



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  
October 5, 2005**

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

OCTOBER 5, 2005

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A regular meeting of the Merit System Board was held on Wednesday, October 5, 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; Barbara Bereski, Deputy Attorney General; and Henry Maurer, Director, Division of Merit System Practices and Labor Relations.

In accordance with L.1975, c.231, Chairman Rolando Torres, Jr. opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on December 3, 2004, and posted at the Department of Personnel, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

**CONFIDENTIAL APPOINTMENTS**

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

**Jerome P. May**, appointed as a Confidential Secretary, Board of Public Utilities, effective September 19, 2005, salary of \$68,000.00 per annum.

**Beth E. Sztuk**, appointed as Confidential Secretary, Board of Public Utilities, effective September 19, 2005, salary of \$125,000.00 per annum.

**Sharon B. Stafford**, appointed as Confidential Secretary, Department of Law and Public Safety, effective May 28, 2005, salary of \$65,000.00 per annum.

**C. D. DeMarco**, appointed as Confidential Assistant, Department of the Treasury, effective September 8, 2005, salary of \$70,000.00 per annum.

**SECTION A – HEARING MATTERS**

**A-1 SETTLEMENTS**

In the Matter of William Church  
City of Trenton  
Department of Health and Human Services  
Removal

In the Matter of Tyrone L. Hart, Jr.  
New Lisbon Developmental Center  
Department of Human Services  
Removal

In the Matter of Kathryn R. Hampton  
County of Warren  
Detention Center  
Removal

In the Matter of John Keane  
Township of Hamilton  
Department of Public Works  
Removal

In the Matter of Sherrell Leonard  
Department of the Treasury  
Suspension

In the Matter of Edward F. Letwenski  
County of Monmouth  
Department of Corrections and Youth Services  
Suspension

In the Matter of Hector L. Ortiz, Jr.  
City of Jersey City  
Municipal Court  
Removal

In the Matter of John Reo  
City of Jersey City  
Police Department  
Suspension

In the Matter of Bimal Saraiya  
State Parole Board  
List removal

In the Matter of Gregory Vitrano  
Township of Parsippany Troy Hills  
Removal

In the Matter of Kirk Watro  
County of Burlington  
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.

**A-2 REGINA HOLMES-MARROW**

Regina Holmes-Marrow, County Correction Officer, County of Union, Department of Public Safety, six-day suspension on the charge of conduct unbecoming a public employee.

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

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

**A-3 JOHN JOHNSON**

John Johnson, Truck, Driver Tandem Axle, Department of the Treasury, 15-day suspension on charges of conduct unbecoming a public employee, and negligence in performing duties resulting in damage to state property.

Recommendation of the Administrative Law Judge – Modify the 15-day suspension to a five-day suspension.

**ACTION:** The Merit System Board modified the recommendation of the Administrative Law Judge to a 10-day suspension.

**A-4 WILLIAM MCGINNIS**

William McGinnis, a County Correction Officer with the County of Burlington, appeals a 10-day and a 15-day suspension on the charge of other sufficient cause and a 10-day, 15-day, and 20-day suspension and removal, effective April 26, 2002, on the charges of incompetency; inefficiency; failure to perform duties; insubordination; conduct unbecoming a public employee; neglect of duty; and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss the 10-day suspension, modify the 15-day suspension to a \$25 fine, and uphold the removal. It is noted that the Administrative Law Judge made no discrete findings or determination with regard to the 10-day, 15-day and 20-day suspensions.

**ACTION:** The Merit System Board modified the recommendation of the Administrative Law Judge and dismissed the 10 and 15 day suspensions on other sufficient cause (attendance charges), for lack of jurisdiction, noting that the penalties had been reduced to minor discipline. The Merit System Board also modified the recommendation of the Administrative Law Judge with regard to the 10, 15 and 20 day suspensions and removal to a single removal encompassing all other charges.

**A-5 NAFAEESA WILLIAMS**

Nafaeesa Williams, County Correction Officer, County of Burlington, County Jail, six-day suspension on charges of incompetency, inefficiency or failure to perform duties, insubordination, neglect of duty and other sufficient cause.

