



STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

JON S. CORZINE
GOVERNOR

ROLANDO TORRES, JR.
COMMISSIONER

Merit System Board

**MINUTES OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
FEBRUARY 8, 2006**

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

FEBRUARY 8, 2006

A regular meeting of the Merit System Board was held on Wednesday February 8, 2006, 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 Elizabeth Napolitano, Deputy 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 12, 2005, and posted at the Department of Personnel, 3 Station Plaza, Trenton, New Jersey.

Flavella Branham was absent for items A-1 through A-5 and, therefore, did not consider or vote on these items. All other actions were by unanimous vote unless otherwise specified.

CONFIDENTIAL APPOINTMENTS

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

Dr. David Perlman, appointed as a Confidential Assistant, Department of Health and Senior Services, effective December 12, 2005, salary of \$97,000 per annum.

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: January 27, 2006

TO: Rolando Torres Jr., Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the Classification Plan

NEW JERSEY BOARD OF PUBLIC UTILITIES

N.J.S.A. 48:2-95 authorizes the creation of a new title, BPU Business Energy Ombudsman.

The function of this position is to provide information and assistance to any business located in New Jersey or seeking to relocate in this State with regard to energy cost, potential benefits from switching to or utilizing third-party energy suppliers, State energy programs, subsidies, or grants available to businesses to reduce energy costs and promotion of energy efficiencies.

The new title of BPU Business Energy Ombudsman will be assigned to the Unclassified Service pursuant to *N.J.S.A.* 48:2-95. The Board is in, but not of, the Department of Treasury. Thus, the Department code assignment corresponds to that Department.

The bargaining unit was assigned by the Office of Employee Relations.

ESTABLISHMENT OF NEW TITLE

Effective: 10/29/2005

BPU Business Energy Ombudsman
X-98_____ Unclassified D NL/12

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

Neil Donnelly, Police Sergeant, Police Department, City of Jersey City, suspension.

Verneda Hall, County Correction Sergeant, Department of Public Safety, County of Atlantic, suspension.

Karen Lutes, Public Safety Telecommunicator, Police Department, Borough of Seaside Heights, removal.

Tyrone Mabson, Police Officer, Police Department, Borough of Freehold, removal.

Ronald Murray, County Correction Officer, Department of Corrections, County of Camden, release at the end of the working test period.

Joyce Reimels, Practical Nurse, Department of Health, County of Cape May, release at the end of the working test period.

Marlon Rivera, Senior Correction Officer, East Jersey State Prison, Department of Corrections, suspension and removal.

Steven Santucci, Police Lieutenant, Police Department, Village of Ridgewood, removal.

Robert Sostre, Park Attendant, Department of Public Resources, County of Hudson, suspension.

Lenny Tellado, Senior Clerk, Middlesex County Board of Social Services, suspension.

Anil Thomas, Senior Accountant, Office of the Mayor, City of Newark, removal.

Patricia Van Pelt, Support Services Representative 1, Department of Transportation, suspension and removal.

Kenneth Webb, Admissions and Records Officer, Department of Citizen Services, County of Essex, removal.

DISMISSAL OF APPEALS – FAILURE TO APPEAR

The Merit System Board dismissed the following cases without prejudice for failure to appear at the scheduled hearing before the Office of Administrative Law:

Tia Butler, Senior Hospital Attendant, Buttonwood Hospital, County of Burlington, removal.

Michelle Emmons, Cottage Training Supervisor, New Lisbon Developmental Center, Department of Human Services, suspension.

Sandra Fahrnbach, Customer Services Representative 4, Motor Vehicle Commission, release at the end of the working test period.

Marcia Goulding, Hospital Attendant, Health Department, County of Bergen, removal.

