



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
APRIL 26, 2006**

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

APRIL 26, 2006

A regular meeting of the Merit System Board was held on Wednesday April 26, 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.

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: March 31, 2006

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 recently requested and received permission for the restructuring of the Hearing Officer State Parole Board series. The restructuring involved 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.

The range change was required due to the removal of supervisory duties. CWA Local 1039 had not been advised of the requested change, and objected to the adverse impact the range reduction would have on current incumbents, and filed an appeal.

To address this, it is requested that a new title be created at the original salary range for existing incumbents only. This title code will be eliminated once all existing incumbents are separated from State service, or are appointed to other titles.

The State Parole Board and the appropriate negotiations representatives have agreed to this proposed solution. CWA Local 1039 will withdraw its appeal on approval of this request.

ESTABLISHMENT OF TITLE

Effective: 09/18/04

Hearing Officer 2, State Parole Board
R30-_____ Unclassified * NL/12

CONFIDENTIAL APPOINTMENTS

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

Diane Scott-Milan, appointed as a Confidential Assistant, Department of Human Services, effective February 21, 2006, salary of \$93,000 per annum.

Barbara A. Plumeri, appointed as a Confidential Secretary, Department of Labor and Workforce Development, effective March 13, 2006, salary of \$85,000 per annum.

Marilyn Dahl, appointed as a Confidential Assistant, Department of Health and Senior Services, effective March 4, 2006, salary of \$123,850.44 per annum.

David Ponet, appointed as a Confidential Assistant, Board of Public Utilities, effective March 6, 2006, salary of \$70,000 per annum.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Edward Bickhardt
Garden State Youth Correctional Center
Department of Corrections
Suspension

In the Matter of Dana Bradley
New Jersey State Prison
Department of Corrections
Suspension

In the Matter of Mitchell Chasmar
Township of Weehawken
Department of Public Safety
Suspension

In the Matter of Cynthia Cherry
Ocean County Board of Social Services
Suspension, Removal and Resignation not in good standing

In the Matter of Gregory Cooper
County of Essex
Department of Health and Rehabilitation
Suspension

In the Matter of Carlos Curtis
Newark School District
Removal

In the Matter of Gary Fuller
Department of Corrections
Suspension

In the Matter of Stanley Hicks
Greystone Park Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Edward Olszewski
South Woods State Prison
Department of Corrections
Suspension

In the Matter of Elliot T. Petty
County of Essex
Department of Public Safety
Removal

In the Matter of Richard Rehe
Borough of Hopatcong
Department of Public Works
Removal

In the Matter of David Salvatore
Department of the Treasury
Suspension

In the Matter of Dana Wolf
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 EILEEN MAZZEI

Eileen Mazzei, Sheriff's Officer, County of Middlesex, Sheriff's Department, 30-day suspension on charges of violation of Department rules and regulations pertaining to insubordination and relief from duty.

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

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a 5-day suspension.

A-3 CARLOS PINA

Carlos Pina, Police Officer, City of Union City, Department of Public Safety, 12-day suspension on charges of violation of rules and regulations regarding use of force, conduct unbecoming a public employee and other sufficient cause such as domestic violence.

Recommendation of the Administrative Law Judge – Reverse the 12-day suspension.

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

A-4 ALEXANDER JAMES

Alexander James, Truck Driver Heavy, City of Asbury Park, Department of Public Maintenance, removal effective March 18, 2005, on charges of insubordination, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge - Uphold the removal.

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

A-5 JAMIE MCGORTY

Jamie McGorty, Sheriff's Officer, County of Hudson, Sheriff's Department, removal effective March 10, 2005, on charges of conduct unbecoming a public employee and insufficient attendance at training.

Recommendation of the Administrative Law Judge – Grant the motion for summary decision and modify the removal to a resignation in good standing.

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

A-6 TIMOTHY MITCHELL

Timothy Mitchell, Correction Sergeant, South Woods State Prison, Department of Corrections, removal effective August 6, 2004, on charges of conduct unbecoming a public employee, neglect of duty, physical or mental abuse of inmates, patient, client, resident, or employee, negligence in performing duty resulting in injury to persons or damage to property, intentional abuse or misuse of authority or position and other sufficient cause.