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-6 MANUEL OLIVEIRA (REMAND)**

Manuel A. Oliveira, Senior Correction Officer, Northern State Prison, Department of Corrections, removal effective May 31, 2001, on charges of leaving an assigned work area without permission, creating a danger to persons or property, neglect of duty, loafing, idleness or willful failure to devote attention to tasks which could result in danger to persons or property and violation of administrative procedures and/or regulations involving safety and security.

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-7 R. W.**

R. W., a Youth Worker with the Woodbridge Child Diagnostic and Treatment Center, Division of Youth and Family Services, Department of Human Services, was removed from his position, effective March 17, 2004, on charges of inappropriate physical contact or mistreatment of a client, resident, or employee, and verbal abuse of a client, resident or employee.

Recommendation of the Administrative Law Judge – Uphold the charges and the removal.

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

**SECTION B – MISCELLANEOUS MATTERS**

**B-1 CHARLES M. BRADLEY**

Charles M. Bradley, represented by Otto J. Scerbo, Esq., appeals his rejection as a Fire Fighter candidate by the City of Jersey City and its request to remove his name from the eligible list for Fire Fighter (M20554A) on the basis of psychological unfitness to perform effectively the duties of the position.

**ACTION:** The Merit System Board directed that this matter be referred for independent psychological examination.

**B-2 RUBEN CARRERO**

Ruben Carrero, represented by Anthony J. Fusco, Esq., appeals his rejection as a Police Officer candidate by the City of Newark and its request to remove his name from the eligible list for Police Officer (S9999A) on the basis of psychological unfitness to perform effectively the duties of the position.

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

**B-3 BRIAN DERR**

Brian Derr appeals his rejection as a Juvenile Detention Officer candidate by the County of Ocean and its request to remove his name from the eligible list for Juvenile Detention Officer (C2078E) 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-4 STEVEN CICCIO**

Steven Ciccio, a Senior Correction Officer at South Woods State Prison, Department of Corrections, represented by Joseph A. Carmen, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

**B-5 MAUREEN DOLPHIN**

Maureen Dolphin, a Charge Nurse 12 Months with the Arthur Brisbane Child Treatment Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

**B-6 TEREETHA JONES**

Teretha Jones, a Public Health Consultant 1, Nursing, with the Department of Health and Senior Services, appeals the denial of sick leave injury (SLI) benefits.

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



**B-7 MUKUND KUMAR**

Mukund Kumar, a Government Representative 2 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-8 MICHAEL MAZZA**

Michael Mazza, a Senior Correction Officer at South Woods State Prison, Department of Corrections, represented by Robert C. Wolf, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

**B-9 TROY A. MUSE**

Troy A. Muse, a Senior Correction Officer with the Central Reception and Assignment Facility, 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 MARVA ROBINSON**

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

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

**B-11 SEATON SAMUEL**

Seaton Samuel, a Senior Building Maintenance Worker 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 granted in part.

**B-12 ARTHUR SCHAUFLE**

Arthur Schaufler, a Painter at North Jersey Developmental Center, Department of Human Services appeals the denial of sick leave injury (SLI) benefits.

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

**B-13 MAHASEN ADRA-HALWANI**

Mahasen Adra-Halwani, represented by David H. Weiner, CWA Local 1037, appeals the Passaic County Board of Social Services' request to bypass her name on the eligible list for Senior Training Technician (PC2241C).

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

**B-14 SUSAN A. BILDER**

Susan A. Bilder appeals the decisions of Human Resource Information Services (HRIS) which upheld the removal of her name from the eligible lists for Contract Administrator 2 (S6542C), Department of Health and Senior Services (DHSS), and Investigator 2 (S0231E), Department of Personnel (DOP), due to her failure to respond to the Notice of Certification for each position.

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

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

**B-15 MELISSA ANNE BREWER**

Melissa Anne Brewer appeals the decision of the Department of Corrections to remove her name from the Correction Officer Recruit (S9999D), Department of Corrections, eligible list due to an unsatisfactory employment record.

