



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
MAY 10, 2006**

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

MAY 10, 2006

A regular meeting of the Merit System Board was held on Wednesday May 10, 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.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Barry Gatlin
Newark School District
Suspension

In the Matter of Tracy D. Gilliard
County of Camden
Department of Corrections
Release at the end of the working test period

In the Matter of Marilyn Rivera
County of Hudson
Office of the Sheriff
Resignation not in good standing

In the Matter of Sandra Singleton
County of Mercer
Department of Public Safety
Suspension

In the Matter of Richard Tazzetto
County of Hudson
Department of Corrections
Suspension

In the Matter of Allen Tompkins
Northern State Prison
Department of Corrections
Suspension

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 NORBERTO SOARES, ET AL.

Norberto Soares, Keith Jones, Raul Diaz, Onofre Cabezas and Julio C. Parades, III, Police Officers, City of Newark, Police Department, nine-day suspensions on charges of obedience to orders, official inefficiency or incompetency and insubordination.

Recommendation of the Administrative Law Judge – Reverse the nine-day suspensions.

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

A-3 ANTHONY BAILEY (REMAND)

Anthony Bailey, County Correction Officer, County of Mercer, Department of Public Safety, four removals effective December 18, 2003, and a ten-day and a 20-day suspension on charges of unsatisfactory attendance, chronic and excessive absenteeism and conduct unbecoming a public employee.

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-4 RICHARD GRILLO

Richard Grillo, County Correction Officer, County of Cape May, Sheriff's Office, removal effective March 25, 2004, on charges of 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 HAROLD HAWKINS

Harold Hawkins, Senior Correction Officer, Juvenile Justice Commission, Department of Law and Public Safety, removal effective April 1, 2005, 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.

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

A-6 PEDRO HERNANDEZ

Pedro Hernandez, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, removal effective September 18, 2003, on charges of physical and mental abuse of a patient and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge - Uphold the removal.

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

A-7 LOURDES NIEVES

Lourdes Nieves, Senior Clerk, County of Essex, Prosecutor’s Office, removal effective May 22, 2002, on charges of inefficiency, failure to perform duties, inability to perform duties, chronic or excessive absenteeism or lateness, conduct unbecoming a public employee and neglect of duty.

Recommendation of the Administrative Law Judge - Uphold the removal.

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

A-8 EDITH NOEL

Edith Noel, Institutional Attendant, County of Union, Runnells Hospital, removal effective June 11, 2004, on charges of conduct unbecoming and violations of County policy regarding workplace violence.

Recommendation of the Administrative Law Judge - Uphold the removal.

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

A-9 NANCY PAVEZ

Nancy Pavez, Cottage Training Technician, Hunterdon Developmental Center, Department of Human Services, removal effective March 3, 2004, on the charge of physical abuse of a client.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-10 LOUIS SHANNON

Louis Shannon, Stationary Engineer, City of Newark, Department of Engineering, removal effective October 28, 2004, on charges of incompetency, inefficiency or failure to perform duties, inability to perform duties 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-11 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. This matter was held over from the Merit System Board meeting of February 8, 2006.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION: The Merit System Board reversed the recommendation of the Administrative Law Judge and upheld the removal.

VOTE:	Rolando Torres, Jr.	(Yes)
	Flavella Branham	(Yes)
	John Currie	(Yes)
	Margaret E.L. Howard	(Yes)
	Robert J. Long	(No)

SECTION B – MISCELLANEOUS MATTERS

B-1 MONTE V. MORGAN

Monte V. Morgan appeals the removal of his name from the (S9999D) eligible list for the title of Correction Officer Recruit, Juvenile Justice Commission on the basis of psychological unfitness.

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

B-2 AQUILLA LOWERY

Aquilla Lowery appeals her rejection as a Police Officer by the City Of Newark and its request to remove her name from the Police Officer (S9999F) eligible list due to a positive drug test, which barred law enforcement employment consideration for two years from the date of the positive drug test.