Recommendation of the Administrative Law Judge - Reverse the removal.

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

A-7 LONNIE RAILEY

Lonnie Railey, a Senior Youth Worker with the Arthur Brisbane Child Treatment Center, Department of Human Services, was removed from his position, effective November 4, 2002, on the charges of neglect of duty and negligence in performing duty resulting in injury to persons.

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

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

A-8 ALICE WOART

Alice Woart, Human Services Assistant, Woodbridge Development Center, Department of Human Services, removal effective March 8, 2005, on the charge of abuse of a client. This matter was held over from the March 22, 2006 Merit System Board meeting.

Recommendation of the Administrative Law Judge - Reverse the removal.

ACTION: The Merit System Board directed that this matter be remanded to the Office of Administrative Law.

A-9 TAMARA HIDALGO

Tamara Hidalgo, a Police Officer with the City of Camden, appeals her removal from employment effective October 27, 1998, based on her failure to successfully complete the requisite physical training requirement of the Gloucester County Police Academy.

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

ACTION: The Merit System Board modified the removal to a resignation in good standing.

A-10 JENNIFER MORTIMER

Jennifer Mortimer, County Correction Officer, Burlington County Jail, removal effective June 7, 2005, on charges of chronic or excessive absenteeism or lateness, time and attendance policy, and resignation not in good standing. This matter was held over from the April 5, 2006 Merit System Board meeting.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge and reversed the removal, granted a new working test period and awarded back pay and counsel fees.

SECTION B – MISCELLANEOUS MATTERS

B-1 JANNETH AGUDELO

Janneth Agudelo appeals the removal of her name from the (S2036E) eligible list for the title of Parole Officer Recruit, Bilingual in Spanish and English, New Jersey State Parole Board on the basis of psychological unfitness.

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

B-2 CHRISTINE A. COLEMAN

Christine A. Coleman appeals the removal of her name from the (S9999D) eligible list for the title of County Correction Officer, County of Passaic on the basis of psychological unfitness.

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

B-3 ANIBAL CORTES

Anibal Cortes appeals the removal of his name from the (S9999D) eligible list for the title of County Correction Officer, County of Morris on the basis of psychological unfitness.

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

B-4 BRENDA CUNAS

Brenda Cunas appeals the removal of her name from the (S9999D) eligible list for the title of County Correction Officer, County of Essex on the basis of psychological unfitness.

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

B-5 SHEILA ESPINAL

Sheila Espinal appeals her rejection as a Parole Officer Recruit, Bilingual in Spanish and English candidate by the New Jersey State Parole Board and its request to remove her name from the eligible list for Parole Officer Recruit, Bilingual in Spanish and English (S2036E) 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-6 LELIA GONZALEZ

Lelia Gonzalez appeals the removal of her name from the (S2036E) eligible list for the title of Parole Officer Recruit, Bilingual in Spanish and English, New Jersey State Parole Board on the basis of psychological unfitness.

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

B-7 KAHREEM MARSHALL

Kahreem Marshall appeals the removal of his name from the (S9999D) eligible list for the title of County Correction Officer, County of Essex on the basis of psychological unfitness.

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

B-8 ANTHONY MONTON

Anthony Monton, represented by Merrick H. Limsy, Esq., appeals his rejection as a Fire Fighter candidate by the Village of Ridgewood and its request to remove his name from the eligible list for Fire Fighter (M2295E) 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-9 JANICE PACAILLER

Janice Pacailler appeals the removal of her name from the (S9999D) eligible list for the title of Police Officer, City of Jersey City on the basis of psychological unfitness.

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

B-10 LUZ VILLAFANE

Luz Villafane, represented by Phillip Y. Ing, Esq., appeals her rejection as a Parole Officer Recruit, Bilingual in Spanish and English candidate by the New Jersey State Parole Board and its request to remove her name from the eligible list for Parole Officer Recruit, Bilingual in Spanish and English (S2036E) 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-11 ALFONSO WERMANN

Alfonso Wermann, represented by Oswin E. Hadley, Esq., appeals his rejection as a Police Officer candidate by Jersey City 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-12 HOMMY E. CRUZ

Hommy E. Cruz appeals his rejection as a Police Officer by the City of Paterson and its request to remove his name from the eligible list for Police Officer (S9999F) on the basis of medical unfitness to perform effectively the duties of the position.

