



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 22, 2006**

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

FEBRUARY 22, 2006

A regular meeting of the Merit System Board was held on Wednesday February 22, 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 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 12, 2005, 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):

Mr. Lawrence DeMarzo, appointed as a Confidential Assistant, Department of Law & Public Safety, effective January 17, 2006, salary of \$90,000 per annum.

Mr. Hunter Labovitz, appointed as a Confidential Assistant, Department of the Public Advocate, effective January 23, 2006, salary of \$105,000 per annum.

Ms. Donna Stivale, appointed as a Confidential Secretary, Department of Law & Public Safety, effective January 31, 2006, salary of \$85,000 per annum.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Eric Adams
Vineland Developmental Center
Department of Human Services
Resignation not in good standing

In the Matter of Walter Campbell
County of Hudson
Department of Corrections
Suspensions (2)

In the Matter of Henry Del Moral
Township of Irvington
Police Department
Suspension

In the Matter of Settimeo Di Domenico
Newark School District
List bypass

In the Matter of Jeffrey Evans
Township of Lakewood
Department of Public Works
Release at the end of the working test period

In the Matter of Philip Garcia
North Jersey Developmental Center
Department of Human Services
Removal

In the Matter of Carolyn Gibbons
Judiciary, Passaic Vicinage
Suspension

In the Matter of Evelyn Gonzalez
Newark School District
Removal

In the Matter of Frederick Gonzalez
Jersey City School District
Release at the end of the working test period

In the Matter of Jose Gonzalez
City of Perth Amboy
Department of Public Works
Removal

In the Matter of Margarita Gonzalez
Judiciary, Passaic Vicinage
Suspension

In the Matter of Michael McLaughlin
City of Atlantic City
Department of Public Works
Removal

In the Matter of James Monyoukaye
New Lisbon Developmental Center
Department of Human Services
Removal

In the Matter of Rory Morris
County of Monmouth
Department of Corrections and Youth Services
Removal

In the Matter of Jason Nordgren
Department of Corrections
Suspension

In the Matter of Magalie Orleans-Monval
Edna Mahan Correctional Facility for Women
Department of Corrections
Suspension

In the Matter of Ana Pantoja
County of Union
Department of Public Safety
Suspension

In the Matter of Anetra Riddick
County of Burlington
County Jail
Suspension

In the Matter of Brunilda Zorilla
Motor Vehicle Commission
Release at the end of the working test period

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 AARON CARTER

Aaron Carter, Stock Handler, Newark School District, resignation not in good standing effective March 8, 2005, on charges of chronic or excessive absenteeism or lateness and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss the appeal without prejudice.

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

A-3 LEONARD CIPRIANO

Leonard Cipriano, Police Officer, City of Trenton, Police Department, 15-day suspension on charges of failure to obey a lawful order and insubordination.

Recommendation of the Administrative Law Judge - Uphold the 15-day suspension.

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

A-4 CLAUDE CRESONG

Claude Cresong, a Police Officer with the Township of Maple Shade, appeals his non-selection from the eligible list for Police Sergeant (PM2552B), Township of Maple Shade.

Recommendation of the Administrative Law Judge - Uphold the non-selection from the eligible list for Police Sergeant, and deny the appeal.

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

A-5 NEIL FAGAN

Neil Fagan, Computer Service Technician, Jersey City School District, release at the end of the working test period effective July 21, 2003.

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

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

A-6 ALTON PAYTON

Alton Payton, Senior Correction Officer, Central Reception and Assignment Facility, Department of Corrections, 30-day suspension on charges of conduct unbecoming a public employee, and threatening, intimidating, harassing, coercing, or interfering with fellow employees on State property.

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-7 MICHAEL SHARP

Michael Sharp, Senior Correction Officer with South Woods State Prison, Department of Corrections, appeals the determination of the Assistant Director, Equal Employment Division, with the Department of Corrections, stating that he failed to present sufficient evidence to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

Recommendation of the Administrative Law Judge - Reverse the determination of the Assistant Director, Equal Employment Division with the Department of Corrections, and grant the appeal.

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

A-8 LEO BENDE

Leo Bende, County Correction Officer, Burlington County Jail, removal effective April 8, 2005, on charges of conduct unbecoming a public employee and other sufficient cause.

