



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  
DECEMBER 20, 2006**

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

December 20, 2006

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A regular meeting of the Merit System Board was held on Wednesday, December 20, 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: December 11, 2006

TO: Rolando Torres, Jr., Commissioner  
Department of Personnel

FROM: Elizabeth Van Marter, Director  
Human Resource Management

SUBJECT: Change in the State Classification Plan

**COMMON TITLE**

The Hudson County Department of Family Services requests that the state title of Employment Counselor Bilingual in Spanish and English (64762C) be made common for local use. In state service, the title will remain restricted to the Department of Labor and Workforce Development.

The Hudson County Department of Family Services receives grant monies from Supportive Assistance to Individuals and Families (SAIF), a part of New Jersey's Work First Program. The grant will be used to staff positions in the Department of Family Services' Intensive Case Management Unit. The unit is responsible for assisting clients, particularly those sustained by public assistance programs for more than five (5) years, to attain self-sufficiency. Use of this grant requires that the agency offer bilingual counseling services.

The Department of Labor has been notified of the proposed changes and has not provided any objections.

**ESTABLISHMENT OF COMMON TITLE**

Effective: February 18, 2006

FROM:  
Employment Counselor Bilingual  
in Spanish and English  
P19-64762C L Competitive  
Restricted to State Use

TO:  
Employment Counselor Bilingual  
in Spanish and English  
P19-64762C L Competitive  
Common Use

**SECTION A – HEARING MATTERS**

**A-1 SETTLEMENTS**

In the Matter of John Annillo  
City of Union  
Department of Public Safety  
Removal

In the Matter of Sherra Cave-Howell  
Camden City Housing Authority  
Layoff

In the Matter of Joseph W. Ditchkus  
County of Ocean  
Department of Buildings and Grounds  
Removal

In the Matter of Rajhien Dubois  
Newark School District  
Suspension

In the Matter of Ana Ebel  
New Jersey State Parole Board  
Suspension

In the Matter of Lena Flentroy  
City of Newark  
Police Department  
Suspension

In the Matter of Gary Fountain  
City of Newark  
Department of Water and Sewer Utilities  
Removal

In the Matter of Charles Gallo  
City of Linden  
Police Department  
Suspension

In the Matter of Patrick Gilmartin  
Greenbrook Regional Center  
Removal

In the Matter of Jasmine Harmon  
Woodbine Developmental Center  
Department of Human Services  
Release at the end of the working test period

In the Matter of Alphonso Hunt  
County Cumberland  
Department of Corrections  
Removal

In the Matter of Patricia James  
County of Mercer  
Department of Public Safety  
Release at the end of the working test period

In the Matter of Demetrius Jones  
County of Cumberland  
County Manor  
Removal

In the Matter of Norma Jones  
County of Hudson  
Department of Corrections  
Suspension

In the Matter of Michael Larino  
City of Bayonne  
Fire Department  
Suspension

In the Matter of Dorethea Lester, et al.  
Camden City Housing Authority  
Layoff

In the Matter of Jon Nielson  
City of Perth Amboy  
Department of Public Works

In the Matter of Peggy Phelps  
Newark School District  
Release at the end of the working test

Jeffrey Polewka  
Township of Nutley  
Department of Public Safety  
Suspension

In the Matter of Thomas Rakus  
City of Sea Isle  
Department of Public Works, Parks and Public Property  
Suspension and Demotion

In the Matter of John Rayam  
City of Newark  
Police Department  
Suspension

In the Matter of Robert Tindal  
Department of Heath and Senior Services  
Division of Senior Benefits and Utilization Management  
Return to formerly held permanent title

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

**ACTION:** The Merit System Board acknowledged the settlements.

**A-2 BRIAN BAHM**

Brian Bahm, County Correction Officer, County of Mercer, Department of Public Safety, 10-day and 20-day suspensions on charges of chronic and excessive absenteeism and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the 10-day and 20-day suspensions.

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

**A-3 DONALD HICKS**

The Superior Court of New Jersey, Appellate Division, has remanded *In the Matter of Donald Hicks* for the Board's determination of Mr. Hicks' entitlement to back pay.