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

**B-16 MICHAEL DRUMGOOLE, ET AL.**

Michael Drumgoole, Jevon Evans, represented by Linda J. Niedweske, Esq., and Robin Pearce, represented by Lynsey Johnson, Esq., appeal the decisions of the Department of Corrections to remove their names from the Correction Officer Recruit (S9999D), Department of Corrections, eligible list due to unsatisfactory employment records.

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

**B-17 ANTHONY FAMULARO, ET AL.**

Anthony Famularo, John Jablonski and William Oakley appeal the decisions of the Department of Corrections to remove their names from the Correction Officer Recruit (S9999D), Department of Corrections, eligible list due to unsatisfactory criminal records.

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

**B-18 TONI MORALES**

Toni Morales appeals the decision of the Department of Corrections (DOC) to remove her name from the Correction Officer Recruit (S9999D), Department of Corrections, eligible list due to her failure to respond to a notice of certification.

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

**B-19 CHARLES GALLO**

Charles Gallo, a Police Officer with the City of Linden, represented by Anthony J. Pope, Esq., petitions the Merit System Board for a stay of his 30-day suspension, beginning September 18, 2005.

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

**B-20 LAURA PORTER**

Laura Porter, a Ranger Sergeant with the Department of Environmental Protection (DEP), appeals the determination of the Chief of Staff with the DEP, 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-21 PATRICIA MASKELL**

Patricia Maskell appeals her failure of the written promotional examination for Family Service Supervisor (PC1403F), Hunterdon County, on the basis that she was not provided with a reasonable accommodation for her disability.

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

**B-22 DONALD MATLOCK**

Donald Matlock, represented by Patrick J. Whelan, Esq., petitions the Merit System Board for reconsideration of the final decision, rendered on March 23, 2005, which dismissed his appeal regarding his removal as untimely.

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

**B-23 ASSISTANT SUPERVISOR OF RESIDENT LIVING, DEVELOPMENTAL DISABILITIES (PS3732K), HUNTERDON DEVELOPMENTAL CENTER, DEPARTMENT OF HUMAN SERVICES**

The appointing authority requests permission not to make an appointment from the certification for Assistant Supervisor of Resident Living, Developmental Disabilities (PS3732K), Hunterdon Development Center (HDC), Department of Human Services.

**ACTION:** The Merit System Board granted the request for appointment waiver, and directed that no selection costs be presently assessed.

**B-24 ICLAL ATAY**

Iclal Atay, a Manager 4, DEP Technical/Scientific/Engineering with the Department of Environmental Protection (DEP), represented by Christine Gravelle, Esq., petitions the Merit System Board for a hearing regarding her return to her permanent title as the result of alleged disciplinary action brought against her by the DEP.

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

**B-25 HOUSING AIDE, TYPING (M0126D), CITY OF ORANGE HOUSING AUTHORITY**

The appointing authority's failure to dispose of the certification for Housing Aide, Typing, while a provisional 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 remove the provisional appointee, make an appointment from the certification, and pay compliance costs.

**B-26 FATEEMA NELSON**

Fateema Nelson appeals her termination from employment as a Public Health Representative Trainee with the Department of Health and Senior Services.

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

**B-27 KENNETH RANKIN**

Kenneth Rankin, a Police Officer with the City of Newark, represented by Bette R. Grayson, Esq., seeks enforcement of the Merit System Board (Board) decision rendered on September 8, 2004, granting him mitigated back pay, benefits and seniority, and awarding him counsel fees. The City of Newark, represented by Lori Brown, Assistant Corporation Counsel, requests a stay of the Board's September 8, 2004 decision reinstating the appellant, pending its appeal to the Appellate Division.

**ACTION:** The Merit System Board granted the request for enforcement and directed that Mr. Rankin be paid the gross amount of \$51,955.78 for back pay, \$33,410 for counsel fees and \$2,619.50 in costs. The Merit System Board further ordered that the appointing authority's request for a stay be dismissed as moot.

**B-28 DAVID A. SMITHSON**

David A. Smithson, represented by Sidney H. Lehmann, Esq., appeals his status as a non-veteran in Law Enforcement Examination (LEE) (S9999F) pool.

