



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
JANUARY 31, 2007**

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

JANUARY 31, 2007

A regular meeting of the Merit System Board was held on Wednesday January 31, 2007, in Trenton, New Jersey.

PRESENT: Chairman Rolando Torres, Jr., Merit System Board Members, John Currie, Flavella Branham, and Margaret E. L. Howard; 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 8, 2006, and posted at the Department of Personnel, 3 Station Plaza, Trenton, New Jersey. It is noted that Flavella Branham was not present for the votes on the changes to the State Classification Plan or agenda items A-1 and A-2. She was present and voted on all other items.

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: January 10, 2007

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

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

ESTABLISHMENT OF COMMON TITLE

It is requested that the State title of Technical Assistant, Contract Administration (62844) be made common for local use.

The Division of Human Resource Management audited a position in the Mercer County Department of Human Services to determine whether the current classification of Senior Systems Analyst was appropriate. The audit revealed the position is responsible for the technical aspects related to the monitoring, review and tracking of service contracts. There is no local title available to properly classify such duties.

The audit determined that the State title of Technical Assistant, Contract Administration most appropriately reflects the duties performed by the incumbent.

ESTABLISHMENT OF COMMON TITLE

Effective: 04/16/05

FROM:
Technical Assistant, Contract Administration
A16-62844 State Career * NE/12

TO:
Technical Assistant,
Contract Administration
A16-62844 Common Career
* NE/12

EVM/JJM/BP

DATE: January 10, 2007

TO: Rolando Torres Jr., Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the Classification Plan

OFFICE OF THE CHILD ADVOCATE

P.L. 2005, c.155, the Public Advocate Restoration Act of 2005, authorized the Office of the Child Advocate to be established within the Department of the Public Advocate.

Section 67 of P.L. 2005, c.155 (C.52:27EE-67; amended 2006, c.11, s.1) provides the basis to establish two titles in the unclassified service within the Office of the Child Advocate. The titles should be created to comply with the terms of the law.

The Office of Employee Relations has determined the appropriate bargaining unit assignment.

ESTABLISHMENT OF TITLES

Effective: 11/11/06

Child Advocate
M98-_____ Unclassified Z NL/12

First Assistant Child Advocate
M98-_____ Unclassified Z NL/12

EVM/JJM/BP

DATE: January 22, 2007

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

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

ESTABLISHMENT OF COMMON TITLES

It is requested that the State titles of Printing Operations Technician 1 (41441); Printing Operations Technician 3 (22545); and Printing Operations Technician 4 (22536), be made common in order to meet a classification need in Middlesex County. Printing Operations 2 (41442) was made common on January 13, 1998.

The Division of Human Resource Management audited positions in the Middlesex County Reprographics Division to determine whether the current classifications were appropriate. The audit revealed the positions are responsible for scheduling and expediting printing orders through various stages of production (graphics, xerographic, offset, bindery and shipping). There are no local titles available to properly classify such duties.

The audit determined that the State titles of Printing Operations Technician 1 (41441); Printing Operations Technician 3 (22545); and Printing Operations Technician 4 (22536) most appropriately reflect the duties performed by the incumbents.

ESTABLISHMENT OF COMMOM TITLES

Effective: 01/20/2007

FROM:
Printing Operations Technician 4
S22-22536 State Career * NE12

Printing Operations Technician 3
S19-22545 State Career * NE12

Printing Operations Technician 1
A15-41441 State Career * NE12

FROM:
Printing Operations Technician 4
S22-22536 Common Career * NE12

Printing Operations Technician 3
S19-22545 Common Career * NE12

Printing Operations Technician 1
A15-41441 Common Career * NE12

EVM/JMM/RMD

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Jenise Colwell
Newark School District
Resignation not in good standing

In the Matter of John P. Dugan
County of Monmouth
Department of Corrections and Youth Services
Suspension

In the Matter of Samuel Gonzalez
Motor Vehicle Commission
Removal

In the Matter of Laquan Pinion
Department of Corrections
Suspension and Removal

In the Matter of Kareem Watson
Atlantic City Housing Authority
Removal

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 HUGO ACOSTA

Hugo Acosta, Support Services Representative Trainee, Motor Vehicle Commission, release at the end of the working test period effective April 4, 2005.

Recommendation of the Administrative Law Judge – Uphold the release at the end of the working test period.

