



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
November 3, 2005**

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

NOVEMBER 3, 2005

A regular meeting of the Merit System Board was held on Wednesday, November 3, 2005, in Trenton, New Jersey.

PRESENT: Chairman Rolando Torres, Jr., Merit System Board Members, John Currie, Flavella Branham, 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.

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: October 18, 2005

TO: Rolando Torres, Jr. Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

STATE PAROLE BOARD & JUVENILE JUSTICE COMMISSION

The State Parole Board requests the restructuring of the Hearing Officer State Parole Board series. This restructuring involves the renaming of all levels in the series, a change in bargaining unit for two levels, a range change for one level, and the creation of one new title. All levels are assigned to the unclassified service in accordance with N.J.S.A. 30:4-123.48. The titles are used by both the State Parole Board and the Juvenile Justice Commission.

The restructuring is requested to afford the Parole Board the use of two worker level titles. Distinctions between the two worker levels will lie in the types of hearings processed at the higher level. The third level is intended to classify staff conducting specialized hearings, or those who will supervise. The fourth level will supervise. The range change is due to the change in bargaining unit and removal of supervisory duties. The State Parole Board requests that salaries for existing incumbents at the second level be red-circled in accordance with N.J.A.C. 4A:3-4.11. The Office of Employee Relations has reviewed and confirmed the assignment and change of bargaining units. The appropriate negotiations representatives were notified.

ESTABLISHMENT OF TITLE

Effective: 09/18/04

Hearing Officer 4, State Parole Board
R34-_____ Unclassified * NL/12

TITLE VERBIAGE AND BARGAINING UNIT CHANGE

Effective 09/18/04

FROM:

Hearing Officer 2, State Parole Board
P27-61753 Unclassified * NL/12

Hearing Officer 1, State Parole Board
R30-61754 Unclassified * NL/12

Senior Hearing Officer, State Parole Board
S32-61748 Unclassified **W** NL/12

TO:

Hearing Officer 1, State Parole Board
P27-61753 Unclassified * NL/12

Hearing Officer 2, State Parole Board
P29-61754 Unclassified * NL/12

Hearing Officer 3, State Parole Board
R32-61748 Unclassified ***** NL/12

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Peggy Alleyne-Robinson
Bergen County Board of Social Services
Suspension

In the Matter of Anne M. Brill
County of Sussex
Administration and Finance
Release at the end of the working test period

In the Matter of Vivian Chestnut
Newark School District
Suspension

In the Matter of Kevin Connor
Township of Gloucester
Removals (2)

In the Matter of Michele Deangelis
County of Morris
Department of Human Services
Release at the end of the working test period

In the Matter of Wayne L. Dickson
City of Salem
Police Department
Demotion

In the Matter of Juan Feliciano
County of Hudson
Department of Corrections
Suspension

In the Matter of Edward E. Frederick, Jr.
City of Atlantic City
Department of Health and Human Services
Suspension

In the Matter of Gabriel Frigerio
City of Union
Department of Public Safety
Release at the end of the working test period

In the Matter of Alberto Garcia
Vineland Housing Authority
Removal

In the Matter of Maureen Halloran
County of Hunterdon
Sheriff's Department
Removal

In the Matter of Christopher Hand
County of Atlantic
Department of Public Safety
Suspension

In the Matter of Chad Hobbs
Monmouth County
Department of Corrections and Youth Services
Suspension

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

In the Matter of James Kennedy
Northern State Prison
Department of Corrections
Removals (2)

In the Matter of William Marshall
County of Camden
Department of Corrections
Suspension

In the Matter of Thomas Massa
County of Burlington
Highway Department
Removal

In the Matter of William Parker
Township of Monroe

Department of Public Works
Removal

In the Matter of Joseph Pelligrino
County of Burlington
Highway Department
Release at the end of the working test period

In the Matter of Luis Rojas
The College of New Jersey
Removal

In the Matter of Jason Slocum
County of Hudson
Department of Public Resources
Suspension