Langston Tisdale, Senior Correction Officer, Northern State Prison, Department of Corrections, suspension.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Daniel Armstrong
County of Camden
Department of Corrections
Release at the end of the working test period

In the Matter of Angela Guarracino
Brick Township Board of Education
Removal

In the Matter of Dawn M. Hensley
County of Burlington
County Jail
Removal

In the Matter of Melissa Leach-Douglas
Judiciary, Union Vicinage
Release at the end of the working test period

In the Matter of Rosanna Leonard
New Jersey Department of the Treasury
Suspension

In the Matter of Roland Parks, Jr.
City of Camden Public Library
Removal

In the Matter of Leah Wilcox
Judiciary, Camden Vicinage
Release at the end of the working test period

In the Matter of Robert Yager
The Village of Ridgewood
Removal

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 TERRENCE CROWDER

Terrence Crowder, Deputy Fire Chief, City of Camden, Fire Department, six-day suspension on charges of insubordination, conduct unbecoming a public employee and neglect of duty.

Recommendation of the Administrative Law Judge – Dismiss the appeal.

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

A-3 SONNY WASHINGTON

Sonny Washington, Truck Driver, Township of Berkeley, 15-day suspension on charges of inability to perform duties, conduct unbecoming a public employee, discrimination that affects equal employment opportunity, other sufficient cause, and violation of the Township's Discrimination and Harassment Policy.

Recommendation of the Administrative Law Judge – Uphold the 15-day suspension, and the requirement that the appellant attend sexual harassment training.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a six-month suspension and ordered the appellant to attend sexual harassment training.

A-4 MARIANO DEL VALLE

Mariano Del Valle, Police Officer, Township of Lakewood, Police Department, removal effective November 18, 2003, on the charge of inability to perform duties.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-5 LORRAINE FINNEY

Lorraine Finney, Senior Food Service Handler, Greystone Park Psychiatric Hospital, Department of Human Services, 30-day suspension and removal effective August 27, 2004, on charges of unreasonable excuse for lateness of more than 15 minutes and chronic and excessive absenteeism.

Recommendation of the Administrative Law Judge – Uphold the 30-day suspension and reverse the removal.

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

A-6 HARRY LUCAS

Harry Lucas, Budget Officer, County of Gloucester, removal effective July 31, 2002, on charges of incompetency, inefficiency or failure to perform duties, insubordination and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-7 LAURA A. RAYMOND

Laura A. Raymond, County Correction Officer, Department of Corrections, County of Hudson, removal effective July 7, 2004, on charges of inability to perform duties and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the removal to a resignation in good standing effective July 7, 2004.

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

A-8 HESTER RIDGEWAY

Hester Ridgeway, Correction Officer Recruit, South Woods State Prison, Department of Corrections, removal effective August 13, 2004, on charges of conduct unbecoming a public employee, improper or unauthorized contact with inmate, undue familiarity with inmates, parolees, their families or friends and violation of rule, regulation, policy, procedure, order or administrative decision.

Recommendation of the Administrative Law Judge – Modify the removal to a 90-day suspension.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to uphold the removal.

SECTION B – MISCELLANEOUS MATTERS

B-1 DONNA HARVIS

Donna Harvis, a Cottage Training Technician at Hunterdon 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 denied.

B-2 JAMES PETERS

James Peters, a Senior Correction Officer at Southern State Correctional Facility, 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-3 CHANDAR MCDANIELS

Chandar McDaniels, a Senior Correction Officer with Northern State Prison, Department of Corrections, requests that the Merit System Board reinstate the appeal of her denial of sick leave injury (SLI) benefits, which was dismissed based on her failure to appear at a scheduled hearing.

ACTION: The Merit System Board denied the request.

B-4 THERESA BAINES

Theresa Baines appeals the decision of Human Resource Information Services which upheld the removal of her name from the eligible list for Correction Officer Recruit (S9999F), Department of Corrections, on the basis of an unsatisfactory background report.