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

B-3 SHAUN PANDOLFI

Shaun Pandolfi, represented by Merick H. Limsky, Esq., 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 denied.

B-4 DENISE COLE

Denise Cole, a Senior Investigator (Public Defender) with the Office of the Public Defender, appeals the denial of additional sick leave injury (SLI) benefits.

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

B-5 ROBERT JONES

Robert Jones, a Senior Correction Officer at Mountainview Youth 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-6 PAUL J. LAMBERT

Paul J. Lambert, a former Correction Lieutenant with Mid-State Correctional Facility, 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-7 RICHARD MOSCO

Richard Mosco, 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 directed that this appeal be granted.

B-8 SUZANNE SILVERS

Suzanne Silvers, a Supervising Research Analyst, DYFS, with the Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

B-9 DAVID SISNETSKY

David Sisnetsky, a Senior Correction Officer with the New Jersey 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-10 DIANA TALBERT

Diana Talbert, an Assistant Director of Nursing Services 1 (Psychiatric) at Trenton Psychiatric Hospital, 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-11 WAYNE HUNDEMANN

Wayne Hundemann, represented by Thomas C. Sciarrabone, Esq., appeals the removal of his name from the eligible list for Police Sergeant (PM2512F), Borough of Carteret, on the basis of an unsatisfactory background report.

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

B-12 ANDREW JUTTNER

Andrew Juttner, represented by John D. Freeley, Esq., appeals the bypass of his name for appointment on the Fire Lieutenant (PM2572A), City of Plainfield, eligible list.

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

B-13 MARITZA VALERIO

Maritza Valerio appeals the decision to remove her name from the eligible list for Police Officer (S9999D), City of Paterson, due to her failure to respond to the Notice of Certification.

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

B-14 GEORGE BELLO

George Bello, a Police Officer with the City of Trenton, represented by Louis C. Guarino, Esq., requests a hearing on the charges levied against him and review of his alleged resignation from employment, effective January 4, 2006. Additionally, the petitioner requests reconsideration of the decision of the Merit System Board rendered on December 21, 2005, which denied his request for interim relief.

ACTION: The Merit System Board granted a hearing at the Office of Administrative Law on the charges regarding the September 24, 2005 incident and the charges regarding the July 2, 2005 incident, but denied reconsideration of the request for interim relief.

B-15 EDWINA MASSAQUOI

Edwina Massaquoi, a former Staff Nurse, 12 Months, with Trenton Psychiatric Hospital, Department of Human Services, requests a hearing regarding her separation from employment.

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

B-16 JILL DIETCH

Jill Dietch, a Deputy Attorney General 3 with the Department of Law and Public Safety, appeals the determination of the Director, Office of Workplace Policy Administration and Enforcement, 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.

B-17 ANN DOHERTY

Ann Doherty, a Social Worker 2, Corrections, at New Jersey State Prison, Department of Corrections, appeals the determination of the Acting Director, Equal Employment Division, with the DOC, stating that the appellant had 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.

B-18 CHERYL BURNS, ET AL.

Cheryl Burns, Donna Huber, and Susan Travers petition the Merit System Board for reconsideration of the decision rendered on January 25, 2006 (*In the Matter of Cheryl Burns, et al.*) which found that, as per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Driver Improvement Analyst 3 (PS5599T), Motor Vehicle Commission.

ACTION: The Merit System Board denied the requests.

B-19 RICHARD DELANEY

Richard Delaney petitions the Merit System Board for reconsideration of the decision rendered on January 12, 2005 which upheld the determination of the Division of Selection Services that he was ineligible to participate in the promotional examination for Supervising Engineer, Construction and Maintenance (PS2391T) because he failed to achieve a passing score on the Supervisory Test Battery Version 2 (STB2).

ACTION: The Merit System Board denied the request.

B-20 JOHN HERRMANN

John Herrmann, represented by Daniel Zirrit, Esq., petitions the Merit System Board for reconsideration of the decision rendered on January 11, 2006 which found that he was below the minimum requirements in experience for the qualifying examination for Electronic Systems Technician 1, Bergen County Utilities Authority.