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

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a 60-calendar day suspension.

A-9 GLENN HILLIARD

Glenn Hilliard, Senior Correction Officer, Southern State Correctional Facility, Department of Corrections, removal effective March 3, 2005, on charges of insubordination, conduct unbecoming a public employee and violation of a rule, regulation, policy, procedure, order, or administrative decision.

Recommendation of the Administrative Law Judge - Uphold the removal.

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

A-10 OMAR T. MURRAY

Omar T. Murray, Security Guard, Newark School District, removal effective December 14, 2001, on charges of resignation not in good standing, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge - Dismiss the appeal without prejudice.

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

A-11 RALPH T. PAGUREK, JR.

Ralph T. Pagurek, Jr., Laborer, Department of Public Resources, County of Hudson, removal effective October 31, 2003, on charges of insubordination, conduct unbecoming a public employee, misuse of county property and creating an unsafe work environment.

Recommendation of the Administrative Law Judge - Uphold the removal.

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

A-12 ORLANDO PEREZ

Orlando Perez, Custodial Worker, Newark School District, removal and resignation not in good standing effective November 5, 2004, on charges of resignation not in good standing, chronic or excessive absenteeism or lateness and other sufficient cause.

Recommendation of the Administrative Law Judge - Dismiss the appeal without prejudice.

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

A-13 LEONARD SEMPKOWSKI

Leonard Sempkowski, Operating Engineer Heating and Air Condition, Department of Transportation, removal effective May 13, 2005, on charges of having an accident in a State vehicle while impaired, and negligent damage to State property.

Recommendation of the Administrative Law Judge - Uphold the removal.

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

A-14 DEREK WHITING

Derek Whiting, Custodial Worker, Newark School District, removal and resignation not in good standing effective November 5, 2004, on charges of resignation not in good standing, chronic or excessive absenteeism or lateness, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge - Dismiss the appeal without prejudice.

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

A-15 ANDRE WITCHER

Andre Witcher, Security Officer, Newark Housing Authority, removal effective June 3, 2004, on the charge of chronic or excessive absenteeism or lateness.

Recommendation of the Administrative Law Judge - Uphold the removal.

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

A-16 MICHAEL GONSALVES

Michael Gonsalves, Senior Correction Officer with the Juvenile Justice Commission (JJC), Department of Law and Public Safety, removal effective October 1, 2002, on charges of violating the JJC's policy on drug testing, conduct unbecoming a public employee, use, possession or sale of any controlled dangerous substance, and violating the State's Drug-Free Workplace Policy. This matter was previously presented to the Merit System Board at its regular meeting of November 3, 2005, but was held over for a

testimony summary.

Recommendation of the Administrative Law Judge - Reverse the removal.

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

A-17 SETTLEMENTS

In the Matter of Andrew Cockerham
City of Ocean City
Police Department
Removal

In the Matter of Gabriela Esquivel
New Jersey State Parole Board
Resignation not in good standing

ACTION: The Merit System Board acknowledged the settlements.

SECTION B – MISCELLANEOUS MATTERS

B-1 HERIBERTO L. FIGUEROA, JR.

Heriberto L. Figueroa, Jr., represented by Paul Bergrin, 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 (S9999F) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-2 ANTHONY C. BIONDI

Anthony C. Biondi appeals his rejection as a Police Officer candidate by the Township of Teaneck 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 granted.

B-3 TAURON HINNANT

Tauron Hinnant 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 (S9999F) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-4 JACQUELINE DAVIS

Jacqueline Davis, a Senior Correction Officer with the 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-5 SUSAN CARRIGAN

Susan Carrigan, a Teacher 1 at the Ewing Residential Treatment Center, Division of Youth and Family Services, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

B-6 OSVALDO VELAZQUEZ

Oswaldo Velazquez, a Senior Correction Officer with the Garden State Correctional Facility, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

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

B-7 GLENN BERTONE

Glenn Bertone, a Housekeeping Supervisor with the 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-8 JOYCE BROWN

Joyce Brown, a Technical Assistant 2 with the Division of Taxation, Department of the Treasury, appeals the denial of sick leave injury (SLI) benefits.