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

B-13 KENDRA DENISE BROWN

Kendra Denise Brown, a Judiciary Clerk 2 with the Judiciary, Vicinage 8, Middlesex, appeals the denial of sick leave injury (SLI) benefits.

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

B-14 DARLENE COLQUITT

Darlene Colquitt, a Senior Correction Officer at the Central Reception and Assignment Facility, Department of Corrections, represented by Henry Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-15 MARGARET FORMAROLI

Margaret Formaroli, a Technical Assistant 1, Treasury, with the Department of the Treasury, represented by Peter G. Maurer, Representative, CWA Local 1033, appeals the denial of sick leave injury (SLI) benefits.

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

B-16 CHERYL HOFFMAN

Cheryl Hoffman, a Senior Correction Officer at New Jersey State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board referred this appeal to the Medical Examiners Panel.

B-17 MARCIA INNISS

Marcia Inniss, a Residential Services Worker with the New Jersey Veterans Memorial Home at Menlo Park, Department of Military and Veterans Affairs, represented by Benjamin Spivack, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-18 RICHARD KREWSON

Richard Krewson, a Senior Correction Officer with the 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-19 MICHAEL MICCIO

Michael Miccio, a former Correction Sergeant at East Jersey State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

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

B-20 WILLIAM MOORE

William Moore, a Senior Correction Officer with the 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 denied.

B-21 DONALD SHERROD

Donald Sherrod, a Correction Lieutenant with New Jersey 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-22 SUSAN SHORT-GUNZENHAUSER

Susan Short-Gunzenhauser, a Human Services Technician with Ancora Psychiatric Hospital, appeals the denial of sick leave injury (SLI) benefits.

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

B-23 CYNTHIA SMITH

Cynthia Smith, a Senior Correction Officer at South Woods State Prison, Department of Corrections, represented by Henry J. Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-24 TRACY STREET

Tracy Street, 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 for two separate incidents.

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

B-25 JORGE VALERO

Jorge Valero, a Senior Correction Officer with New Jersey State Prison, Department of Corrections, represented by Robert C. Wolf, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-26 MICHAEL RIPP

Michael Ripp appeals the removal of his name from the Fire Fighter (M2201D), City of Bayonne, eligible list, on the basis of his falsification of his employment application.

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

B-27 LILLIAN FOSTER

Lillian Foster appeals the decision of Human Resource Information Services, which upheld her non-appointment from the eligible list for Judiciary Clerk 3 (S7159F), Judiciary, Vicinage 8, Middlesex County.

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

B-28 LILLIAN FOSTER

Lillian Foster appeals the decision of Human Resource Information Services, which upheld the bypass of her name for appointment on the eligible list for Principal Clerk Typist (S7164F).

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

B-29 TERANCE TAYLOR

Terance Taylor appeals the decision of Human Resource Information Services, which found that the appointing authority had sufficiently documented and supported its request to remove his name from the eligible list for Correction Officer Recruit (S9999F), Department of Corrections, on the basis of an unsatisfactory employment record.

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

B-30 KENNETH L. WARD, III

Kenneth L. Ward, III 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 eligible list for Parole Officer Recruit (S2035E), New Jersey State Parole Board, due to an unsatisfactory driving record.

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

B-31 WILLIAM BURKE, JR.

William Burke, Jr., a Police Captain with Atlantic City, appeals the decision of Human Resource Information Services which upheld the bypass of his name on the promotional list for Deputy Police Chief (PM3527F), Atlantic City.

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

B-32 PATRICIA GEORGE

Patricia George, a County Correction Officer with Essex County, represented by Ciro A. Spina, III, Esq., petitions the Merit System Board for interim relief of her immediate suspension, commencing on September 6, 2005, pending a department hearing.