Recommendation of the Administrative Law Judge – Order Mr. Hicks to reimburse the appointing authority \$ 94,933.33 in over payment of back pay.

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

**A-4 BETTY MOORE**

Betty Moore, Supervising Clerk, County of Hudson, Department of Corrections, five-day suspension, 10-day suspension, 15-day suspension and 20-day suspension on charges of incompetency, inefficiency or failure to perform duties, conduct unbecoming a public employee, neglect of duty, insubordination and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the five-day, 10-day, 15-day suspensions and modify the 20-day suspension to a 60-day suspension.

**ACTION:** The Merit System Board affirmed the recommendation of the Administrative Law Judge to uphold the five-day, 10-day and 15-day suspensions, but modified the recommendation of the Administrative Law Judge to increase the 20-day suspension to a 60-day suspension; rather, the Board increased the 20-day suspension to a 45-day suspension.

**A-5 JAMES REID**

James Reid, Senior Planner, County of Burlington, Department of Economic Development and Regional Planning, 10-day suspension on charges of conduct unbecoming a public employee, misuse of public property and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the 10-day suspension to a five-day suspension.

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

**A-6 RUSSEL TEEL**

Russel Teel, County Correction Officer, County of Mercer, Department of Public Safety, 10-day and 20-day suspensions on charges of chronic and excessive absenteeism and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the 10-day and 20-day suspensions.

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

**A-7 MICHAEL VERSAGGI**

Michael Versaggi, Police Sergeant, Township of Gloucester, Police Department, three demotions to the position of Police Officer effective April 22, 2003, on charges of violation of various Police Department rules and regulations.

Recommendation of the Administrative Law Judge – Uphold the demotion.

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

**A-8 BRIAN ANDERSON (REMAND)**

Brian Anderson, County Correction Officer, County of Monmouth, Department of Corrections and Youth Services, removal effective October 17, 2001, on charges of failure to meet qualifications of the job title for County Correction Officer, falsification of job application, lying under oath and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Reverse the removal.

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



**A-9 KEITH BETHEA**

Keith Bethea, Senior Medical Security Officer, Ann Klein Forensic Center, Department of Human Services, removal effective January 5, 2005, on the charge of physical abuse of a patient.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

**A-10 ANTHONY CLARKE**

Anthony Clarke, Cottage Training Technician, New Lisbon Developmental Center, Department of Human Services, removal effective January 13, 2006, on the charge of neglect of duty.

Recommendation of the Administrative Law Judge – Dismiss the appeal as moot.

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

**A-11 PEDRO GONZALEZ**

Pedro Gonzalez, Firefighter, City of Hoboken, Department of Public Safety, removal effective June 17, 2002, on charges of incompetency, inefficiency or failure to perform duties, inability to perform duties, conduct unbecoming a public employee, and violation of Federal regulations concerning drug and alcohol use and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

**A-12 WENDELL HARPER (REMAND)**

Wendell Harper, Police Officer, City of Newark, Police Department, removal effective February 27, 2002, on charges of violation of Police Department rules regarding the Drug Screening Policy and intoxication or illegal use of drugs.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

**A-13 HARLEY VARGAS**

Harley Vargas, Building Maintenance Worker, City of Passaic, Department of Public Works, removal effective November 13, 2004, on the charge of 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 motion was made and seconded that the open session be recessed and that, pursuant to Section 12(b) of the Open Public Meetings Act, the Merit System Board entered into Executive Session for the purpose of legal advice on the matter of A-14 Freddie Green and Elijah Muse. The Board subsequently reconvened the public meeting.**

**A-14 FREDDIE GREEN AND ELIJAH MUSE**

Freddie Green and Elijah Muse, Human Services Assistants, Trenton Psychiatric Hospital, Department of Human Services, removals effective April 14 and 15, 2004, respectively, on charges of physical or mental abuse of a patient, violation of administrative procedures and/or regulations involving safety and security and failure to report injury, abuse or accident involving a patient. This matter was held over from the October 18, 2006 Merit System Board meeting for summary of testimony.

Recommendation of the Administrative Law Judge – Uphold the removals.

**ACTION:** The Merit System Board affirmed the recommendation of the Administrative Law Judge to uphold the removal on Freddie Green, but the Merit System Board reversed the Administrative Law Judge and reversed the removal of Elijah Muse.