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

B-9 ANTONIO RUIZ

Antonio Ruiz, a Truck Driver, Single Axle, with the Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

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

B-10 GABRIEL MALDONADO

Gabriel Maldonado, a Senior Correction Officer with Edna Mahan Correctional Facility for Women, 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 IN THE MATTER OF OPEN-COMPETITIVE LISTS FOR FIRE FIGHTER

The Director of Selection Services requests that the eligible lists for Fire Fighter for certain local municipalities and entities be extended for one year beyond their original expiration dates or until new lists are issued, whichever occurs first.

ACTION: The Merit System Board granted the request.

B-12 JACOB MAMO

Jacob Mamo petitions the Merit System Board for reconsideration of the decision rendered on October 19, 2005 (*In the Matter of Jason Faber, et al.*) which found that he was not employed in the announced unit scope for the promotional examination for Public Works Repairer (PM1632F), Borough of Fair Lawn.

ACTION: The Merit System Board granted the request.

B-13 LAWRENCE WILLIAMS

Lawrence Williams, a Trooper 1 with the Division of State Police, Department of Law and Public Safety, requests restoration of prior service in order for his personnel record to reflect continuous service for vacation leave entitlement purposes.

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

B-14 STEPHEN A. FOLSOM

Stephen A. Folsom, a former Probation Officer with the New Jersey Judiciary, Middlesex Vicinage, requests that the Merit System Board reinstate his appeal of his release at the end of the working test period, which was dismissed based on his failure to appear at a scheduled settlement conference.

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

B-15 RONNIE ARMSTRONG

Ronnie Armstrong, a Juvenile Detention Officer with the County of Union, represented by Michael A. Bukosky, Esq., requests additional back pay as a result of the reversal of his immediate suspension, beginning September 7, 2004.

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

B-16 POLICE OFFICER, PALISADES INTERSTATE PARK COMMISSION

The Palisades Interstate Park Commission requests the reallocation of the title of Police Officer, Palisades Interstate Park, from the career to the unclassified service, pursuant to *N.J.S.A. 32:14-21*.

On January 25, 2006, the Board conducted a public hearing in accordance with *N.J.S.A. 11A:3-6*. This matter was held over for consideration of the comments presented at the public hearing and the subsequent written submissions of the parties.

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

B-17 JUVENILE DETENTION OFFICER, PASSAIC COUNTY (C2065D, C2081E AND C2090F)

The appointing authority's failure to properly dispose of the certification for Juvenile Detention Officer, while five provisional appointees are serving in the title, has been referred to the Merit System Board for enforcement.

ACTION: The Merit System Board directed that the appointing authority remove the provisional appointees, make appointments from the certification and pay compliance costs.

B-18 LORRAINE FINNEY

The appeal of Lorraine Finney, a Senior Food Service Handler at Greystone Park Psychiatric Hospital, Department of Human Services of a 30-day suspension and removal effective August 27, 2004, on charges, was heard by Administrative Law Judge Sandra Ann Robinson, who rendered her initial decision on December 16, 2005. At its meeting on February 8, 2006, the Merit System Board did not adopt the ALJ's recommendation to modify the penalties to a 30-day suspension. Rather, the Board modified the penalties to a six-month suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

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

B-19 SONNY WASHINGTON

The appeal of Sonny Washington, a Truck Driver with the Township of Berkeley, of his 15-day suspension, beginning May 13, 2004, on charges, was heard by Administrative Law Judge Patricia M. Kerins, who rendered her initial decision on December 29, 2005. At its meeting on February 8, 2006, the Merit System Board did not adopt the ALJ's recommendation to uphold the appellant's 15-day suspension. Rather, the Board increased the appellant's penalty to a six-month 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 **(Abstained)**
 John Currie **(Yes)**
 Margaret E.L. Howard **(Yes)**
 Robert J. Long **(Yes)**

B-20 PRAKASH SHAH

Prakash Shah appeals his score for the open competitive examination for Assistant Engineer (M0899G), Bloomfield.

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

B-21 MARYANN CHIARELLO, ET AL.