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

B-21 BEVERLY LAPSLEY

Beverly Lapsley, a Deputy Attorney General 3 with the Department of Law & Public Safety, petitions the Merit System Board for reconsideration of its decision, rendered on July 13, 2005, in which the Board denied her request for sick leave injury (SLI) benefits.

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

B-22 NICHOLAS LUCIVERO, ET AL.

Nicholas Lucivero, Marie Rodgers, and Shirley Takacs petition the Merit System Board for reconsideration of the decision rendered on January 25, 2006 (*In the Matter of James Francis, et al.*) which found that, as per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Field Monitor 1, Division of Motor Vehicles (PS5600T), Motor Vehicle Commission.

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

B-23 ROBERT MOORE

Robert Moore petitions the Merit System Board for reconsideration of the decision rendered on January 25, 2006 (*In the Matter of April Ford-Scott, et al.*) which found that he did not meet the experience requirements for the promotional examination for Program Development Specialist 1, Youth and Family Services (PS4762K), Division of Youth and Family Services.

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

B-24 JAMES PORCH

Hudson County, represented by Mitchell H. Levine, Esq., petitions the Merit System Board for reconsideration of the administrative decision rendered on April 5, 2006, ordering Hudson County to hold a departmental hearing on disciplinary charges brought against James Porch via an amended Preliminary Notice of Disciplinary Action served on November 29, 2005, within 20 business days of issuance of the Board's decision and to award Porch back pay from December 29, 2005 to the date of this departmental hearing.

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

B-25 KAREN ALFRED

The Department of Labor and Workforce Development requests a retroactive permanent appointment date for Karen Alfred, a Technical Assistant 2 (Labor).

ACTION: The Merit System Board denied the request.

B-26 CYNTHIA Y. DOE

Cynthia Y. Doe, a former Cottage Training Technician with the New Lisbon Developmental Center, Department of Human Services, represented by Robert C. Little IV, Assistant to the Director, AFSCME Council 1, requests that the Merit System Board reinstate the appeal of her resignation in good standing, which was dismissed based on her failure to appear at a scheduled settlement conference.

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

**B-27 ENVIRONMENTAL HEALTH SPECIALIST (C6091E AND C6421G),
PASSAIC COUNTY**

The appointing authority's failure to properly dispose of the certification for Environmental Health Specialist 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.

VOTE:	Rolando Torres, Jr.	(Yes)
	Flavella Branham	(Yes)
	John Currie	(Abstained)
	Margaret E.L. Howard	(Yes)
	Robert J. Long	(No)

B-28 JOHN LINANE

Monmouth County, represented by Parthenopy Bardis, Esq., appeals the decision of the Division of Human Resource Information Services which restored John Linane to the eligible list for County Correction Officer (S9999F) Monmouth County.

ACTION: The Merit System Board directed that this appeal be denied and the appellant's name be reflected as bypassed on the certification.

B-29 JUDY LOPEZ, ET AL.

Judy Lopez, Dawn Giambattista, and Sabrina Ramos, represented by David H. Weiner, President, Communications Workers of America, Local 1081, request that they be permanently appointed to the Senior Clerk Typist (Bilingual in Spanish and English) or Senior Clerk Typist titles.

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

B-30 SOCIAL WORKER JUVENILE REHABILITATION (C0768F), PASSAIC COUNTY

The appointing authority's failure to properly dispose of the certification for Social Worker Juvenile Rehabilitation 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.