**SECTION B – MISCELLANEOUS MATTERS****B-1 ELIZABETH CANTWELL**

Elizabeth Cantwell, a Program Development Specialist 1 (Corrections) with the Department of Corrections, represented by Bruce Fralinger, Staff Representative, CWA Local 1040, appeals the denial of sick leave injury (SLI) benefits.

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

**B-2 NIRVA LUBIN**

Nirva Lubin, a Human Services Assistant at Woodbridge 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-3 DAWN RADANOVITZ-MINNITTI**

Dawn Radanovitz-Minnitti, a Senior Parole Officer with the New Jersey State Parole Board, appeals the denial of sick leave injury (SLI) benefits.

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

**B-4 MARCIA SHIPLEY**

Marcia Shipley, a Senior Probation Officer with the Judiciary, Vicinage 15 – Gloucester, Cumberland, and Salem Counties, appeals the denial of sick leave injury (SLI) benefits.

**ACTION:** The Merit System Board referred the matter to the Medical Examiners Panel

**B-5 THOMAS E. GILLEN, JR.**

Thomas E. Gillen, Jr., appeals the decision of Human Resource Information Services which upheld the removal of his name from the Police Officer (S9999F), Jersey City eligible list due to his failure to meet the residency requirement.

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

**B-6 JEFFREY SPENGLER**

Jeffrey Spengler, represented by Benjamin Benson, Esq., 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 Fire Fighter (M2201D), City of Bayonne, on the basis of an unsatisfactory background.

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

**B-7 BRIAN MCKAY AND ALEXANDER CONDOS**

The Borough of Seaside Park, on behalf of Brian McKay and Alexander Condos, requests that the eligible list for Police Officer (S9999D) be revived in order to effectuate their appointments. The Borough also seeks Mr. McKay's eligibility for the promotional examination for Police Sergeant (PM2616H), Seaside Park.

**ACTION:** The Merit System Board granted the request.

**B-8 DATA CONTROL CLERK (SPECIAL RE-EMPLOYEE LIST) AND (M1478C), EAST ORANGE HEALTH DEPARTMENT**

The Division of Human Resource Information Services petitions the Merit System Board (Board) for enforcement of the decision rendered on November 22, 2005, wherein the Board ordered that the East Orange Health Department properly dispose of the January 16, 2003 certification (OL030104) of the eligible list for Data Control Clerk (Special Re-employment List) and (M1478C).

**ACTION:** The Merit System Board granted the request for appointment waiver but assessed selection costs in the amount of \$2,048.

**B-9 RALPH COLLURA AND FREDRICK SOUTHERLAND**

Ralph Collura and Fredrick Southerland, a Police Sergeant and Police Officer, respectively, with the Township of Irvington, represented by James T. Prusinowski, Esq., request hearings regarding their suspensions.

**ACTION:** The Merit System Board granted hearings.

**B-10 EDWINA MASSAQUOI**

The Merit System Board is reconsidering its prior decision in *In the Matter of Edwina Massaquoi* (MSB, decided May 10, 2006), in which it granted Edwina Massaquoi's request for a hearing regarding her separation from employment.

**ACTION:** The Merit System Board vacated the decision *In the Matter of Edwina Massaquoi* (MSB, decided May 10, 2006) and dismissed Edwina Massaquoi's request for a hearing based on lack of jurisdiction.

**B-11 LINDA TREANOR**

Linda Treanor, represented by David H. Ben-Asher, Esq., petitions the Merit System Board for a determination of her entitlement to permanent status.

**ACTION:** The Merit System Board granted the request.

**B-12 ANTHONY SALERNO, JR.**

Anthony Salerno, Jr., a Police Captain with the City of Asbury Park Police Department, represented by Charles J. Uliano, Esq., petitions the Merit System Board for interim relief of his immediate suspension.

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

**B-13 EDWARD GUZ**

Edward Guz, a Business Manager 1 Corrections, with East Jersey State Prison, Department of Corrections, appeals the denial of promotional opportunities for employees in the Business Manager 1, Corrections title.