Maryann Chiarello, Monica Goodnow, Alia Hill, Scott Jacobs, and Christopher Mahan 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 Administrative Analyst 2 (Data Processing) (PS6216K), Division of Youth and Family Services. Brian O'Leary, Brian Thatcher, and Darrell Veile appeal the determination of the Division of Selection Services which found that they were below the minimum requirements in experience for the promotional examination for Administrative Analyst 2 (Data Processing) (PS6216K), Division of Youth and Family Services.

ACTION: The Merit System Board directed that these appeals be denied but that the issue of the classification of appellants Chiarello, O'Leary, Thatcher and Veile's positions be referred to the Division of Human Resources Management.

B-22 SADIE E. HAMER, ET AL.

Sadie E. Hamer, Thomas M. Lee, Elisel Ortiz, and Christina G. Savich appeal the determination of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Assistant Supervisor Resident Living, Developmental Disabilities (PS4745K), Department of Human Services.

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

B-23 LORRAINE DENORO

Lorraine Denoro appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Administrative Analyst 2 (PS6462I), State Parole Board.

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

B-24 ANN PADDERATZ

Ann Padderatz appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Administrative Assistant 2 (PS6658K), Division of Addiction Services.

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

B-25 STEPHANIE MOORE

Stephanie Moore appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirement for the open competitive examination for Agricultural Resource Specialist 3 (S6856G), Department of Agriculture.

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

B-26 FRANCINE LEWIS-WATTS

Francine Lewis-Watts, formerly Francine Grier, 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 Management Assistant (PS3333K), Division of Youth and Family Services.

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

B-27 PAMELA BARBIERI, ET AL.

Pamela Barbieri, Barbara Bocchicchio, Linda Brooke, Jose Carrero-Reyes, Patricia DeLuca, Barbara Dunn, Holley Dawn, Wendy Jeffries, Dianna Judge, Susan Krai, Luanne Leach, Donna Monforte, Dorothy Murphy, Debra Pitts-Etheridge, Doreen Riccio, Sharon Rowe, Helen Sedgley and Nadine Taitt 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 (PS3333K), Division of Youth and Family Services.

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

B-28 ROBIN L. KELLEY

Robin L. Kelley 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 Program Development Specialist 2 (PS4900D), Department of Community Affairs.

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

B-29 JANET LINDEZ

Janet Lindez appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Technical Assistant, Management Information Systems (PS7660K), North Jersey Developmental Center.

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

B-30 ANGELA MUZZICATO

Angela Muzzicato, represented by Robert O. Yaeger, Principal Staff Representative, CWA Local 1040, appeals the decision of the Division of Selection Services, removing her name for the eligible list for Behavior Modification Program Technician (S0419G), Statewide, on the basis that she did not meet the educational requirements for the title.

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

B-31 CARL K. MCCOLLUM

Carl K. McCollum appeals the determination of the Division of Selection Services which found that he did not meet the education and experience requirements for the promotional examination for Technical Support Specialist 2 (PS6104H), Department of Health and Senior Services.

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

B-32 VERNON CHAMPION

Vernon Champion 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 Municipal Recycling Coordinator (M6992G), Dennis Township.

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

B-33 JOYCE EPISCOPO

Joyce Episcopo appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Coordinator, Health Care Facilities Analysis (PS6511K), Division of Medical Assistance and Health Services.

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

B-34 HUGO R. RUIZ

Hugo R. Ruiz appeals the determination of the Division of Selection Services that he did not meet the requirements for the promotional examination for Personnel Assistant 1 (PS7185K), Commission for the Blind and Visually Impaired.

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

B-35 URVI H. DAVE

Urvi H. Dave appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Administrative Analyst 1, Data Processing (PS5050T), Department of Transportation.

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

B-36 MARIA ERDMAN

Maria Erdman 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 Health Educator (PC0720G), Gloucester County.

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

B-37 CASSANDRA LICATA-LINK

Cassandra Licata-Link 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 Administrative Analyst 4 (PS6685P), Division of State Police.

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

B-38 GLORIA BURNETT-HARRISON, ET AL.