VOTE:	Rolando Torres, Jr.	(Yes)
	Flavella Branham	(Yes)
	John Currie	(Abstained)
	Margaret E.L. Howard	(Yes)
	Robert J. Long	(No)

B-31 TAMARA HIDALGO

The appeal of Tamara Hidalgo, a Police Officer with the City of Camden, of her removal effective October 27, 1998, on charges, was heard by Administrative Law Judge John F. Futey, who rendered his initial decision on October 5, 2005, upholding the removal. At its meeting on April 26, 2006, the Merit System Board did not adopt the ALJ's recommendation to uphold the removal. Rather, the Board modified the removal to a resignation in good standing. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-32 EILEEN MAZZEI

The appeal of Eileen Mazzei, a Sheriff's Officer with the Middlesex County Sheriff's Department, of her 30-day suspension on charges, was heard by Administrative Law Judge Solomon A. Metzger, who rendered his initial decision on March 23, 2006. At its meeting on April 26, 2006, the Merit System Board did not adopt the ALJ's recommendation to uphold the 30-day suspension. Rather, the Board determined that a five-day suspension was warranted. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-33 JENNIFER MORTIMER

The appeal of Jennifer Mortimer, a County Correction Officer with Burlington County, of her removal effective June 7, 2005, on charges, was heard by Administrative Law Judge James W. Faison, III, who rendered his initial decision on February 15, 2006. At its meeting on April 26, 2006, the Merit System Board adopted the ALJ's recommendation to reverse the removal. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-34 ALICE WOART

The appeal of Alice Woart, a Human Services Assistant with the Woodbridge Developmental Center, Department of Human Services, of her removal, effective March 8, 2005, on charges, was heard by Administrative Law Judge Patricia M. Kerins, who rendered her initial decision on January 9, 2006. At its meeting on April 26, 2006, the Merit System Board did not adopt the ALJ's recommendation to reverse the removal. 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-35 TARA L. ADAMS

Tara L. Adams, in an appeal filed on her behalf by Louis Bruni, Chief, Operations, 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 3 (PS7122A), State Agriculture Development Committee, Department of Agriculture.

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

B-36 KAREN ATTICKS

Karen Atticks appeals the determination of the Division of Selection Services which found that she did not meet the experience requirement for the open competitive examination for Legal Secretary 2 (S0501G).

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

B-37 PAUL H. BARTON

Paul H. Barton appeals the determination of the Division of Selection Services which found that he did not meet the experience requirement for the promotional examination for Assistant Director of Finance (PM1078G), City of Newark.

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

B-38 LAKHRAM BASANTA

Lakhram Basanta 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 Fiscal Officer (PM1531G), Jersey City.

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

B-39 WILLIAM E. BATE

William E. Bate, represented by Virginia A. Wolf, CWA Local 1034, appeals the determination of the Division of Selection Services that he did not meet the requirements for the promotional examination for Code Writer 2 (Code Section) (PS6994N), Department of Labor and Workforce Development.

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

B-40 LAKEISHA BIGGS

Lakeisha Biggs appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in education and experience for the promotional examination for Taxpayer Service Representative 1 (PS8123U), Department of the Treasury.

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

B-41 LEWIS K. BRANIN

Lewis K. Branin appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he did not meet the experience requirements for the promotional examination for Principal Area Coordinator, Community Involvement (PS7738T), Assistant Commissioner/Intergovernmental Relations, Department of Transportation.

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

B-42 NICOLE CARNIVALE AND KATHRYN PLUNKETT

Nicole Carnivale and Kathryn Plunkett appeal the determinations of the Division of Selection Services that they did not meet the education and experience requirements for the promotional examination for Paralegal Specialist (PC0180G), Board of Social Services, Burlington County.

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

B-43 JENNIFER CARTER

Jennifer Carter appeals the determination of the Division of Selection Services which found that she did not meet the educational requirements for the promotional examination for Chemist (PS7815H), Department of Health and Senior Services.

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

B-44 GARY CUNHA

Gary Cunha 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 Computer Operator 3 (PS7250P), Division of State Police, Department of Law and Public Safety.

ACTION: The Merit System Board directed that this appeal be denied and the matter of Mr. Cunha's classification be referred to the Division of Human Resource Management.

B-45 JARED FRICKE, ET AL.

