Management, on behalf of Warren County, requests that Melanie Bulmer's out-of-title work experience be accepted to qualify her for a prospective promotional examination for Personnel Aide.

ACTION: The Merit System Board granted the request.

B-63 JOSEPH COLE, ET AL.

Joseph Cole (PM2563F), Aberdeen; Gregory Anderson and Lee Ragozzine (PM2566F), Atlantic City; Matthew Simmons (PM2570F), Bordentown; Robert Hess (PM2578F), Edgewater Park; Robert Marcus (PM2579F), Elizabeth; Michael Bauer and Jacob Kleinknecht (PM2588F), Manasquan; Kevin Randall (PM2590F), Mt. Laurel Township; Ronald King and John Russo (PM2595F), Paterson; Patrick Feliciano and Richard O'Boyle (PM2601F), Rutherford; Mark Kieffer (PM2604F), Trenton; Santiago Cabrera (PM2608F), West New York; Richard Levens, Robert Martin and Michael Vale (PM2609F), West Orange; and Stanley Zon (PM2618F), Fort Lee; appeal the written examination for Police Lieutenant (various jurisdictions).

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

B-64 JUDITH KEUPER AND BARBARA STAATS

The Director, Division of Human Resource Management, on behalf of the Department of Treasury, requests that Judith Keuper and Barbara Staats' out-of-title work experience be accepted to qualify them for a prospective promotional examination for Technical Assistant, MIS.

ACTION: The Merit System Board granted the request.

B-65 WENDY MEDINA CANGAS

Wendy Medina Cangas appeals the conditions at the testing center and the administration of the Senior Unemployment Insurance Clerk (PS2349N) examination.

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

B-66 DEANNA NELSON

The Director, Division of Human Resource Management, on behalf of the Department of Treasury, requests that Deanna Nelson's out-of-title work experience be accepted to qualify her for a prospective promotional examination for Property Management Services Specialist 1.

ACTION: The Merit System Board granted the request.

B-67 ROBERT VELASQUEZ

Robert Velasquez appeals the denial of Veterans Preference on his ranking for the Law Enforcement Examination (S9999F).

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

B-68 SALARY REGULATIONS, FY 2006

Submitted for the Board's review are the Salary Regulations for Fiscal Year 2006. They include the Aligned Salary Regulation the Non-Aligned Salary Regulation (with Attachments A and B), the Management Salary Regulation, the Emergency Conditions Salary Regulations, the Special Incentive Salary Regulations, and the Miscellaneous Salary Regulations.

ACTION: The Merit System Board recorded the Salary Regulations, FY 2006.

B-69 RECENT COURT DECISIONS

Submitted for the Board's review are recent court decisions involving Merit System Board and Department of Personnel determinations; *In the Matter of Frank Hoffman* (Appellate Division, decided 7/1/05); *In the Matter of Richard Maselli, Police Officer, Township of Irvington* (Appellate Division, decided 7/12/05); *In the Matter of Bergen County Layoff* (Appellate Division, decided 7/15/05); *In the Matter of Lillian Foster, Right of Way Negotiator (S6736F), Department of Transportation* (Appellate Division, decided 7/19/05); *In the Matter of Edward O'Neill, County of Monmouth* (Appellate Division, decided 7/16/05).

ACTION: The Merit System Board noted the decisions.

B-70 MERIT SYSTEM BOARD MINUTES

The Minutes of the Merit System Board meeting of September 7, 2005 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of September 7, 2005, with the notation that on item B-105 Flavella Branham abstained.

VOTE:

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

B-71 SHARON DANIELS

The appeal of Sharon Daniels, a former Public Safety Telecommunicator Trainee with the County of Gloucester, concerning her release at the end of her working test period, effective July 8, 2003, was heard by Administrative Law Judge John Schuster III (ALJ), who rendered his initial decision on June 29, 2005. At its meeting on September 7, 2005, the Merit System Board (Board) adopted the ALJ's recommendation to uphold the release. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

VOTE:

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

B-72 NOELING H. MILLER

The appeal of Noeling H. Miller, a County Correction Officer with the County of Burlington, of his 12 working-day suspension on charges, was heard by Administrative Law Judge James W. Faison, III (ALJ), who rendered his initial decision on July 12, 2005. At its meeting on September 7, 2005, the Merit System Board (Board) did not adopt the ALJ's recommendation to uphold the 12 working-day suspension. Rather, the Board increased the penalty to a 30 working-day suspension. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

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

B-73 JANIKA WHITE

The appeal of Janika White, a Juvenile Detention Officer with the Passaic County Department of Youth Services, of her removal effective January 23, 2004, on charges, was heard by Administrative Law Judge Barry N. Frank (ALJ), who rendered his initial decision on August 3, 2005. At its meeting on September 7, 2005, the Merit System Board did not adopt the ALJ's recommendation to reverse the removal. Rather, the Board ordered that the matter be remanded to the Office of Administrative Law. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

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

B-74 RALPH ASPLEN, ET AL.

Ralph Asplen, Scot Frow, Joseph DeMarie, Charles D'Amico, Robert Goodwin, Herbert Gross, and Steven Rinaldi, represented by Adam Liebttag, Staff Representative, Communications Workers of America (CWA) Local 1034, and Janet Zimmerly, Manager, Human Resource Operations, Department of Environmental Protection, petition the Merit System Board for reconsideration of that part of the decision rendered on August 10, 2005 which found that the appellant's 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 granted reconsideration but affirmed its prior decision.

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

B-75 JAY SCHWARTZ

Jay Schwartz appeals the determination of the Division of Selection Services which found that he did not meet the educational requirement for the promotional examination for Assistant Curator, Planetarium Services, (PS6323S), Department of State.

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

B-76 EARLY SETTLEMENT

Valencia Lopez
 Department of Law and Public Safety
 Release at the end of the working test period

ACTION The Merit System Board acknowledged the settlement.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, October 5, 2005 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

ROLANDO TORRES, JR.
COMMISSIONER
MERIT SYSTEM BOARD