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

**B-14 ANGELO SOTO**

The Department of Corrections petitions the Merit System Board for reconsideration of its decision, *In the Matter of Angelo Soto, Department of Corrections* (MSB, decided March 8, 2006), which granted the appellant's request for sick leave injury (SLI) benefits.

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

**B-15 MICHAEL CASTALDO**

The appeal of Michael Castaldo, a Senior Correction Officer with New Jersey State Prison, Department of Corrections, of his removal effective January 6, 2006, on charges, was considered by Administrative Law Judge Jeff S. Masin (ALJ), who rendered his initial decision on September 26, 2006, recommending acknowledgement of the settlement of the parties.

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

**B-16 MICHAEL BROWN**

The appeal of Michael Brown, a County Correction Officer with Monmouth County, concerning his removal, effective July 22, 2004, on charges, was heard by Administrative Law Judge Joseph F. Martone (ALJ), who rendered his initial decision on October 20, 2006. At its meeting on December 6, 2006, the Merit System Board (Board) did not adopt the ALJ's recommendation to uphold the removal. Rather, the Board remanded the matter to the Office of Administrative Law for further proceedings. The proposed decision is now submitted for the Board's review.

**ACTION:** The Merit System Board adopted the decision.

**B-17 ELMORE GAINES**

The appeals of Elmore Gaines, a Code Enforcement Officer with the City of Newark, Department of Neighborhood and Recreational Services, of his 62-day, 10-day, 20-day and 90-day suspensions, on charges, were heard by Administrative Law Judge Edith Klinger (ALJ), who rendered her initial decision on November 3, 2006, dismissing the appeal of the 62-day suspension and upholding the 10-day, 20-day and 90-day suspensions. At its meeting on December 6, 2006, the Merit System Board (Board) adopted the ALJ's recommendations. The proposed final decision is now submitted for the Board's review.

**ACTION:** The Merit System Board adopted the final decision.

**B-18 TIMOTHY LAPINSKI**

The appeal of Timothy M. Lapinski, a County Correction Officer with the County of Monmouth of his 10-day suspension, on charges, was heard by Chief Administrative Law Judge Laura Sanders (ALJ), who rendered her initial decision on October 23, 2006. At its meeting on December 6, 2006, the Merit System Board (Board) did not adopt the ALJ's recommendation to modify the appellant's 10-day suspension to a five-day suspension. Rather, the Board upheld the 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-19 RUSSELL STROTHER**

The appeal of Russell Strother, a Fire Fighter with the City of East Orange, of his 90 working day suspension, on charges, was heard by Administrative Law Judge Jeffrey A. Gerson (ALJ), who rendered his initial decision on November 2, 2006. At its meeting on December 6, 2006, the Merit System Board (Board) did not adopt the ALJ's recommendation to modify the 90 working day suspension to a 60 working day suspension. Rather, the Board upheld the 90 working day suspension. The proposed final decision is now submitted for the Board's review.

**ACTION:** The Merit System Board adopted the final decision.

**B-20 SHERRI ANGELERI, ET AL.**

Sherri Angeleri, Lilly Britton, and Ross Friedman 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 Supervising Program Development Specialist (Mental Health Services) (S3043G), Department of Human Services. Kimberly Williams 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 open competitive examination for Supervising Program Development Specialist (Mental Health Services) (S3043G), Department of Human Services.

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

**B-21 THOMAS BUSHAR**

Thomas Bushar 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 Senior Engineer, Materials (PS9011T), Department of Transportation.

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



**B-22 YVONNE COOK**

Yvonne Cook appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Executive Assistant 3 (PS7954K), Southern Region, Department of Children and Families.

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

**B-23 JORGE DONES AND JANIS FEUCHACK**

Jorge Dones and Janis Feuchack 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 Management Assistant (PM1415G), Jersey City.

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

**B-24 MARYELLEN ESPOSITO**

Maryellen Esposito appeals the determination of the Division of Selection Services which found that she did not meet the experience requirement for the promotional examination for Family Service Specialist 1 (PS5483K), Metro Region, Department of Children and Families.

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

**B-25 KAREN M. GARDNER**

Karen M. Gardner appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Technician, Management Information Systems (PS8024P), Juvenile Justice Commission.