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

**B-29 SOCIAL CASEWORKER, BILINGUAL IN SPANISH AND ENGLISH (M0582F), CITY OF PERTH AMBOY**

The appointing authority requests permission not to make an appointment from the certification for Social Caseworker, Bilingual in Spanish and English (M0582F), City of Perth Amboy.

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

**B-30 CATHY SYLVESTER**

The Director of Human Resources, Department of Human Services, on behalf of Cathy Sylvester, requests that the specialized education requirements for Instructor of Nursing be relaxed in order to qualify her for a prospective promotional examination.

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

**B-31 VINCENT JESS**

The Borough of Stratford requests relaxation of *N.J.A.C. 4A:4-7.1A(c)* so as to permit the intergovernmental transfer of Vincent Jess From the title of Sheriff's Officer, Camden County, to the title of Police Officer, Borough of Stratford.

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

**B-32 ROBERT VESCI**

Robert Vesce, a Police Officer with the Township of Florence, petitions the Merit System Board for an Intergovernmental Transfer to the title of Park Police Officer, Camden County.

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

**B-33 JOHN GRAHAM**

The appeal of John Graham, a Senior Correction Officer with the Juvenile Justice Commission, of his six-month suspension on charges, was heard by Administrative Law Judge Jeff S. Masin (ALJ), who rendered his initial decision on May 10, 2005. At its meeting on September 21, 2005, the Merit System Board (Board) adopted the ALJ's recommendation that the charges be dismissed, the propose decision is now submitted for the Board's review.

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

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

**B-34 VIRGINIA RYNONE**

The remand from the Superior Court, Appellate Division, of the appeal of Virginia Rynone, a Recreation Assistant with the New Jersey Veterans' Memorial Home at Menlo Park, Department of Military and Veterans' Affairs, of her 10-day suspension, on charges, was heard by Administrative Law Judge Anthony T. Bruno (ALJ), who rendered his initial decision on August 9, 2005. At its meeting on September 21, 2005, the Merit System Board (Board) did not adopt the ALJ's recommendation to dismiss the charges. Rather, the Board ordered that the matter be remanded to the Office of Administrative Law. The proposed decision is now submitted for the Board's review.

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

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

**B-35 RICHARD WILKINS, JR.**

The appeal of Richard Wilkins, Jr., a Police Aide with the Township of Irvington, of his removal, effective July 17, 2003, on charges, was heard by Administrative Law Judge Edith Klinger (ALJ), who rendered her initial decision on August 5, 2005. At its meeting on September 21, 2005, the Merit System Board (Board) did not adopt the ALJ's recommendation to modify the removal to an official written reprimand. Rather, the Board imposed a six-month suspension and required the appellant to undergo periodic drug testing. The proposed decision is now submitted for the Board's review.

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

**B-36 ERNEST BIRCH**

Ernest Birch 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 Manager 1, Information Processing, Division of Family Development.

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

**B-37 TANEKA BROOKS**

Taneka Brooks appeals the determination of the Division of Selection Services which found that she did not meet the education and experience requirements for the open-competitive examination for Social Worker 2 (S0352F).

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

**B-38 JULIE CRADDOCK AND LATASHA DUGGER**

Julie Craddock and Latasha Dugger appeal the determinations of the Division of Selection Services that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Taxpayer Service Representative 2 (PS6001U), Department of Treasury.

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



**B-39 GERALDINE DAVIES**

Geraldine Davies 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 in the title of Senior Management Assistant, Department of Environmental Protection.

**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-40 DEBRA DICELLO AND FELICIA GRAY**

Debra Dicello and Felicia Gray appeal the determination of the Division of Selection Services which found that, per the substitution clause for education, they were below the minimum requirements in experience for the promotional examination for Supervisor of Inspection, Long-Term Care Facilities (PS5278H), Department of Health and Senior Services.

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

**B-41 BARBARA A. FEIST**

Barbara A. Feist 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 Executive Assistant 2 (PS4914G), Department of Environmental Protection.

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

**B-42 MEGAN FLYNN**

Megan Flynn 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 Classification Officer 4 (PS3539I), East Jersey State Prison.