Jared Fricke, Rafael Maldonado, and Kristine McNeally 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 Communications Operator, Secured Facilities (PC1319G), Ocean County.

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

B-46 MARTA LANDERS AND STELLA NEVINS

Marta Landers and Stella Nevins appeal the determinations of the Division of Selection Services that they did not meet the education and experience requirements for the promotional examination for Paralegal Specialist (PC0180G), Board of Social Services, Burlington County.

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

B-47 SHARON METRO

Sharon Metro appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Administrative Analyst 1, Data Processing (PS6202K), Department of Human Services.

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

B-48 RALPH MONGE

Ralph Monge appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the open competitive examination for Code Enforcement Officer (M6137G), Township of Lakewood.

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

B-49 WILLIAM MOORE

William Moore 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 Administrative Analyst 3, Data Processing (S6817G).

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

B-50 PAUL RAY

Paul Ray 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 Administrative Analyst 2, Data Processing (PS6998P), Division of Consumer Affairs, Department of Law and Public Safety.

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

B-51 STANLEY WILLIAMS

The appointing authority for the Department of Agriculture, on behalf of Stanley Williams, appeals the determination of the Division of Selection Services which found that Mr. Williams did not meet the experience requirements for the Program Technician (PS7515A), Division of Food and Nutrition, Department of Agriculture, promotional examination.

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

B-52 CHRISTOPHER ANNUNZIATA

Christopher Annunziata appeals his score for the oral portion of the examination for the first level Fire Lieutenant (PM2632F), Hackensack.

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

B-53 CHRISTOPHER BOTTA

Christopher Botta appeals his score for the oral portion of the examination for the first level Fire Lieutenant (PM2631F), Clifton.

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

B-54 EUGENE D'ALESSANDRO

Eugene D'Alessandro appeals his score for the oral portion of the examination for the first level Fire Officer 1 (PM2641F), North Hudson Regional Fire and Rescue.

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

B-55 RICHARD DELANEY

Richard Delaney appeals his score on the promotional examination for Project Manager, Transportation (PS0162T), Department of Transportation, on the basis that he was not provided with a reasonable accommodation for his disability.

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

B-56 TODD HEALY

Todd Healy, represented by William F. Koy, Esq., appeals his score for the oral portion of the examination for the first level Fire Lieutenant (PM2631F), Clifton.

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

B-57 JOHN HOLLENBACK

John Hollenback appeals his score for the oral portion of the examination for the first level Fire Lieutenant (PM2631F), Clifton.

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

B-58 TIMOTHY JORDAN

Timothy Jordan appeals his score for the oral portion of the examination for the first level Fire Lieutenant (PM2632F), Hackensack.

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

B-59 HELMUT KRAUTH

Helmut Krauth appeals his score for the oral portion of the examination for the first level Fire Lieutenant (PM2639F), Union Township.

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

B-60 JOHN KURZ

John Kurz appeals his score for the oral portion of the examination for the first level Fire Lieutenant (PM2632F), Hackensack.

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

B-61 DAVID LACARRUBBA

David LaCarrubba appeals his score for the oral portion of the examination for the first level Fire Officer 1 (PM2641F), North Hudson Regional Fire and Rescue.

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

B-62 DEMONT MANUEL

Demont Manuel appeals the test administration of the oral portion of the examination for the first level Fire Lieutenant (PM2505F), Passaic.

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

B-63 BARBARA MCBRIDE

Barbara McBride appeals her score on the promotional examination for Data Entry Machine Operator Typing (PM0833G), City of Camden.

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

B-64 DANIEL MCELLOWNEY

Daniel McEldowney appeals his score for the oral portion of the examination for the first level Fire Officer 1 (PM2641F), North Hudson Regional Fire and Rescue.

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

B-65 BRIAN MILLER

Brian Miller appeals his score for the oral portion of the examination for the first level Fire Officer 1 (PM2641F), North Hudson Regional Fire and Rescue.

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

B-66 DANIEL OPIZZI

Daniel Opizzi appeals his score for the oral portion of the examination for the first level Fire Lieutenant (PM2644F), Mount Laurel Township.