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

B-5 BHARTIBEN PATEL

Bhartiben Patel appeals the decision of Human Resource Information Services which removed his name from the eligible list for Security Guard (M0442E), City of Newark, due to the appellant's failure to complete pre-employment processing.

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

B-6 SHYEA WALLACE

Shyea Wallace appeals the decision of Human Resource Information Services which upheld the removal of her name from the County Correction Officer (S9999D), County of Essex, eligible list due to the appellant's failure to appear for a scheduled interview.

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

B-7 SHANNON LEVERSON

Shannon Leverson, a Principal Clerk Typist with the Department of Labor and Workforce Development, appeals the determination of the appointing authority, 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-8 TIMOTHY MAYNOR

Timothy Maynor, a former Repairer with the Division of Purchase and Property in the Department of the Treasury, requests that the Merit System Board grant him a hearing regarding his removal from employment on disciplinary charges, effective May 27, 2005.

ACTION: The Merit System Board granted a hearing.

B-9 JUAN SANTIAGO

Juan Santiago, a former Police Officer with the City of Newark, represented by Anthony H. Guerino, Esq., requests that the Merit System Board reinstate the appeals of his two removals, effective April 17, 2001 and May 25, 2001, which were dismissed on the basis of the appellant's failure to appear at his July 2, 2003 Settlement Conference hearing.

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

B-10 THERMAN L. JAMES

Therman L. James, a former Fire Fighter with the City of East Orange, requests that the Merit System Board reinstate the appeal of his removal, which was dismissed based on his failure to appear at a scheduled hearing.

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

B-11 CHIEF CLERK, ESSEX COUNTY SHERIFF'S OFFICE (C8005F)

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

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

B-12 RHODA LIVINGSTON

Rhoda Livingston, a Senior Correction Officer at Northern State Prison, Department of Corrections, petitions the Merit System Board for interim relief regarding her immediate suspension commencing on November 23, 2005.

ACTION: The Merit System Board denied the request.

B-13 WILLIAM RUDDEROW

William Rudderow, a Police Sergeant with the Township of Mount Laurel, represented by Timothy J.P. Quinlan, Esq. appeals the decision of the Township to reassign him.

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

B-14 MARILYN CARDONA

Marilyn Cardona, Senior Correction Officer, Edna Mahan Correctional Facility for Women, Department of Corrections, requests Merit System Board review of an official written reprimand on a sustained charge of absence from work as scheduled without permission and/or without giving proper notice of intended absence.

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

B-15 ANTONIO SANTOS

The appeals of Antonio Santos, a Laborer with the City of Trenton, of his ten-day suspension and removal effective March 24, 2005, on charges, were considered by Administrative Law Judge John R. Tassini, who rendered his initial decision on October 13, 2005, recommending acknowledgement of the settlement of the parties.

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

B-16 PATRICIA CONRAD

The American Federation of State, County and Municipal Employees (AFSCME), District Council 71, Local 3827, represented by Sidney H. Lehmann, Esq., petitions the Merit System Board for reconsideration of the final administrative decision, rendered on February 9, 2005, in which the Board ordered that Patricia Conrad's name be restored to the Code Enforcement Officer (M6488C), Willingboro Township eligible list and her appointment be recorded.

ACTION: The Merit System Board denied the request.

B-17 ANGELA HOBBS AND BARBARA MARTINE

The Department of Environmental Protection, on behalf of Angela Hobbs and Barbara Martine, petitions the Merit System Board for reconsideration of the decision, rendered on January 12, 2005 which found that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Administrative Analyst 4 (Data Processing) (PS0542G), Department of Environmental Protection.

ACTION: The Merit System Board granted the request.

B-18 NICOLAS LAMBOY

The Equal Employment Division of the Department of Corrections, represented by Saju Mathews, Deputy Attorney General, petitions the Merit System Board for reconsideration of the final decision, rendered on September 7, 2005, which found that Patrick Pinder had subjected Nicholas Lamboy 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 matter be held over.