In the Matter of Kenneth L. Smith
Garden State Youth Correctional Facility
Department of Corrections
Removal

In the Matter of Vincent Stefani
Parsippany Troy Hills
Department of Public Works
Suspension

In the Matter of John Thomas
Department of Corrections
Release at the end of the working test period

In the Matter of Vanessa Vann
County of Cumberland
Department of Corrections
Removal

In the Matter of Violetta Webb
County of Burlington
Department of Aging
Removal

In the matter of Warren Young
New Jersey Veteran's Memorial Home, Vineland
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 SHAKIMA BACON

Shakima Bacon, Clerk Typist, Newark School District, 30-day suspension on charges of conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the 30-day suspension to a 15-day suspension.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to uphold the 30-day suspension.

A-3 NATASHA COOPER

Natasha Cooper, Police Officer, City of East Orange, Police Department, release at the end of the working test period effective September 17, 2004.

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-4 ROBERT CZARNECKI

Robert Czarnecki, Fire Captain, City of Trenton, Fire Department, involuntary retirement effective October 1, 2002, on the charge of inability to perform duties.

Recommendation of the Administrative Law Judge – Uphold the involuntary retirement.

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

A-5 MICHAEL GONSALVES

Michael Gonsalves, Senior Correction Officer, Juvenile Justice Commission, Department of Law and Public Safety, removal effective October 1, 2002, on charges of violation of the policy on drug testing, conduct unbecoming a public employee, use, possession or sale of any controlled dangerous substance and violation of the Drug Free Workplace Policy.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-6 KENNETH HILL (REMAND)

Kenneth Hill, Supervising Medical Security Officer, Ann Klein Forensic Center, Department of Human Services, 20-day suspension on charges of making a serious mistake due to carelessness which would result in danger and/or injury to persons or property and mistreatment of a patient.

Recommendation of the Administrative Law Judge – Reverse the suspension.

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

A-7 MARY BETH MAHLMANN

Mary Beth Mahlmann, an Acting Sergeant First Class with the State Police, appealed the determination of the Attorney General, stating that she 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.

Recommendation of the Administrative Law Judge – Award back pay with interest from May 1998 for the ranks of Lieutenant and Captain and promote the appellant to the rank of Captain.

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

A-8 CALVIN PARKMAN

Calvin Parkman, Police Officer, City of Newark, Police Department, three-month suspension on charges of chronic inefficiency or incompetency and failure to perform duties.

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

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to dismiss the appeal without prejudice.

A-9 ROBERT PEOPLES

Robert Peoples, Human Services Assistant, Trenton Psychiatric Hospital, Department of Human Services, release at the end of the working test period effective January 24, 2003.

Recommendation of the Administrative Law Judge – Grant summary decision and dismiss the appeal pursuant to an Order of Forfeiture.

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

A-10 DEBORA BROWN

Debora Brown, Assistant Secretary of the Alcoholic Beverage Control Board, City of Newark, removal effective January 12, 2004, on the charge of failure to comply with the City's, residency ordinance.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-11 RASHONN DRAYTON

Rashonn Drayton, Human Services Assistant, Hunterdon Developmental, Department of Human Services, removal effective December 18, 2004, on the charge of being absent from work as scheduled without permission but with giving proper notice of intended absence.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-12 PATRICIA GRAVES

Patricia Graves, Head Cottage Training Supervisor, Woodbridge Developmental Center, Department of Human Services, three removals effective September 18, 19, and 20, 2003, on charges of insubordination, inappropriate physical contact with another employee and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-13 DAVID MORAN

David Moran, Police Officer, Township of Nutley, Department of Public Safety, removal effective May 15, 2003, on charges of incompetency, inefficiency or failure to perform duties, insubordination, conduct unbecoming a public employee, neglect of duty, misconduct and violation of rules and regulations.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-14 RAY M. RAYMOND