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

A-3 IRAIDA AFANADOR

Iraida Afanador, a Government Representative 2 with the Department of Labor and Workforce Development, appeals the determination of the Commissioner of Labor and Workforce Development, stating that she 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.

Recommendation of the Administrative Law Judge – Appeal be granted and ordered that a letter of violation of the New Jersey State Policy Prohibiting Discrimination, Harassment, or Hostile Environments in the Workplace be placed in the personnel file of retired employee Thomas Caldwell.

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

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

A-4 EDITH DUNMORE

Edith Dunmore, Human Services Assistant, Vineland Developmental Center, Department of Human Services, resignation not in good standing effective November 17, 2004, on the charge of being absent from duty for five or more consecutive business days without approval.

Recommendation of the Administrative Law Judge – Reverse the resignation not in good standing.

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

A-5 WILFRED JIROUX

Wilfred Jiroux, Police Officer, Township of West Orange, Police Department, 10-day suspension on the charge of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the 10-day suspension.

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

A-6 CHRISTOPHER LORENC

Christopher Lorenc, Police Officer, Township of Jackson, Police Department, release at the end of the working test period effective January 12, 2004.

Recommendation of the Administrative Law Judge – Uphold the release at the end of the working test period.

ACTION: The Merit System Board reversed the recommendation of the Administrative Law Judge and ordered a five-month working test period.

A-7 WANDA THOMAS

Wanda Thomas, Clerk Typist, Newark School District, 45-working day suspension on charges of incompetency, inefficiency or failure to perform duties, insubordination, conduct unbecoming a public employee and other sufficient cause

Recommendation of the Administrative Law Judge – Dismiss the appeal for failure to prosecute.

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

A-8 ADRIAN WILSON

Adrian Wilson, Fire Fighter, City of Atlantic City, Department of Public Safety, 15-day suspension on charges of violation of Fire Department rules and regulations, inability to perform duties and other sufficient cause.

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

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

A-9 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. This matter was held over from the December 20, 2006 Merit System Board meeting for receipt of cross exceptions.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-10 GENEVIEVE SHARPE

Genevieve Sharpe, Cottage Training Technician, New Lisbon Developmental Center, removal effective June 22, 2004, on charges of physical or mental abuse of a patient, client or resident, and verbal abuse of a patient, client, or resident.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-11 D. ZEOGAR WILSON

D. Zeogar Wilson, Human Services Assistant, Trenton Psychiatric Hospital, Department of Human Services, removal effective July 27, 2005, on charges of neglect of duty, loafing, idleness or willful failure to devote attention to tasks which could result in danger to persons or property and sleeping while on duty.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-12 LINCOLN A. HOLLEY, SR. - SETTLEMENT

Lincoln A. Holley, Sr., Probation Officer, Judiciary, Somerset Vicinage, removal effective April 2, 2004, on charges of conduct unbecoming a public employee, insubordination, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Reverse the removal.

Subsequently, the parties entered into a settlement agreement and request Merit System Board acknowledgement.

ACTION: The Merit System Board rejected the initial decision and acknowledged the settlement.

SECTION B – MISCELLANEOUS MATTERS

B-1 LEROY DOUGLAS

Leroy Douglas, a Senior Correction Officer with the Albert C. Wagner Youth Correctional Facility, 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 denied.

B-2 GWENDOLYN TERRELL

Gwendolyn Terrell, a Senior Food Service Handler at the 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 THOMAS DAVIS

Thomas Davis, a County Correction Officer with Monmouth County, represented by Jeffrey D. Catrambone, Esq., appeals his immediate suspension, effective August 24, 2006.

ACTION: The Merit System Board granted back pay from September 24, 2006 through the date of his resignation.

B-4 DARREN WEST

Darren West, a Police Officer with the City of Newark, represented by Anthony J. Fusco, Jr., Esq., petitions the Merit System Board for interim relief of his immediate suspension.

ACTION: The Merit System Board denied the request and directed that the appeal of the removal be transmitted to the Office of Administrative Law.

B-5 JANE LYONS

Jane Lyons, a Senior Engineer Transportation with the Department of Transportation, appeals the determination of the Executive Director, Division of Civil Rights and Affirmative Action, DOT, stating that the appellant did not 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 (State Policy) based on her reassignment. Ms. Lyons also appeals the determination of the Executive Director, stating that she presented sufficient evidence to support a finding that she had been subject to a violation of the State Policy based on a racial slur that had been written on her desk.