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

B-67 FRANK PREZIOSO

Frank Prezioso appeals his score for the oral portion of the examination for the first level Fire Lieutenant (PM2631F), Clifton.

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

B-68 EDWARD QUINN

Edward Quinn appeals his score for the oral portion of the examination for the first level Fire Officer 1 (PM2641F), North Hudson Regional Fire and Rescue.

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

B-69 WILLIAM RICCI

William Ricci appeals his score for the oral portion of the examination for the first level Fire Lieutenant (PM2631F), Clifton.

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

B-70 GREGORY RICCIARDI

Gregory Ricciardi appeals the test administration of the oral portion of the examination for the first level Fire Lieutenant (PM2639F), Union Township.

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

B-71 HENRY RUIZ

Henry Ruiz appeals his score for the oral portion of the examination for the first level Fire Officer 1 (PM2641F), North Hudson Regional Fire and Rescue.

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

B-72 ALBERT SALVESEN

Albert Salvesen appeals his score for the oral portion of the examination for the first level Fire Officer 1 (PM2641F), North Hudson Regional Fire and Rescue.

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

B-73 GLENN TURNER

Glenn Turner appeals his score for the oral portion of the examination for the first level Fire Officer 1 (PM2641F), North Hudson Regional Fire and Rescue.

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

B-74 SANDRA DIAZ

Sandra Diaz appeals the determination of the Division of Selection Services which found that she was not eligible for the promotional examination for Senior Therapy Program Assistant (PS8541K), North Jersey Developmental Center, Department of Human Services, because her application was received after the closing date of the examination announcement.

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

B-75 DEBORAH TUCKER

Deborah Tucker appeals the determination of the Division of Selection Services which found that she was not serving in a title to which the promotional examination was open for Supervisor of Professional Residential Services (PS8558K), Woodbridge Developmental Center.

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

B-76 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of April 26, 2006 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of April 26, 2006.

B-77 CHIEF CLERK SURROGATES

The Director, Division of Human Resource Management, requests Merit System Board review of the establishment of the title Chief Clerk Surrogates in the career service.

Pursuant to *N.J.S.A.* 11A:3-6, a public hearing is required when the Merit System Board considers reallocating a title from the career to the unclassified service. To that end, notice was provided to the general public that a public hearing would be conducted during the Board's regularly scheduled meeting on May 10, 2006. Prior to voting on this item, an opportunity for public comment was provided.

ACTION: The Merit System Board reallocated the title of Chief Clerk Surrogates to the unclassified service.

B-78 JAMIE MCGORTY

The appeal of Jamie McGorty, a former Sheriff's Officer with Hudson County, of her removal effective March 10, 2005, on charges, was heard by Administrative Law Judge Carol I. Cohen, who rendered her initial decision on March 14, 2006. At its meeting on April 26, 2006, the Merit System Board adopted the ALJ's recommendation to modify the removal to a resignation in good standing. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-79 CARLOS PINA

The appeal of Carlos Pina, a Police Officer with the City of Union City, of his 12-day suspension on charges, was heard by Administrative Law Judge Sandra Ann Robinson, who rendered her initial decision on March 3, 2006, reversing the 12-day suspension. At its meeting on April 26, 2006, the Merit System Board adopted the ALJ's recommendation to dismiss the charge of the use of excessive force. However, the Board sustained the charge of conduct unbecoming a public employee and modified the 12-day suspension to a 10-day suspension. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-80 EARLY SETTLEMENTS

Cynthia Ferguson
Burlington County Board of Social Services
Release at the end of the working test period

Nathaniel L. Haggar
Ancora Psychiatric Hospital
Department of Human Services
Resignation not in good standing

Kathy Johnson
Vineland Developmental Center
Department of Human Services
Suspension

Sheldon G. Rush
New Lisbon Developmental Center

Department of Human Services
Suspension

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, May 24, 2006 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

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

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