Ray M. Raymond, Correction Captain, Edna Mahan Correctional Facility, Department of Corrections, removal effective January 8, 2002, on charges of violation of rules regarding safety and security precautions, improper or unauthorized contact with inmate, undue familiarity with inmates, parolees, their families or friends, personal conduct and conduct unbecoming an employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-15 THEODORE WARFIELD

Theodore Warfield, Senior Correction Officer, New Jersey State Prison, Department of Corrections, removal effective March 8, 2004, on charges of conduct unbecoming a public employee and falsification.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

SECTION B – MISCELLANEOUS MATTERS

B-1 ALEISHA CRUZ

Aleisha Cruz, represented by Peter J. Cresci, Esq., appeals the removal of her name from the eligible list for Police Officer (S9999D), City of Jersey City 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-2 NUNO M. FERREIRA

Nuno M. Ferreira, represented by Cira A. Spina, III, 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 (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-3 ARMAND RANIA

Armand Rania, represented by Roy Whitmore, 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 denied.

B-4 ROBERT P. ROMAHN

Robert P. Romahn appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-5 MARC ALBRIGHT

Marc Albright, a Technical Assistant 3 with the Department of the Treasury, appeals the denial of sick leave (SLI) benefits.

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

B-6 ANTHONY ARCHIE

Anthony Archie, a Senior Correction Officer with Riverfront State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

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

B-7 EDWARD HAAS

Edward Haas, a Deputy Attorney General 5 with the Department of Law and Public Safety, appeals the denial of sick leave injury (SLI) benefits.

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

B-8 AMRUTA MORE

Amruta More, a Habilitation Plan Coordinator with the Green Brook Regional 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-9 KATHLEEN WHITSON

Kathleen Whitson, a Customer Service Representative 2 with the Department of Environmental Protection (DEP), appeals the denial of sick leave injury (SLI) benefits.

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

B-10 CHARLES ZINGRONE

Charles Zingrone, an Operator, Sewage and Water Treatment Plants, with Ancora Psychiatric Hospital, Department of Human Services, represented by J. David Nemeth, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-11 THOMAS ZOTTMAN

Thomas Zottman, a Senior Correction Officer with the Albert C. Wagner Youth Correctional 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 granted.

B-12 KIANA M. COLEMAN

Kiana M. Coleman appeals the decision of Human Resource Information Services (HRIS) which found that the appointing authority had presented a sufficient basis to remove her name from the Police Officer (M2196E), City of Passaic eligible list, due to her failure to appear for pre-employment processing.

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

B-13 JOHN WHITENACK

John Whitenack, an Associate Hospital Administrator 1 with the Greystone Park Psychiatric Hospital, Department of Human Services, appeals the determination of the Assistant Commissioner for Human Resources, which found that the appellant had violated the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Work Place.

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

B-14 LAWRENCE CHATMON

The estate of Lawrence Chatmon, a former Truck Driver with the City of Newark, represented by Cynthia H. Hardaway, Esq., seeks enforcement of the Merit System Board decision rendered on February 9, 2005, which ordered an award of \$33,069.82 in back pay and \$7,500 in counsel fees be remitted to the estate within 30 days of issuance of the decision. In addition, the estate requests that a fine be assessed against the City for its noncompliance.

ACTION: The Merit System Board denied the request.

B-15 FIRE CHIEF (PM3608F), CITY OF ASBURY PARK

The City of Asbury Park, represented by Steven S. Glickman, Esq., petitions the Merit System Board for a stay of the May 9, 2005 certification for Fire Chief (PM3608F), City of Asbury Park, eligible list, pending the outcome of its appeal of the Board's decision in *In the Matter of Fire Chief (PM3608F), City of Asbury Park* (MSB, decided April 6, 2005).

ACTION: The Merit System Board denied the request and assessed costs of \$500.

B-16 KATHERINE PROTOGIANNIS

Katherine Protopgiannis, a former Practical Nurse with Hudson County requests a hearing regarding her removal from employment effective December 6, 2002, on charges.