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

B-6 DORETTA WRIGHT-SIMMONS

Doretta Wright-Simmons, a Technical Assistant, Management Information Systems, with the Department of Transportation, appeals the determination of the Executive Director, Division of Civil Rights and Affirmative Action, DOT, 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 (State Policy).

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

B-7 ANTHONY TORTORELLA

The Superior Court of New Jersey, Appellate Division, has remanded the matter of Anthony Tortorella's removal to the Merit System Board for reconsideration in light of new evidence. *See In the Matter of Anthony Tortorella*, Docket No. A-6003-03T5 (App. Div. March 8, 2006).

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

B-8 PATRICK BALUNIS

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

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

B-9 JOHN BROOKS

John Brooks, a Clerk with the Department of Health Services, County of Bergen, appeals the good faith of his reassignment.

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

B-10 MARVIN JOHNSON

Marvin Johnson, a Human Services Assistant with Ancora Psychiatric Hospital, seeks enforcement of the Merit System Board decision rendered on January 11, 2006 granting him back pay, benefits and seniority.

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

B-11 PAUL ASH

Paul Ash, a Teacher 1 (12 months) with the Juvenile Justice Commission, Department of Law and Public Safety, requests reconsideration of the Merit System Board decision rendered on August 9, 2006, denying him additional sick leave injury (SLI) benefits for an injury which occurred on September 14, 2005.

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

B-12 OLAKOREDE ELEGBEDE

Olakorede Elegbede, a former Cottage Training Supervisor at Green Brook Regional Center, Department of Human Services, represented by Robert F. Hermann, Esq., petitions the Merit System Board for reconsideration of the final decision rendered on March 22, 2006, which denied her request to rescind her resignation in good standing.

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

B-13 TENA GRIGGS

The Department of Agriculture requests reconsideration of the Merit System Board decision rendered on September 6, 2006, which found that Tena Griggs did not meet the education and experience requirements for the promotional examination for Senior Fiscal Analyst (PS7514A), Department of Agriculture.

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

B-14 GERALYN MOLINARI

Geralyn Molinari petitions the Merit System Board for reconsideration of its decision rendered on October 18, 2006 in which her request for admittance to the examination for Program Manager, Addictions (PS6661K), Department of Human Services, Division of Addiction Services, was denied.

ACTION: The Merit System Board denied the request.
VOTE: **Rolando Torres, Jr.** (Abstained)
Flavella Branham (Yes)
John Currie (Yes)
Margaret E. L. Howard (Yes)
Robert J. Long (Yes)

B-15 BETTY SEWELL

Betty Sewell petitions the Merit System Board for reconsideration of the decision rendered on September 6, 2006 which found that she did not meet the experience requirements for the promotional examination for Deputy Director of Welfare (PC1208G), Camden County Board of Social Services.

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

B-16 SENIOR ADMINISTRATIVE ANALYST (M6758D), CITY OF TRENTON

The City of Trenton, represented by Stephen E. Trimboli, Esq., requests reconsideration of the decision *In the Matter of Senior Administrative Analyst (M6758D), City of Trenton* (MSB, decided March 22, 2006), which ordered it to immediately remove the provisional incumbent Tywana Smith, and to properly dispose of the January 3, 2005 certification within 30 days.

ACTION: The Merit System Board granted the request but assessed the appointing authority selection costs in the amount of \$1,548.

B-17 JAMES REID

The appeal of James Reid, a Senior Planner with the County of Burlington, of his 10-day suspension on charges was heard by Chief Administrative Law Judge Laura Sanders, who rendered her initial decision on November 27, 2006. At its meeting on January 17, 2007, the Merit System Board did not adopt the ALJ's recommendation to modify the 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.

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

B-18 JANET SMALL

The appeal of Janet Small, a County Correction Officer with the County of Hudson, of her removal, effective October 26, 2001, on charges, was heard by Administrative Law Judge Robert J. Giordano, who rendered his initial decision on August 28, 2006. At its meeting on January 17, 2007, the Merit System Board adopted the ALJ's recommendation to uphold the appellant's removal. However, the Board did not adopt the ALJ's finding of jurisdiction to review a separate 60-day suspension and dismissed that appeal. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

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

B-19 MICHAEL VIDAL

The appeal of Michael Vidal, a Campus Police Officer with Kean University, of his removal effective June 28, 2004, on charges, was before Administrative Law Judge JoAnn Lasala Candido, who rendered her initial decision on October 30, 2006, dismissing the appeal with prejudice. At its meeting on January 17, 2007, the Merit System Board adopted the ALJ's decision. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

VOTE:

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

B-20 GARY AVAZIER, ET AL.