B-19 IRWIN BENNETT

Irwin Bennett, a former Building Maintenance Worker with the Newark Housing Authority, represented by Arnold Shep Cohen, Esq., petitions the Merit System Board for reconsideration of the final administrative decision, rendered on April 20, 2005, in which the Board dismissed Bennett's appeal of his removal, effective June 22, 2004, without prejudice based on Bennett's failure to appear at his scheduled settlement conference.

ACTION: The Merit System Board granted the request.

B-20 MICHAEL TORTORELLO

The County of Essex, on behalf of Michael Tortorello, petitions the Merit System Board for reconsideration of that part of its decision rendered on May 18, 2005 in *In the Matters of Richard Dey, Police Officer, Palisades Interstate Park Commission and Khalid Nash, Essex County*, ordering his local government service record to be updated to consider him inactive.

ACTION: The Merit System Board granted the request.

B-21 SHARON BURNS, ET AL.

Sharon Burns, Sharon Giquinto, Douglas Joseph, Sonya McLawhorn, Vickie Paken, Cynthia Pape, and Sheila Swoopes appeal the determinations of the Division of Selection Services which found that, per the substitution clause, they did not meet the experience requirements for the promotional examination for Management Assistant (PS3350K), Division of Youth and Family Services.

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

B-22 NANCY CAPRI, ET AL.

Nancy Capri, Janice Milton, Julia Peto, Alison Winters, and Taneshia Wright-Bowen appeal the determinations of the Division of Selection Services which found that, per the substitution clause, they did not meet the experience requirements for the promotional examination for Management Assistant (PS3350K), Division of Youth and Family Services.

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

B-23 SHARON MAPP-HAMILTON

Sharon Mapp-Hamilton 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 Community Service Officer 1, Addictions (S0457G).

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

B-24 DIERDRE CHRISTMAS

Dierdre Christmas appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Network Administrator 1 (PC0179G), Atlantic County.

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

B-25 PATRICIA CLUELOW

Patricia Cluelow appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Supervising Environmental Specialist (PS5255G), Department of Environmental Protection.

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

B-26 DAVID W. ZAHN II

David W. Zahn II appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the Director, Alcoholism Rehabilitation (C6486G), Cumberland County, open competitive examination.

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

B-27 SAMUEL MCNEIL

Samuel McNeil appeals the determination of the Division of Selection Services which found that he did not meet the minimum requirements in experience for the open competitive examination for Technical Assistant to the Construction Official (M0952G), Teaneck.

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

B-28 MATTHEW LAWSON

Matthew Lawson appeals the determination of the Division of Selection Services that he was below the minimum requirements in education and experience for the open competitive examination for Principal Planner (C1056G), Mercer County.

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

B-29 ILENE LEFKOWITZ

Ilene Lefkowitz 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 the "dual" title Supervising Librarian/Training Officer (C6415G), Morris County.

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

B-30 KATHLEEN REITSMA

Kathleen Reitsma appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Chief Probate Clerk (PC0287G), Monmouth County.

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

B-31 HARRY R. KLATT, JR.

Harry R. Klatt, Jr. 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 Traffic Investigator (S0429G), Department of Transportation.

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

B-32 JANEEN EMELE AND CARLA ENGLISH

Janeen Emele and Carla English appeal the determination of the Division of Selection Services which found that they did not meet the educational requirement for the open competitive examination for Habilitation Plan Coordinator (S0397G), Statewide.

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

B-33 SHARLENE PISNOY

Sharlene Pisnoy 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 Program Development Specialist, Community Service (PC0767G), Atlantic County.

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

B-34 THOMAS HAMILTON

Thomas Hamilton 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 Assistant Hospital Administrator, Essex County.

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

B-35 JIMMY SMITH

Jimmy Smith appeals the determination of the Division of Selection Services which denied his request for a make-up examination for County Correction Sergeant (PC2652F), Essex County.