ACTION: The Merit System Board denied the request.

B-17 WILLIAM HUBBARD

William Hubbard petitions the Merit System Board for reconsideration of that part of the final administrative decision, rendered June 8, 2005, which denied his appeal of his eligibility for the promotional examination for Program Coordinator, Mental Health (PS2971K), Greystone Park Psychiatric Hospital, Department of Human Services

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

B-18 DAMIEN JOHNSON

Damien Johnson, a former Laborer with the City of Linden, represented by Steven Tully, Business Manager for Office & Professional Employees International Union (OPEIU) Local 32, petitions the Merit System Board for reconsideration of the final determination, rendered March 3, 2005, by the Director of Merit System Practices and Labor Relations denying his request for a hearing concerning the appeal of his removal from employment effective October 4, 2004.

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

B-19 MICHAEL NEWSOME

Michael Newsome, a former Judiciary Clerk 2 with the Judiciary, Essex vicinage, petitions the Merit System Board for reconsideration of the final administrative decision rendered April 20, 2005, in which the Board dismissed Newsome's appeal of his removal, effective November 13, 2003, without prejudice based on Newsome's failure to appear at his scheduled hearing.

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

B-20 DANIEL BRAUN AND KEVIN KOCH

Candie Brown, Chief, Human Resources, State Parole Board, on behalf of Daniel Braun and Kevin Koch, appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the minimum requirements in experience for the promotional examination for Senior Investigator, Secured Facilities (PS4345I), State Parole Board.

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

B-21 MAUREEN CORCORAN, ET AL.

Maureen Corcoran, Lillian Foster, Michael Pennica, Scott Rubin and John Zegarski appeal the determination of the Division of Selection Services which found that they did not meet the experience requirements for the open competitive examination for Administrative Analyst (S6803G). Minnie Hicks 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 Administrative Analyst 4 (S6803G). Patricia Natal appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the education and experience requirements for the open competitive examination for Administrative Analyst 4 (S6803G).

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

B-22 RITA DIVENTI

Rita DiVenti appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the open competitive examination for Program Specialist, Special Child Health Services (C6526G), County of Gloucester.

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

B-23 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 appeal be denied.

B-24 CASMIR JASONEK

Casmir Jasonek appeals the determination of the Division of Selection Services that he did not meet the requirements for the open competitive examination for Deputy Municipal Emergency Management Coordinator (M6835F), Passaic City.

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

B-25 AMA LONDON

Ama London appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Contract Administrator 1 (PS3267K), Department of Human Services.

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

B-26 SUZANNE M. LONIA-ROMEO

Suzanne M. Lonia-Romeo appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Social Work Supervisor 1, Secured Facilities (PS5787I), Southern State Correctional Facility, Department of Corrections.

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

B-27 PATRICIA A. MOLIS, ET AL.

Patricia A. Molis, Lorna J. Abdullah, and Marc J. Malfara appeal the determination of the Division of Selection Services that they did not meet the requirements for the promotional examination for Senior Training Technician (PS5632T), Motor Vehicle Commission.

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

B-28 ERIC MOORE

Eric Moore appeals the determination of the Division of Selection Services which found him ineligible for the promotional examination for Police Lieutenant (PM2634G), South Orange due to an untimely application.

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

B-29 EDWARD REYES AND WILLIAM E. BIELAK

Edward Reyes and William E. Bielak appeal the determination of the Division of Selection Services that they did not meet the experience requirements for the

promotional examination for Construction and Maintenance Technician 4 (PS5589T), Department of Transportation.

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

B-30 PABLO RODRIGUEZ

Pablo Rodriguez appeals the determination of the Division of Selection Services, which found him ineligible for the promotional examination for Police Captain (PM3544G), Newark, due to an untimely application.

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

B-31 AARON ROYER

Aaron Royer appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Personnel Aide 2 (PS4499K), Department of Human Services.