Gary Avazier, Arthur Childs, Robert Halmuth, Lawrence Housman, Allan Karpinski, Joseph Liotino, and Rocco Palmieri appeal the determinations of the Division of Selection Services which found that they were below the minimum requirements in experience for the promotional examination for Assistant Supervisor Public Works (PM0472H), Brick Township.

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

B-21 DAVID COLLINS

David Collins 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 Maintenance Supervisor (PC0350H), Bergen County Utilities Authority.

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

B-22 FRANCIS ELLIS, JR.

Francis Ellis, Jr. appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the open competitive examination for Fire Chief (M2314H), Deptford Township.

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

B-23 WILLIAM GIORDANO

William Giordano 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 Inspector 3, Multiple Dwellings (S0533H), Department of Community Affairs.

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

B-24 VINCENT LYZELL

Vincent Lyzell, represented by Marcia J. Tapia, Esq., 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 Maintenance Supervisor (PC0350H), Bergen County Utilities Authority.

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

B-25 MARIANNE OFENLOCH

Marianne Ofenloch appeals the determination of the Division of Selection Services which found that she was not eligible for the promotional examination for Ranger Lieutenant (PS7510G), Department of Environmental Protection.

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

B-26 AIDA OLMEDA

Aida Olmeda 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, Bilingual in Spanish and English (S0544H), Judiciary.

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

B-27 DANIEL S. PARKS

Daniel S. Parks 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 Radiological Service Representative (S0542H).

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

B-28 PENNY RANDALL-DUFFY

Penny Randall-Duffy appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Personnel Assistant 3, Employee Relations (PS9435T), Motor Vehicle Commission.

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

B-29 JYOTSNA VIBHAKAR

Jyotsna Vibhakar appeals the determination of the Division of Selection Services which found that she did not meet the education and experience requirements for the promotional examination for Senior Rehabilitation Counselor Mental Health (PS9251K), Ann Klein Forensic Hospital.

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

B-30 LARRY BOLDEN

Larry Bolden appeals the determination of the Division of Selection Services which found that he was ineligible for the promotional examination for Equipment Operator (PM1093G), Township of Willingboro, because the announced title did not represent a promotion.

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

B-31 JACOB A. COLE, JR. AND KEITH FLEMING

Jacob A. Cole, Jr. and Keith Fleming appeal the determination of the Division of Selection Services which found that they were ineligible for the promotional examination for Equipment Operator (PC1215G), County of Hunterdon, because the announced title did not represent a promotion.

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

B-32 PATRICIA M. ROMANOWSKI

Patricia M. Romanowski appeals the determination of the Division of Selection Services which found that she was ineligible for the promotional examination for Supervising Clerk (PC1128H), Camden County Board of Social Services, because the announced title did not represent a promotion.

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

B-33 SONIA ALONSO, ET AL.

Sonia Alonso, Minnie Belton, Pamela D. Bradshaw-Gruska, Donna Herman, Aileen L. Journett, Beryl Lichter, Liana A. Molina, and Kristen M. Pinho appeal their ranks and scores on the promotional examination for Supervising Family Service Specialist 1(PS5459K), Northern Region, Department of Children and Families.

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

B-34 JOSEPH CAJZER

Joseph Cajzer appeals his score of the oral portion of the promotional examination for Deputy Fire Chief (PM3618G) Passaic.

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

B-35 ROBERT COWAN

Robert Cowan appeals his score of the oral portion of the examination for Police Captain (PM3535G), Jersey City.

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

B-36 ANTHONY GALIOTO

Anthony Galioto appeals his score of the oral portion of the examination for Deputy Fire Chief (PM3500H), Bloomfield.

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

B-37 JOHN GEHRINGER

John Gehringer appeals his score of the oral portion of the promotional examination for Deputy Fire Chief (PM3500H), Bloomfield.

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

B-38 ROBERT MYERS

Robert Myers appeals his score of the oral portion of the examination for Police Captain (PM3568G), Atlantic City.

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

B-39 GERALDINE ROCK

Geraldine Rock appeals her rank and score for the promotional examination for Senior Police Records Clerk (PM1344G), Voorhees Township.