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

**B-26 SHIRLEY GRIFFITH**

Shirley Griffith 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 Assistant Supervisor of Residential Living, Developmental Disabilities (PS8528K), New Lisbon Developmental Center.

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

**B-27 DONNA HILL AND HERMEAN MATTHEWS**

Donna Hill 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 (Data Processing) (PS7287T), Department of Transportation. Hermean Matthews 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 2 (Data Processing) (PS7287T), Department of Transportation.

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

**B-28 ELYSSA KLIPPER-SOUTO**

Elyssa Klipper-Souto appeals the determination of the Division of Selection Services which found that she did not meet the requirements for the open competitive examination for Administrative Secretary (C1360H), Passaic County Department of Senior Services, Disability and Veteran's Affairs.

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

**B-29 BRIGID O'CONNOR AND AARON REED**

Brigid O'Connor 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 Principal Program Development Specialist, Criminal Justice (M6335H), East Orange. Aaron Reed 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 open competitive examination for Principal Program Development Specialist, Criminal Justice (M6335H0, East Orange.

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

**B-30 NANCY RAMOS**

Nancy Ramos 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 (PM1415G), Jersey City.

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

**B-31 KERRI RITZ**

Kerri Ritz 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 Technical Assistant 3 (PS9841P), Division of State Police.

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

**B-32 MICHAEL SANFILIPPO**

Michael Sanfilippo appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Senior Engineer, Materials (PS9011T), Department of Transportation (DOT).

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

**B-33 JOHN SIGAFOOS**

John Sigafos appeals the determination of the Division of Selection Services which found that he was not eligible for the promotional examination for Senior Road Repairer (PC1361H), County of Hunterdon, based on a late application.

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

**B-34 ADRIAN WILSON**

Adrian Wilson, represented by Michael Prigoff, Esq., petitions the Merit System Board for reconsideration of the decision rendered on September 6, 2006, which denied his appeal regarding his score on the oral portion of the promotional examination for Fire Captain (PM3508F), Atlantic City.

**ACTION:** The Merit System Board denied the request.

**B-35 ROBERT MCQUADE, JR.**

Robert McQuade, Jr., represented by Sandra Schick Passaro, Esq., appeals his score on the Entry Level Law Enforcement Examination (S9999H).

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

**B-36 BRYAN BEHAN AND GEORGE PEARCE**

Bryan Behan and George Pearce appeal the written examination for State Park Police Sergeant (PS7511G), Department of Environmental Protection.

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

**B-37 ERIC CHASZAR**

Eric Chaszar appeals the promotional examination for Supervisor, Public Works (PM1719G), Township of North Brunswick.

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

**B-38 ANTHONY GAGLIANO**

The Director, Division of Human Resource Management, on behalf of the City of Passaic, requests that Anthony Gagliano's out-of-title work experience be accepted to qualify him for a prospective promotional examination for Assistant Public Works Superintendent, City of Passaic.

**ACTION:** The Merit System Board granted the request.

**B-39 DIANE HALKO AND ANNA MCLEAN**

The Department of Transportation requests that Diane Halko's out-of-title work experience be accepted to qualify her for the promotional examination for Technical Assistant 2, Purchasing (PS3044T), Department of Transportation. The Department of Transportation also requests that Anna McLean's out-of-title work experience be accepted to qualify her for the promotional examination for Technical Assistant 1, Purchasing (PS3043T), Department of Transportation.

**ACTION:** The Merit System Board granted the request.

**B-40 SALARY REGULATION, SUPPLEMENT 1, FY 2007**

The Salary Regulation, Supplement 1, Fiscal Year 2007 is submitted for the Board's review and recording. It includes Section 4E, Miscellaneous: Residents on Construction Projects, Department of Transportation. It has been approved by Rolando Torres, Jr., Commissioner, Department of Personnel and Charlene M. Holzbaur, Director, Division of Budget and Accounting.

**ACTION:** The Merit System Board recorded the salary regulation.

**B-41 MERIT SYSTEM BOARD MINUTES**

The minutes of the Merit System Board meeting of December 6, 2006 are submitted for adoption.