ACTION: The Merit System Board granted back pay from October 6, 2005 to the date the departmental hearing is initiated.

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

B-33 FLORENCE ANDERSON

Florence Anderson, a Technical Program Assistant with the Division of Human Resource Information Services, Department of Personnel, appeals the determination of the Commissioner of the DOP, stating that the appellant failed to present sufficient evidence to support a finding that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

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

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

B-34 CARMELO LIO

Carmelo Lio, a Senior Correction Officer at the Adult Diagnostic and Treatment Center, Department of Corrections, appeals the determination of the Acting Director, Equal Employment Division, with the DOC, stating that the appellant failed to present sufficient evidence to support a finding that he 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-35 MA'RITA SAUNDERS

Ma'Rita Saunders, a Supervisor of Professional Residential Services, Developmental Disabilities, with Vineland Developmental Center, Department of Human Services, appeals the determinations of the Director of the Equal Employment Opportunity Office and the Assistant Commissioner for Human Resources stating that the appellant failed to present sufficient evidence to support a finding that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace. The appellant further appeals a five day suspension on a sustained charge of neglect of duty which the appellant contends was imposed in retaliation for the appellant's filing of a discrimination complaint.

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

B-36 CHARLES BILLINGTON

The appointing authority petitions the Merit System Board for reconsideration of the final decision rendered on December 7, 2005, which granted sick leave injury (SLI) benefits to Charles Billington, a Correction Sergeant at South Woods State Prison, Department of Corrections, from April 5, 2005 through April 26, 2005 and from May 4, 2005 through May 13, 2005.

ACTION: The Merit System Board denied the request.

B-37 IN THE MATTER OF OPEN COMPETITIVE LISTS FOR FIRE FIGHTER (M2303E AND M2304E), TOWNSHIP OF WINSLOW

The Township of Winslow petitions the Merit System Board for reconsideration of that portion of the decision, rendered on February 22, 2006, in which the Board extended the open-competitive lists for Fire Fighter (M2303E and M2304E).

ACTION: The Merit System Board granted the request.

B-38 KENNETH HILL

The Department of Human Services petitions the Merit System Board for reconsideration of the Board's decision rendered on November 3, 2005 which reversed the 20-day suspension of Kenneth Hill, a Supervising Medical Security Officer with the Ann Klein Forensic Center, Department of Human Services.

ACTION: The Merit System Board granted the request for reconsideration but affirmed the prior Board decision.

B-39 ELLEN SIMPSON

Ellen Simpson, a Principal Account Clerk with the Atlantic City Housing Authority, represented by Rachel L. Merrill, Senior Staff Representative, CWA Local 1034, petitions the Merit System Board for reconsideration of the administrative determination, rendered March 1, 2006, by the Director of Merit System Practices and Labor Relations, denying her request for a hearing concerning the appeal of her 10-day suspension, due to the untimely filing of her appeal pursuant to *N.J.S.A. 11A:2-15* and *N.J.A.C. 4A:2-2.8*.

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

B-40 DEBORA TORRES

Debora Torres petitions the Merit System Board for reconsideration of its decision rendered on November 22, 2005 which found that she did not meet the experience requirements for the promotional examination for Administrative Analyst 1 (PS3341K), Division of Youth and Family Services.

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

B-41 DANIEL MCCONNELL

The appeal of Daniel McConnell, a Police Officer with the Township of Parsippany-Troy Hills Police Department, of his 20-day suspension on charges, was heard by Administrative Law Judge Irene Jones, who rendered her initial decision on February 22, 2006. At its meeting on April 5, 2006, the Merit System Board did not adopt the ALJ's recommendation to uphold the 20-day suspension. Rather, the Board increased the penalty from a 20-day suspension to a 30-day suspension. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-42 NANCY BROGLIE

Thomas Edison State College requests that Nancy Broglie be permitted to file a late application for the Statewide open-competitive examination for the title of Accountant 3 (S0420G).

ACTION: The Merit System Board denied the request.

B-43 VALERIE FERRIS

Monmouth County petitions the Merit System Board for a retroactive permanent appointment date for Valerie Ferris, Senior Clerk Typist.