Gloria Burnett-Harrison and Robert Moore (PS5379K), Central Office; Rose Mary Chew and Michael Garr (PS5464K), Southern Region; Dawn Johnstone-Leff and Beth Ann Tarver (PS5473K), Central Region; and Janette Arrington (PS5495K), Metropolitan Region appeal the determinations of the Division of Selection Services that found that they did not meet the experience requirements for their respective promotional examinations for Supervising Family Service Specialist 2, Division of Youth and Family Services.

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

B-39 MICHELE MERSHON

Michele Mershon appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Management and Operations Analyst 2 (PS6048G), Department of Environmental Protection.

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

B-40 GENE A. D'AQUILA AND SUNNY O. GLASGOW

Gene A. D'Aquila and Sunny O. Glasgow appeal the determination of the Division of Selection Services which found that they did not meet the experience requirements for the promotional examination for Section Chief, Health Care Facility (PS6170K), Department of Human Services.

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

B-41 ROSEMARIE A. FREED

Rosemarie A. Freed appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Assistant Municipal Clerk (PM0279G), City of Margate.

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

B-42 EMMANUEL A. AGOSU, ET AL.

Emanuel A. Agosu, Donald A. Hollander, Kristen G. Sleeper, Wayne E. Woodruff, and Teresa Zaki appeal the determinations of the Division of Selection Services which found that they did not meet requirements for the open-competitive examination for Fiscal Analyst (S6847G).

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

B-43 KAREN LANDY

Karen Landy appeals the denial of her request for a make-up examination for the open competitive examination for Family Service Worker (C0913G), Essex County.

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

B-44 JOHN MALESKI

John Maleski appeals his score on the written examination for Operations Shift Superintendent OIT (PS1449U), Department of the Treasury.

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

B-45 PETER NEVINS, ET AL.

Peter Nevins and Drew Sisk (PM3523G), Bayonne; John Link (PM3527G), Clifton; Robert Cowan and Edward Shinnick (PM3535G), Jersey City; Michael Palardy (PM3542G), Millburn; Thomas Strumolo (PM3545G), Nutley; Alan Nichols (PM3548G), Pennsauken; Tibor Kasco (PM3549G), Perth Amboy; Robert Kuzma and Margaret Schmidt-Fuller (PM2631G), Scotch Plains; and Robert Myers (PM3568G), Atlantic City; appeal the written examination for Police Captain (various jurisdictions).

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

B-46 ANDRE MOREIRA, ET AL.

Andre Moreira (PM2593G), Clifton; David Muller and John Stemler (PM2596G), Ewing Township; Mark Cowan and Thomas Cowan (PM2602G), Jersey City; Wayne Smith (PM2616G), Millville; Keith Laverty (PM2618G), Millburn; Christopher Gialanella (PM2622G), Newark; George Duff (PM2642G), North Arlington; William Byrnes (PM2629G), Saddle Brook; Beverly Peal (PM2631G), Scotch Plains; John Daubner and Scott Davis (PM2638G), Union Township; Cathy Madalone (PM2643G), Bergenfield; Joseph Botti, Glenn Gaston, Maurice Ryan and Brian Wolpert (PM2651G), Union City; and James Carifi (PM2652G), Parsippany-Troy Hills; appeal the written examination for Police Lieutenant (various jurisdictions).

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

B-47 BART GIACONIA

Bart Giaconia appeals the decision of Human Resource Information Services which found that the appointing authority had presented a sufficient basis to remove his name from the Fire Fighter (M2292E), City of Passaic eligible list.

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

B-48 ERNEST JACKSON

Ernest Jackson appeals the determination of the Division of Selection Services which found that he was not eligible for the open competitive examination for Senior Custodian (M9656G), Newark School District, because he did not meet the residency requirement as of the closing date of the examination announcement.

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

B-49 DARLENE MACK, ET AL.

Darlene Mack, Brenda Patterson and Colleen Randazzo appeal the determination of the Division of Selection Services which found that they were not serving in a title to which the promotional examination for Supervisor of Professional Residential Services (PS5828K), Department of Human Services, was open.

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

B-50 CHAD BATIUK

Chad Batiuk, represented by D. William Subin, Esq., appeals the appointing authority's request to remove his name from the eligible list for Police Officer (S9999D), Woodbridge Township, on the basis that he falsified the application he completed for an updated background check.