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

B-32 KIRSTEN SLEEPER

Kirsten Sleeper 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 Administrative Analyst 4 (S6803G).

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

B-33 DANIEL VOLTAGGIO

Daniel Voltaggio appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Principal Safety Inspector (Transportation) (PS3679T), Department of Transportation.

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

B-34 GARY DEVITO, ET AL.

Gary DeVito and Anthony Pires (PC2652F), Essex County; Anthony DeFuria, Louis DeMuro, Stephen Hancox and Joseph Rekulak (PC2653F), Middlesex County; Jan Faasen and Charles Provenzano (PC2654F), Monmouth County, and Melissa Fratella (PC2655F), Morris County; appeal the promotional examination for County Correction Sergeant (various jurisdictions).

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

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

B-35 KIMBERLY ADAMS, ET AL.

84 appellants appeal their scores for the Correction Officer Video Test portion of the Law Enforcement Examination (LEE)(S9999E).

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

B-36 DAWN ALLGEIER, ET AL.

Dawn Allgeier, Amanda Frey, Rupa Khetarpal, and Jennifer Stivers appeal their scores on the open competitive examination for Advocate, Victim Witness Program (C1005G), Morris County.

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

B-37 JOSE BADILLO

Jose Badillo appeals the administration of the promotional examination for County Correction Sergeant (PC2652F), Essex County.

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

B-38 RALPH JOHNSON AND TONIA PRITCHETT

Ralph Johnson and Tonia Pritchett appeal the administration of the promotional examination for County Correction Sergeant (PC2652F), Essex County.

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

B-39 JOHN KERSEY

John Kersey appeals the administration of the promotional examination for Financial Examiner 1 (PS5030L), Department of Baking and Insurance.

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

B-40 ADRIANNE KERWICK

Adrienne Kerwick appeals the test administration of the promotional examination for Administrative Assistant 3 (PS1821H), Division of Addiction Services, Department of Human Services.

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

B-41 JOSEPH NOLAN

Joseph Nolan, represented by Howard Heald, Esq., appeals the administration of the oral portion of the promotional examination for Deputy Police Chief (PM3527F), Atlantic City.

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

B-42 MATTHEW GARTLEY

Matthew Gartley appeals the denial by the Division of Selection Services of his request for a make-up examination for Sheriff's Officer Sergeant (PC2663F), Middlesex County.

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

B-43 MAYRA HOWELL

Mayra Howell appeals the denial of her request for a make-up examination for the open competitive examination for Probation Officer (Bilingual in Spanish and English) (S0432G).

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

B-44 KEVIN NASATKA

Kevin Nasatka petitions the Merit System Board for back pay, benefits and retroactive seniority in regard to the final decision, rendered October 20, 2004, which ordered that the June 6, 2003 certification for Assistant Engineer in Charge of Maintenance 1 (PS5843I), Department of Corrections, eligible list be reissued to reflect the petitioner's corrected score and rank.

ACTION: The Merit System Board granted the request in part.

B-45 MELBA VAN PELT

Melba Van Pelt appeals her failure of the promotional examination for Assistant Coordinator for Federal and State Aid (PC0006F), Ocean County and requests an opportunity for a re-test.

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

B-46 ERIC MARTINS

The City of Elizabeth requests relaxation of N.J.A.C. 4A:4-7.1A(c) so as to permit the intergovernmental transfer of Eric Martins from the title of Sheriff's Officer, Union County Sheriff's Office to the title of Police Officer, City of Elizabeth.

ACTION: The Merit System Board granted the request.

B-47 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of October 19, 2005 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of October 19, 2005.

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

B-48 GAETANO ANTONIELLO, ET AL.