ACTION: The Merit System Board directed that the petition be granted.

B-44 KEVIN GEORGE

The Superior Court of New Jersey, Appellate Division has vacated the Merit System Board decision reversing the removal of Kevin George and remanded the matter to the Board for further proceedings consistent with its decision. *See Kevin George v. City of Newark, __N.J. Super.__* (App. Div. 2006).

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

B-45 JOSEPH HOFFMAN

The City of Camden, on behalf of Joseph Hoffman, requests that his resignation be rescinded and seeks his eligibility for the promotional examination for Police Sergeant (PM2650G), City of Camden.

ACTION: The Merit System Board granted the request.

B-46 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 denied the request but referred the matter to the Division of Human Resource Management for a salary reevaluation.

B-47 MARILYN RODRIGUEZ

Marilyn Rodriguez, Senior Probation Officer, Judiciary, represented by Daniel J. Zirrieth, Esq., on behalf of the Probation Association of NJ, requests Merit System Board review of a five day suspension on sustained charges of conduct unbecoming a public employee and violation of the Judiciary's Workplace Violence Policy.

ACTION: The Merit System Board referred the matter to the Office of Administrative Law for a hearing.

B-48 JOYCE GLEASON, ET AL.

Joyce Gleason and Stephen Antisz, represented by Lisa Manshel, Esq., and Neil Ward request that they be assigned retroactive appointment dates for record purposes and that they be found eligible for the promotional examination for Police Captain (PM3523G), City of Bayonne.

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

B-49 FIRE CAPTAIN (PM3582F), CITY OF BAYONNE

The Director, Division of Human Resource Management, requests that the Fire Captain (PM3582F), City of Bayonne eligible list be extended for four months beyond its original expiration date pursuant to the plan for the abolition of the rank of Fire Lieutenant in the City and the advancement of current Fire Lieutenants to Fire Captain with A retroactive appointment date of March 1, 2006.

ACTION: The Merit System Board directed that the plan for the abolition of the rank of Fire Lieutenant in the City and the advancement of current Fire Lieutenants to Fire Captains be implemented, the newly appointed Fire Captains receive retroactive appointment dates of March 1, 2006, and the Fire Captain (PM3582F) eligible list be extended.

B-50 PANAGIS HOUNOS

The Department of Transportation requests that Panagis Hounos be restored to the special reemployment list for Right of Way Negotiator, Department of Transportation.

ACTION: The Merit System Board granted the request.

B-51 ERIC GOORDMAN

Eric Goordman, a Supervisor, Public Works, with the Township of Parsippany-Troy Hills represented by Kathleen Fantacone Mazzouccolo, Esq., requests a hearing on his suspension.

ACTION: The Merit System Board granted a hearing at the Office of Administrative Law.

B-52 MICHAEL WALKER

Michael Walker, a Fire Fighter with the City of Paterson, represented by Anthony D. Rinaldo, Jr., Esq., requests a hearing regarding his separation from employment.

ACTION: The Merit System Board granted a hearing at the Office of Administrative Law.

B-53 GERALDA AIDAJUSTE

Geralda Aidajuste 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 Investigator, County Medical Examiners Office (C6440G), Middlesex County.

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

B-54 CECILIA O. AJIGBOTOSHO

Cecilia O. Ajigbotosho 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 Assistant Director of Nursing Services 1, Psychiatric (PS7195K), Hagedorn Psychiatric Hospital, Department of Human Services.

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

B-55 MARY C. BECKER

Mary C. Becker 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 Assessor (PM0861G), Margate City.

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

B-56 ELISA BILLUPS, ET AL.

Elisa Billups, Michele Flavin, Robert Moore, Scott Ryan, and Brian Thatcher 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 (PS6215K), Division of Youth and Family Services. Scott Jacobs appeals the determination the Division of Selection Services which found that, per the substitution clause for education, he was below the minimum requirements in experience for the promotional examination for Administrative Analyst 2 (PS6256K), Division of Youth and Family Services.

ACTION: The Merit System Board directed that these appeals be denied, but the matter of appellants' Billups, Flavin, Jacobs, Ryan, and Thatcher's classification be referred to the Division of Human Resource Management for review.