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

B-40 CHARLES THOMAS

Charles Thomas appeals his score of the oral portion of the promotional examination for Fire Officer 3 (PM3634G), North Hudson Regional Fire and Rescue.

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

B-41 MALEK MIA ARROYO

Malek Mia Arroyo appeals the denial of her being allowed to take the promotional examination for Behavior Modification Program Technician (PS9668K), Woodbridge Developmental Center due to her late arrival at the examination center.

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

B-42 CELESTE KIRBY

Celeste Kirby appeals the determination of the Division of Selection Services which found her ineligible for the promotional examination for Correction Sergeant (PS9154I), Department of Corrections due to an untimely application.

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

B-43 CHERRY PINSKY

Cherry Pinsky appeals the administration of the promotional examination for Correction Lieutenant (PS7819I), Department of Corrections.

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

B-44 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.

ACTION: The Merit System Board reallocated the title of County Critical Infrastructure Coordinator to the unclassified service.

B-45 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of January 17, 2007 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of January 17, 2007.

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

B-46 EXEQUIEL LEVYA

Exequiel Levya, a Police Officer with the City of Newark, represented by Anthony J. Fusco, Jr., petitions the Merit System Board for interim relief of his immediate suspension.

ACTION: The Merit System Board denied the request for interim relief and directed that the appeal of the removal be transmitted to the Office of Administrative Law.

B-47 KAREN JENKINS

The Department of Corrections, represented by David M. Rosenblum, DAG, petitions the Merit System Board for reconsideration of the administrative decision, rendered on July 19, 2006, in which the Board reversed the removal of Karen Jenkins and awarded her back pay, benefits and seniority.

ACTION: The Merit System Board denied the request and further directed that the date of Jenkins' back pay award be adjusted to begin on November 20, 2003.

B-48 HAROLD VEAL

Harold Veal, a former Motor Vehicle Operator 1 with the New Jersey Veterans' Memorial Home at Paramus, Department of Military and Veterans' Affairs, petitions the Merit System Board for reconsideration of the administrative determination, rendered on August 9, 2006, in which the Board dismissed the petitioner's appeal of his 30-day suspension, beginning June 7, 2005, and his 15-day suspension, beginning July 20, 2005, with prejudice based on his failure to appear at the scheduled hearings.

ACTION: The Merit System Board granted the request for reconsideration and directed that the matter be transmitted to the Office of Administrative Law for further proceedings.

B-49 CHRISTOPHER SZCZYGIEL

Christopher Szczygiel, a Fire Captain with the City of Passaic, represented by Marla J. Moss, Esq., and Passaic, represented by Joel M. Miklacki, Esq. and Sean D. Dias, Esq., petitions the Merit System Board for a retroactive date of appointment from the Fire Captain (PM3524E), Passaic eligible list and to have his examination for the Deputy Fire Chief (PM3618G) Passaic examination scored.

ACTION: The Merit System Board granted the request.

B-50 KEITH STOUCH

The appeal of Keith Stouch, a Police Officer with the Township of Irvington, of his removal effective December 31, 2003, on charges, was heard by Administrative Law Judge Edith Klinger, who rendered her initial decision on October 26, 2006. At its meeting on January 17, 2007, the Merit System Board accepted the ALJ's recommendation to uphold the 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	(Abstained)
	Robert J. Long	(Yes)

B-51 DEBORAH PAYTON

The appeal of Deborah Payton, a Clerk with the City of Jersey City, of her removal, effective April 11, 2005, on charges, was heard by Administrative Law Judge JoAnn Lasala Candido. At its meeting on January 17, 2007, the Merit System Board did not adopt the ALJ's recommendation to uphold the removal. Rather, the Board modified the penalty to a five-day suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

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

B-52 R.J. SHUMNY

The appeal of R.J. Shumny, a County Correction Officer with the County of Monmouth, Department of Corrections and Youth Services, of his 30-working day suspension on charges, was heard by Administrative Law Judge Dennis P. Blake, who rendered his initial decision on September 29, 2006. At its meeting on January 17, 2007, the Merit System Board did not adopt the ALJ's recommendation to uphold the 30-working day suspension. Rather, the Board increased the penalty to a 45-working day suspension. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

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

B-53 VINCENT HUTCHESON

Vincent Hutcheson appeals the addition of three candidates to the May 15, 2006 certification for Painter (M6246H), Newark School District.

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

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, February 14, 2007 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

ROLANDO TORRES, JR.
COMMISSIONER
MERIT SYSTEM BOARD