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

**B-43 AMANTINA GRAY**

Amantina Gray 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 Social Service Technician (C0877F), Middlesex County Board of Social Services.

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

**B-44 DESIREE GRAY**

Desiree Gray appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Program Development Specialist 1, Corrections (PS3547I), Northern State Prison.

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

**B-45 NANCY HAMMOND**

Nancy Hammond appeals the determination of the Division of Selection Services that found that she did not meet the educational requirements for the promotional examination for Coordinator of Long Term and Alternate Care for the Elderly (PC0787F), Cumberland County.

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

**B-46 HEATHER A. HAUSSER**

Heather A. Hausser 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 Technical Assistant 1, Department of State (S0411G). Department of State.

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

**B-47 KELLY L. HORAN**

Kelly L. Horan 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 Identification Officer (PS5040P), Juvenile Justice Commission.

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

**B-48 DAVID A. LAVENDER**

David A. Lavender 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 Safety Officer, Mental Health (PS4714K), Department of Human Services.

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

**B-49 JOHN MCVEIGH**

John McVeigh appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Data Processing Programmer 2 (PS4496K), Department of Human Services.

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

**B-50 PATRICIA PISANO**

Patricia Pisano appeals the determination of the Division of Selection Services that per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Management Assistant (PC1543F), Essex County Sheriff's Office.

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

**B-51 RUSSELL RADER**

Russell Rader 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 Management Assistant, Department of Environmental Protection.

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

**B-52 USHA SHAH**

Usha Shah 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 Chemist (S0443G).

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

**B-53 JANINE SUDOWSKY**

Janine Sudowsky 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 Graphic Artist 2 (PC0463G), Middlesex County.

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

**B-54 KAREN WARD**

Karen Ward 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 Executive Assistant 3 (PS4923G), Department of Environmental Protection.

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

**B-55 MARY BETH WRIGHT**

Mary Beth Wright 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 promotional examination for Management Assistant (PS5109T), Motor Vehicle Commission.

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

**B-56 BRETT BLAKE**

Brett Blake 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-57 PETER COUGHLIN**

Peter Coughlin appeals his score for the oral portion of the examination for the second level Fire Captain (PM3602F), South Orange.

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

**B-58 DIANNE DICKINSON**

Dianne Dickinson appeals her score and rank on the promotional examination for Hazardous Site Mitigation Specialist 2 (PS3122G), Department of Environmental Protection.

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

**B-59 THOMAS HOLDER**

Thomas Holder appeals his score for the oral portion of the examination for the second level Fire Captain (PM3604F), Union Township.

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

**B-60 RAYMOND ALLOWAY AND JOSEPH SCHWANTES**

Raymond Alloway and Joseph Schwantes appeal the promotional examination for Police Sergeant, Human Services (PS1778K), Department of Human Services.

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

**B-61 HARRY BUTTITO, ET AL.**

Harry Buttito, Laury Hamilton and Frank Kotlan appeal the promotional examination for Sheriff's Officer Sergeant (PC2663F), Middlesex County.

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

**B-62 JEFFREY COLEMAN, ET AL.**

Jeffrey Coleman, Patricia Miles and Eduardo Ojeda appeal the promotional examination for Police Lieutenant, Human Services (PS4126K), Department of Human Services.

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

**B-63 JOYCE COMBA**

Joyce Comba appeals the validity of the promotional examination for Human Services Technician (PS2242K), Hagedorn Psychiatric Hospital.

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

**B-64 DEPUTY ADMINISTRATOR OF INVESTIGATIONS AND FIELD OPERATION (PS7032Q), OFFICE OF THE PUBLIC DEFENDER**

CWA Local 1037, represented by Hetty Rosenstein, President, requests that the examination for Deputy Administrator of Investigations and Field Operations (PS7032Q), Office of the Public Defender be announced open to an additional unit scope within the Office of the Public Defender.

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

**B-65 PETER FARLOW AND KEVIN KELLY**

Peter Farlow (PC2645F), Camden County; and Kevin Kelly (PC2647F), Sussex County; appeal the promotional examination for County Correction Lieutenant (various jurisdictions).