B-57 EDGAR S. CAMERON

Edgar S. Cameron 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 Human Services Specialist 1 (C1167G), Camden County.

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

B-58 ROBERT CAPIZZANO, ET AL.

Robert Capizzano appeals the determination of the Division of Selection Services which found that he did not meet the education and experience requirements for the open competitive examination for Administrative Analyst 3 (Data Processing) (S6817G). Patricia Ciszek, and Cecelia Rodgers 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 3 (Date Processing) (S6817G). Kimberly Hoefling and Joan Sabatini 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 open competitive examination for Administrative Analyst 3 (Data Processing) (S6817G).

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

B-59 LISA E. CAVANAGH AND JEANNINE A. LOUGHERY

Lisa E. Cavanagh and Jeannine A. Laughery 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 Administrative Supervisor 1, Transportation (PS5958T), Department of Transportation.

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

B-60 GEORGE W. DEARNESS

George W. Dearness appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the promotional examination for Senior Public Works Inspector (PM0830G), Union Township.

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

B-61 FRANK DESTEFANO AND TRACY SMITH

Frank DeStefano and Tracy Smith 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 Archivist 2 (S6818G).

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

B-62 DEBORAH FERRARO, ET AL.

Deborah Ferraro, Roman Gankiewicz and Patricia Laird appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirements for the open competitive examination for Personnel Assistant 1 (S3037G). Donna Lenihan, Linda Schulman, Lalita Vishwanath and Giovanna Vollaro 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 open-competitive examination for Personnel Assistant 1 (S3037G).

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

B-63 MAXINE FRINK

Maxine Frink appeals the determination of the Division of Selection Services which found that, per the substitution clause, she was below the minimum requirements in experience for the promotional examination for Labor Market Analyst 4 (PS6665N), Department of Labor and Workforce Development.

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

B-64 PASCAL M. GAMBARDELLA

Pascal M. Gambardella, Jr., appeals the determination of the Division of Selection Services which found that he was not eligible for the promotional examination for Family Service Specialist 1 (PS5470K), Department of Human Services, because he did not possess an aggregate of one year of continuous permanent service in a competitive title as of the closing date.

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

B-65 DEBORAH HAYES AND CAROL PLUMMER

Deborah Hayes and Carol Plummer appeal the determinations 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 Technical Assistant Classification (PS6471K), Department of Corrections.

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

B-66 LYNNETTE HUNT

Lynnette Hunt 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 (PS6532K), Division of Developmental Disabilities.

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

B-67 NACHELLE R. JOHNSON

NaChelle R. Johnson appeals the determination of the Division of Selection Services that she did not meet the education and experience requirements for the open competitive examination for Technical Assistant 1 (S0411G), New Jersey State Museum, Department of State.

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

B-68 MARY KEENAN

Mary Keenan 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 Program Support Specialist 1 (Assistance Programs) (PS6919K), Division of Disability Services, Department of Human Services.

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

B-69 PATRICIA MCANDREW

Patricia McAndrew appeals the determination of the Division of Selection Services that found that she did not meet the experience requirements for the open competitive examination for Records Manager (C6633G), Hudson County.

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

B-70 ANTHONY PONE

Anthony Pone appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Administrative Analyst 2, Data Processing (PS6537K), Department of Human Services.

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

B-71 CARMEN ABONIA-NIETO

Carmen Abonia-Nieto appeals the determination of the Division of Selection Services which found that her application for the promotional examination for Juvenile Detention Officer (PC2500H), Union County, was late.

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

B-72 PATRICK BIGOSS

Patrick Bigoss appeals his score for the oral portion of the open-competitive examination for Principal Planner Emergency Management Fire (S2042F).

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

B-73 FRANCISCO SALTAR

Francisco Saltar appeals his score for the oral portion of the examination for the first level Fire Lieutenant (PM3605F), Vineland City.

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

B-74 LUIGI TRAMONTANA, JR.

Luigi Tramontana, Jr. appeals his score for the oral portion of the examination for the first level Fire Lieutenant (PM3605F), Vineland City.