**ACTION:** The Merit System Board adopted the minutes of its meeting of December 6, 2006.

**B-42 COUNTY CRITICAL INFRASTRUCTURE COORDINATOR**

The Office of Homeland Security and Preparedness requests the reallocation of the title of County Critical Infrastructure Coordinator from the career to the unclassified service, pursuant to N.J.A.C. 4A:3-1.3(a)5.

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, current incumbents in the title, as well as all Counties that have adopted Title 11A of the New Jersey Statutes, have been given notice that a public hearing will be conducted during the Board's regularly scheduled meeting on December 20, 2006. In addition, this notice is included on this agenda item for the Board's meeting and posted on the Department of Personnel's website in order to provide notice to the general public. Thus, prior to voting on this item, an opportunity for public comment will be provided.

**ACTION:** On December 20, 2006, the Board conducted a public hearing in accordance with N.J.S.A. 11A:3-6. The matter was held over for consideration of the comments presented at the public hearing and the subsequent written submissions of the parties.

**B-43 RUSSELL BOUFFARD**

Russell Bouffard, a Police Officer with the City of Atlantic City, represented by Erika A. Appenzeller, Esq., petitions the Merit System Board for interim relief of his removal, effective October 27, 2006.

**ACTION:** The Merit System Board denied the request.

**B-44 WILLIAM PRICE**

William Price, a Social Worker, Aging, with the County of Atlantic, represented by Robert D. Herman, Esq., petitions the Merit System Board for interim relief of his immediate suspension, effective August 4, 2006.

**ACTION:** The Merit System Board denied the request.

**B-45 FRED BONDA**

Fred Bonda, represented by Lynsey Johnson, Esq., appeals his score on the promotional examination for Fire Official, UFD (PM1094G), Elizabeth, and petitions the Merit System Board for a stay of the use of the eligible list pending this appeal. This matter was held over from the December 6, 2006 Merit System Board meeting.

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

**B-46 PAULA PETTY**

Paula Petty, a former Correction Officer Recruit with the Department of Corrections, requests that the Merit System Board reinstate the appeal of her release at the end of the working test period effective June 1, 2005, which was dismissed on the basis of her failure to appear at her July 18, 2006 settlement conference.

**ACTION:** The Merit System Board granted the request.

**B-47 MARIE DUNLAP-PRYCE**

Marie Dunlap-Pryce, an Assistant Superintendent 1, Corrections, with the Garden State Reception and Youth Correctional Facility, Department of Corrections, represented by George R Saponaro, Esq., appeals the return of her disciplinary action to the Merit System Board from the Office of Administrative Law.

**ACTION:** The Merit System Board directed that this matter be referred to the Commissioner of Personnel for processing under the minor disciplinary rules.

**B-48 WILLIAM PEARN**

The appeal of William Pearn, an Institutional Attendant with the County of Sussex, Department of Health, of his resignation not in good standing effective January 18, 2005, on charges, was heard by Administrative Law Judge Irene Jones (ALJ), who rendered her initial decision on September 26, 2006. At its meeting on December 6, 2006, the Merit System Board (Board) adopted the ALJ's recommendation to reverse the resignation not in good standing. The proposed decision is now submitted for the Board's review.

**ACTION:** The Merit System Board adopted the decision.

**B-49 TONY MACK**

The appeal of Tony Mack, a Municipal Recycling Coordinator with the City of Trenton, of the good faith of his layoff, effective December 8, 2004, for reasons of economy and efficiency, was heard by Administrative Law Judge Stephanie M. Wauters (ALJ), who rendered her initial decision on May 24, 2006. At its meeting on December 6, 2006, the Merit System Board (Board) did not adopt the ALJ's recommendation to reverse the layoff. Rather, the Board upheld the layoff. The proposed final decision is now submitted for the Board's review.

**ACTION:** The Merit System Board adopted the final decision.

**B-50 EARLY SETTLEMENTS**

Tiasha Johnson  
Vineland Developmental Center  
Department of Human Services  
Release at the end of the working test period

Shannon Murray  
Ancora Psychiatric Hospital  
Department of Human Services  
Suspension

James Tarver  
New Jersey State Prison  
Department of Corrections  
Removal

**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, January 17, 2006 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.**

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