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

B-36 ILEANA HERNANDEZ

Ileana Hernandez, represented by Alberto Hernandez, Unit President, Communications Workers of America, Local 1082, appeals the determination of the Division of Selection Services denying her request for a make-up for the promotional examination for Human Services Specialist 2 (PC0724G), Middlesex County Board of Social Services.

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

B-37 GEORGE PEREZ

George Perez appeals the decision of the Division of Selection Services which found that he was late in filing his application for the promotional examination for Battalion Fire Chief (PM3597G), Paterson.

ACTION: The Merit System Board granted reconsideration and granted the appellant's request for a make-up examination.

B-38 MICHAEL DELGIORNO

Michael DelGiorno appeals the determination of the Division of Selection Services that denied his admittance to the promotional examination for County Correction Captain (PC3620G), Gloucester County.

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

B-39 HEMABEN BHAVSAR AND YOGESHKUMAR BHAVSAR

Hemaben Bhavsar and Yogeshkumar Bhavsar appeal their disqualifications from the promotional examinations for Senior Engineer Transportation (PS4833T), Senior Engineer Geotechnical (PS4831T), Senior Engineer Structural Evaluation (PS4832T) and Senior Engineer Traffic (PS4892T), Department of Transportation.

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

B-40 JOSEPH ASH

Joseph Ash, represented by Brendan Egan, Esq., appeals his score for the oral portion of the examination for Police Captain (PM3544F), East Orange.

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

B-41 HARRY BUTTITO

Harry Buttito, represented by Stephen B. Hunter, Esq., appeals his seniority score for the promotional examination for Sheriff's Officer Sergeant (PC2663F), Middlesex County.

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

B-42 MICHAEL TUCCI

Michael Tucci appeals the validity of the MIS Specialist 2 (PS9075U), Office of Information Technology promotional examination.

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

B-43 GARY BENDIT AND MICHAEL SIZOW

The County of Bergen requests relaxation of *N.J.A.C.* 4A:4-7.1A(c) so as to permit the intergovernmental transfer of Gary Bendit and Michael Sizow from the title of Sheriff's Officer, Passaic County Sheriff's Office, to the title of County Police Officer, County of Bergen.

ACTION: The Merit System Board granted the request.

B-44 JASON BERGSTROM

The Board of Fire Commissioners, Hamilton Township Fire District #7, requests administrative relief in order to process the Intergovernmental Transfer of Jason Bergstrom from the title of Fire Fighter, Township of Florence, to the title of Fire Fighter, Hamilton Township Fire District #7.

ACTION: The Merit System Board granted the request.

B-45 PROPOSED AMENDMENT: *N.J.A.C.* 4A:5-1.1 (VETERANS AND DISABLED VETERANS PREFERENCE)

It is recommended that the proposed amendment to *N.J.A.C.* 4A:5-1.1 (Veterans and Disabled Veterans Preference) be adopted without change.

ACTION: The Merit System Board adopted the amendment.

B-46 PROPOSED NEW RULE *N.J.A.C.* 4A:3-3.7A (POLICE ASSISTANT) AND PROPOSED AMENDMENTS TO *N.J.A.C.* 4A:4-2.1, 2.3, 2.6, 2.9, 2.15, 2.16, 2.17, 4.2, 4.7, 4.8, 5.2, 6.3, 6.4, 6.5 AND 7.4 (SELECTION AND APPOINTMENT); AND 4A:8-2.3 (LAYOFFS)

It is recommended that the proposed new rule *N.J.A.C.* 4A:3-3.7A (Police Assistant) and proposed amendments to *N.J.A.C.* 4A:4-2.1, 2.3, 2.6, 2.9, 2.15, 2.16, 2.17, 4.2, 4.7, 4.8, 5.2, 6.3, 6.4, 6.5, and 7.4 (Selection and Appointment); and 4A:8-2.3 (Layoffs) be adopted without change.