The appeals of Gaetano Antonello and several other former employees of the East Orange Water Department of the good faith of their layoff, effective March 15, 2002, for reasons of economy and efficiency, were heard by Administrative Law Judge Elinor R. Reiner (AJ), who rendered her initial decision on July 21, 2005 dismissing the appeals. At its meeting on October 19, 2005, the Merit System Board adopted the ALJ's recommendation to dismiss the appeals. 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	(Yes)
	Margaret E. L. Howard	(Abstained)
	Robert J. Long	(Yes)

B-49 ANTHONY BAILEY

The appeal of Anthony Bailey, a County Correction Officer with the County of Mercer, of his removal effective December 18, 2003, on charges, was heard by Administrative Law Judge John R. Futey (ALJ), who rendered his initial decision on July 22, 2005 upholding the removal. At its meeting on October 19, 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	(Yes)
	Margaret E. L. Howard	(Abstained)
	Robert J. Long	(Yes)

B-50 WILLIAM BEUCKMAN

The appeal of William Beuckman, a former County Correction Officer with the County of Burlington of his 25-day suspension on charges, was heard by Administrative Law Judge Anthony Bruno (ALJ), who rendered his initial decision on September 15, 2005. At its meeting on October 19, 2005, the Merit System Board did not adopt the ALJ's recommendation to modify the 25-day suspension to a 15-day suspension. Rather, the Board determined that a 10-day suspension was warranted. 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	(Yes)
	Margaret E. L. Howard	(Abstained)
	Robert J. Long	(Yes)

B-51 MARTIN KEYNTON

The appeal of Martin Keynton, a Crew Supervisor, Building Maintenance Programs with the Arthur Brisbane Child Treatment Center, Department of Human Services (DHS), of his 10-day suspension and demotion to the title of Crew Supervisor, Repairers, effective November 1, 2003, on charges was heard by Administrative Law Judge John R. Tassini (ALJ), who rendered his initial decision on September 14, 2005. At its meeting on October 19, 2005, the Merit System Board adopted the ALJ's recommendation to uphold the 10-day suspension and the demotion. 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	(Yes)
	Margaret E. L. Howard	(Abstained)
	Robert J. Long	(Yes)

B-52 STEVEN MCKOY

The appeal of Steven McKoy, a Human Services Assistant with Trenton Psychiatric Hospital, Department of Human Services, of his removal, effective August 6, 2001, on charges, was heard by Administrative Law Judge Anthony T. Bruno, (ALJ), who rendered his initial decision on July 29, 2005. AT its meeting on October 19, 2005, the Merit System Board did not adopt the ALJ's recommendation to reverse the removal. Rather, the Board upheld the appellant's 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	(Yes)
	Margaret E. L. Howard	(Abstained)
	Robert J. Long	(Yes)

B-53 OMAR THOMPSON

The appeal of Omar Thompson, a Senior Medical Security Officer with the Ann Klein Forensic Center, Department of Human Services, of his removal, effective November 27, 2001, on charges, was heard by Anthony T. Bruno (ALJ), who rendered his initial decision on June 14, 2005. At its meeting on October 19, 2005, the Merit System Board did not adopt the ALJ's recommendation to reverse the removal. Rather, the Board upheld the appellant's 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	(Yes)
	Margaret E. L. Howard	(Abstained)
	Robert J. Long	(Yes)

B-54 CRAIG VOLIOUS

The appeal of Craig Volious, a Human Services Technician with Hagedorn Geropsychiatric Hospital, Department of Human Services, of his removal effective September 24, 2002, on charges, was heard by Administrative Law Judge Richard F. Wells,(ALJ), who rendered his initial decision on July 29, 2005 reversing the removal. At its meeting on October 19, 2005, the Merit System Board adopted the ALJ's recommendation to reverse the removal. 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	(Yes)
	Margaret E. L. Howard	(Abstained)
	Robert J. Long	(Yes)

B-55 EARLY SETTLEMENTS

Amek Broadnax
Burlington County
Removal

Cynthia Cheaves
New Lisbon Developmental Center
Department of Human Services
Resignation not in good standing

ACTION: The Merit System Board acknowledged the settlements.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, November 16, 2005 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

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