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

**B-66 CHRISTINE HAMMERSTONE**

Christine Hammerstone appeals the validity of the promotional examination for Family Service Supervisor (PC1403F), Hunterdon County.

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

**B-67 ROBERT RAFFERTY AND GAIL ALEXANDER**

Robert Rafferty (PC2661F), Warren County; and Gail Alexander (PC3669F), Union County; appeal the promotional examinations for Sheriff's Officer Lieutenant and Sheriff's Officer Captain, respectively.

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

**B-68 SUPERVISING SCHOOL TRAFFIC GUARD**

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

**ACTION:** The Merit System Board directed that the title of Supervising School Traffic Guard be reallocated to the unclassified service.

**B-69 ARLENE WEST**

Arlene West requests a make-up for the promotional examination for Senior Management Assistant (PS3332K), Division of Youth and Family Services.

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

**B-70 PROPOSED AMENDMENTS: N.J.A.C. 4A:7-1.1 AND 4A:7-3.1 AND 3.2 (EQUAL EMPLOYMENT OPPORUNITY AND AFFIRMATIVE ACTION)**

Submitted for the Board's review is a Notice of Proposal regarding amendments to N.J.A.C. 4A:7-1.1, and 4A:7-3.1 and 3.2 (Equal Employment Opportunity and Affirmative Action). The amendments would conform the rules to the revised State of New Jersey Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace and the revised State of New Jersey Model Procedures for Processing Internal Complaints Alleging Discrimination, Harassment or Hostile Environments in the Workplace. It is recommended that the proposal be approved for publication in the New Jersey Register and on the Department's website for public notice and comment.

**ACTION:** The Merit System Board approved the proposed amendments to N.J.A.C.4A:7-1.1 and 4A:7-3.1 and 3.2 for publication.

**B-71 MERIT SYSTEM BOARD MINUTES**

The minutes of the Merit System Board meeting of September 21, 2005 are submitted for adoption.

**ACTION:** The Merit System Board adopted the minutes of its meeting of September 21, 2005.

**B-72 JOSEPH FOTI**

The appeal of Joseph Foti, a former County Police Officer with Essex County, of his removal on charges, was heard by Administrative Law Judge Margaret M. Monaco (ALJ), who rendered her initial decision on July 1, 2005. At its meeting on September 21, 2005, the Merit System Board did not adopt the recommendation of the Administrative Law Judge to uphold the removal. Rather, the Board modified the penalty to a six-month suspension. The proposed decision is now submitted for the Board's review.

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

**B-73 KEITH PENN**

The appeal of Keith Penn, a County Correction Officer with the County of Burlington, of his six and 10 working day suspensions on charges, was heard by Administrative Law Judge Donald J. Stein (ALJ), who rendered his initial decision on August 10, 2005. At its meeting on September 21, 2005, the Merit System Board adopted the ALJ's recommendation to uphold the six working day suspension. However, the Board did not adopt the ALJ's recommendation to reverse the 10 working day suspension. Rather, the Board modified the penalty to a five working day suspension. The proposed final decision is now submitted for the Board's review.

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

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

**B-74 MICHELLE THURBER**

The City of Burlington, represented by Karen M. Murray, Esq., petitions the Merit System Board for a stay of its decision in *In the Matter of Michelle Thurber* (MSB, decided April 6, 2005) which reinstated Michelle Thurber to her position as a Deputy Municipal Court Administrator, pending the outcome of its appeal to the Superior Court, Appellate Division.

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



**B-75 WAYNE HILL**

The Borough of Lawnside requests that the appointment of Wayne Hill from the eligible list for Police Sergeant (PM2522C), Borough of Lawnside, be recorded effective February 1, 2005. Additionally, Hill appeals the determination of the Division of Selection Services, that he did not meet the requirements for the promotional examination for Police Lieutenant (PM2605G).

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

**B-76 DOMINICK CAMA**

The Township of Riverside requests relaxation of N.J.A.C. 4A:4-7.1A(c) so as to permit the intergovernmental transfer of Dominick Cama from the title of Sheriff's Officer, Gloucester County Sheriff's Office to the title of Police Officer, Township of Riverside.

**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, October 19, 2005 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.**

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