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

B-51 CHRISTOPHER MORRELL

Christopher Morrell appeals the appointing authority's request to remove his name from the eligible list for County Correction Officer (S9999D), Monmouth County, on the basis of an unsatisfactory background report.

ACTION: The Merit System Board directed that this appeal be granted and the appellant's name be recorded as interested, but not reachable on the certification.

B-52 JO-ANN TRZASKA

Jo-Ann Trzaska petitions the Merit System Board to accept her application for the promotional examination for Supervising Family Service Specialist 1 (PS5473K), Department of Human Services.

ACTION: The Merit System Board granted the petition.

B-53 JOHN BRENNER III

John Brenner III appeals the determination of the Division of Selection Services that denied his admittance to the promotional examination for Battalion Fire Chief (PM3591G), Atlantic City, due to a late application.

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

B-54 CARMEN CANNAROZZO

Carmen Cannarozzo, a former Maintenance Repairer with the City of Bayonne, Public Works, Parks and Recreation Department, requests that the Merit System Board reinstate his 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-55 LOLITA N. HOPKINS

Lolita N. Hopkins appeals the removal of her name from the Correction Officer Recruit (S9999F) Department of Corrections eligible list based on falsification of her application, an unsatisfactory driving record and her failure of the Correction Officer Video Test.

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

B-56 MICHAEL PRICE

The City of Somers Point requests administrative relief in order to process the Intergovernmental Transfer of Michael Price from the title of Campus Police Officer, Richard Stockton State College, to the title of Police Officer, City of Somers Point.

ACTION: The Merit System Board granted the request.

B-57 WAYNE MINNEY

Wayne Minney appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the open-competitive examination for Operating Engineer, Heating and Air Conditioning (S9302G).

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

B-58 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of February 8, 2006 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of February 8, 2006.

B-59 JARED WALULAK

Jared Walulak, a former Sheriff's Officer with the Mercer County Sheriff's Office, represented by Sidney H. Lehmann, Esq., and Kevin Larkin, the Mercer County Sheriff, jointly request Walulak's reemployment as a Mercer County Sheriff's Officer.

ACTION: The Merit System Board granted the request.

B-60 VITO CAMMISA

Vito Cammisa, represented by George T. Dougherty, Esq., petitions the Merit System Board for enforcement of its decision rendered in *In the Matter of Vito Cammisa* (MSB, decided November 22, 2005), in which the Board modified his removal to a six-month suspension and ordered his immediate reinstatement with appropriate back pay, benefits and seniority. The City of Trenton, represented by Stephen E. Trimboli, Esq., petitions the Board for a stay of that decision, pending the City's appeal to the Superior Court, Appellate Division.

ACTION: The Merit System Board denied the City's request for a stay and granted Vito Cammisa's request for enforcement.

B-61 PATRICK PANELLA (ORDER OF CONSOLIDATION AND PREDOMINANT INTEREST)

Administrative Law Judge Ana C. Viscomi issued an order which consolidated the matter and found that the Public Employment Relations Commission (PERC) and the Merit System Board had the predominant interest over matters within their jurisdiction. Based on this determination, the Board and PERC developed a joint order adopting the ALJ's order regarding the consolidation and finding of predominant interest, but clarifying the order to allow the matter to be presented first to PERC after the appellant's hearing. This joint order is now submitted to the Board for consideration and approval.

ACTION: The Merit System Board adopted the joint order.

B-62 MARTINS AKINYEMI, ET AL.

Martins Akinyemi, Brian Bateman, Kelli Bryant, Desiree Kalo, and LiQuan Narine request make-ups for the open competitive examinations for Nursing Services Clerk (S0437G), Habilitation Plan Coordinator (S0397G), Clerk/Telephone Operator (C6577G), Essex County, Chief Clerk (M8012G), Jersey City and Supervising Cashier (M8014G), Jersey City, respectively.

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

B-63 EARLY SETTLEMENTS

John Doolittle
New Lisbon Developmental Center
Department of Human Services
Resignation not in good standing

Patricia Stewart
Department of Labor
Release at the end of the working test period

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, March 8, 2006 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

ROLANDO TORRES, JR.
COMMISSIONER
MERIT SYSTEM BOARD