ACTION: The Merit System Board adopted the new rule and amendments.

B-47 HECTOR FUENTES

The appeal of Hector Fuentes, a Senior Correction Officer, Juvenile Justice, with the Juvenile Justice Commission, Department of Law and Public Safety, of his thirty-day suspension on charges, was heard by Administrative Law Judge Anthony T. Bruno, who rendered his initial decision on August 25, 2005, reversing the suspension. At its meeting on January 11, 2006, the Merit System Board did not adopt the ALJ's recommendation. Rather, the Board upheld the thirty-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	(Yes)
	Margaret E.L. Howard	(Abstained)
	Robert J. Long	(Abstained)

B-48 WENDELL HARPER

The appeal of Wendell Harper, a former Police Officer with the City of Newark, of his removal effective February 27, 2002, on charges, was heard by Administrative Law Judge Barry N. Frank, who rendered his initial decision on September 30, 2005, reversing the removal. At its meeting on January 25, 2006, the Merit System Board remanded the matter to the Office of Administrative Law for further proceedings. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-49 SHIRLEY STATON

The appeal of Shirley Staton, a Human Services Technician with the New Jersey Veterans' Memorial Home at Paramus, of her removal effective February 23, 2005, on charges, was heard by Administrative Law Judge Jesse H. Strauss, who rendered his initial decision on December 1, 2005. At its meeting on January 25, 2006, the Merit System Board did not adopt the ALJ's recommendation to modify the removal to a ninety-day suspension. Rather, the Board modified the removal to a six-month suspension. Additionally, the Board ordered that the appellant undergo further training in the care and handling of residents. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-50 SEAN EASTLACK

The appeal of Sean Eastlack, a Truck Driver with Salem County, of his 120-working day suspension beginning August 6, 2004, on charges, was heard by Chief Administrative Law Judge Laura Sanders, who rendered her initial decision on December 13, 2005. At its meeting on January 25, 2006, the Merit System Board did not adopt the ALJ's recommendation to modify the 120-working day suspension to a 90-working day suspension. Rather, the Board upheld the 120-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-51 RONALD HAYES

The appeal of Ronald Hayes, a Custodial Worker with the Newark School District, of his 20-day suspension on charges, was heard by Administrative Law Judge Margaret M. Monaco, who rendered her initial decision on December 12, 2005. At its meeting on January 25, 2006, the Merit System Board adopted the ALJ's recommendation that the 20-day suspension be modified to a 10-day suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-52 MICHELE WILLIAMS-KLINE

The appeal of Michele Williams-Kline, a Family Service Supervisor with the County of Essex, concerning her release at the end of her working test period, effective September 22, 2003, was heard by Administrative Law Judge Mumtaz Bari-Brown who rendered her initial decision on December 16, 2005. At its meeting on January 25, 2006, the Merit System Board did not adopt the ALJ's recommendation to uphold the appellant's release at the end of the working test period. Rather, the Board ordered the appellant's reinstatement and a new three-month working test period. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-53 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of January 25, 2006 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of January 25, 2006.

B-54 JOANN BELLINI

The appeal of JoAnn Bellini, a former Assistant District Parole Supervisor with the State Parole Board, concerning her return to her former permanent title at the end of her working test period, effective August 6, 2001, was heard by Administrative Law Judge Sandra Ann Robinson, who rendered her initial decision on October 17, 2005. At its meeting of January 25, 2006, the Merit System Board did not adopt the ALJ's recommendation to grant the appellant permanent status. Rather, the Board granted a new four-month working test period. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-55 EARLY SETTLEMENTS

Gorman Keehn
County of Cape May
Suspension

Toni Morales
County of Burlington
Removal

Kashida Tomlin
Vineland Developmental Center
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, February 22, 2006 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

ROLANDO TORRES, JR.
COMMISSIONER
MERIT SYSTEM BOARD