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

B-75 JODY WEINER

Jody Weiner appeals the test administration of the oral portion of the examination for the first level Fire Lieutenant (PM3605F), Vineland City.

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

B-76 LEONARD WILSON

Leonard Wilson, a Senior Correction Officer with the Albert C. Wagner Youth Correctional Facility, Department of Corrections, seeks Merit System Board resolution of a dispute concerning back pay and benefits.

ACTION: The Merit System Board granted back pay in the amount of \$119,658.69 but denied any further benefits.

B-77 CLERK, EAST ORANGE WATER DEPARTMENT, SPECIAL REEMPLOYMENT LIST

The appointing authority's failure to properly dispose of the certification for 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 directed that the appointing authority remove the provisional appointee, make an appointment from the certification and pay compliance costs.

B-78 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of April 5, 2006 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of April 5, 2006.

B-79 HELEN FORD

Helen Ford, a County Correction Sergeant with Hudson County, represented by D. Gayle Loftis, Esq., petitions the Merit System Board for interim relief of her immediate suspension, effective March 29, 2006.

ACTION: The Merit System Board directed that the petition be denied but granted a hearing at the Office of Administrative Law regarding the merits of the charges.

B-80 BAZYT BERGUS

The appeal of Bazyt Bergus, a Police Sergeant with the City of Newark Police Department, of his removal effective April 30, 2002, on charges, was heard by Administrative Law Judge Maria Mancini LaFiandra, who rendered her initial decision on February 24, 2006. At its meeting on April 5, 2006, the Merit System Board adopted the ALJ's recommendation to uphold 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	(Yes)
	Robert J. Long	(Abstained)

B-81 MYRA DARIUS

The appeal of Myra Darius, a Building Maintenance Worker with Camden County, of her removal effective February 24, 2005, on charges, was heard by Administrative Law Judge Joseph F. Fidler, who rendered his initial decision on January 12, 2006. At its meeting on April 5, 2006, the Merit System Board adopted the ALJ's recommendation to uphold 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.

B-82 ANNA M. HUTCHINGS

The appeal of Anna M. Hutchings, a Senior Correction Officer with Garden State Youth Correctional Facility, Department of Corrections, of her removal, effective December 19, 2003, on charges, was heard by Administrative Law Judge John R. Futey, who rendered his initial decision on March 6, 2006. At its meeting on April 5, 2006, the Merit System Board adopted the ALJ's recommendation to uphold 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.

B-83 LAWRENCE SIMMONS

The appeal of Lawrence Simmons, a former Supervising Code Enforcement Officer with the City of Newark, of his demotion to the position of Senior Code Enforcement Officer, effective April 22, 1999, on charges, was heard by Administrative Law Judge Richard McGill, who rendered his initial decision on February 22, 2006. At its meeting on April 5, 2006, the Merit System Board adopted the recommendation of the ALJ to modify the demotion to a fine of pay equal to a 15-day suspension. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-84 SHARON THOMAS

The appeal of Sharon Thomas, a Senior Youth Worker with the Juvenile Justice Commission, Department of Law and Public Safety, of her 45-day suspension, which was to begin on October 31, 2004, on charges, was heard by Administrative Law Judge Bruce M. Gorman, who rendered his initial decision on March 2, 2006. At its meeting on April 5, 2006, the Merit System Board adopted the ALJ's recommendation to modify the appellant's 45-day suspension to a 15-day suspension. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-85 ROBERT ZORN, JR.

The appeal of Robert Zorn, Jr., a Youth Worker with the Mercer County Department of Human Services, of his removal, effective May 11, 2005, on charges, was heard by Administrative Law Judge John Schuster III, who rendered his initial decision on March 6, 2006, dismissing the appeal. At its meeting on April 5, 2006, the Merit System Board did not adopt the ALJ's recommendation. Rather, the Board ordered that the matter be remanded to the Office of Administrative Law. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-86 EARLY SETTLEMENT

Lorraine Pabon
Woodbine Developmental Center
Department of Human Services
Removal

ACTION: The Merit System Board acknowledged the settlement.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, May 10, 2006 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

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