



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
JULY 11, 2007**

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

JULY 11, 2007

A regular meeting of the Merit System Board was held on Wednesday July 11, 2007, in Trenton, New Jersey.

PRESENT: Chairman Rolando Torres, Jr., Merit System Board Members, John Currie, Flavella Branham, Margaret E. L. Howard, and Robert 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 8, 2006, 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.



MEMORANDUM

DATE: June 18, 2007

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

FROM: Elizabeth Van Marter, Managing Director
State and Local Government Operations *lv*

SUBJECT: Change in the State Classification Plan

STATE ETHICS COMMISSION

The State Ethics Commission requests the creation of two new titles to comply with an amendment to the Conflicts of Interest Law, which mandates the establishment of an Ethics Training Officer and an Ethics Compliance Officer.

We recommend these titles be assigned to the unclassified service, in accordance with N.J.S.A. 52:13D-21.

The bargaining unit was assigned by the Office of Employee Relations.

ESTABLISHMENT OF TITLES

Effective: 07-21-07

Ethics Training Officer
Y98-____ Unclassified C NL/12

Ethics Compliance Officer
Y98-____ Unclassified C NL/12

EVM/JJM/BP

CONFIDENTIAL APPOINTMENTS

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

William J. O'Byrne, appointed as a Confidential Assistant, Department of Banking and Insurance, effective November 11, 2006, salary of \$107,600.00 per annum.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Michael Banks
Newark School District
Removal

In the Matter of David Benaksas
County of Essex
Department of Public Safety
Removal

In the Matter of Gene Blanding
City of Orange Township
Department of Public Works
Suspension

In the Matter Andre Davis
The College of New Jersey
Removal

In the Matter of Evern W. Dock
William Paterson University of New Jersey
Suspension

In the Matter of Johnny Gomez
County of Cumberland
Department of Corrections
Removal

In the Matter of Williard Isabell
City of Trenton
Department of Public Works
Removal

In the Matter of Dorothy Johnson
Vineland Developmental Center
Department of Human Services
Removal

In the Matter of Ernest J. Long
Central Office Human Services
Suspension
In the Matter of George A. Lopez
County of Cumberland
Back pay and Counsel fees

In the Matter of Manjula Purohit
Hudson County
Department of Corrections
Removal

In the Matter of Hoggarth Stephen
City of Trenton
Department of Public Works
Removal

In the Matter of Wade Stokes
William Paterson University of New Jersey
Removal

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 ASSUNTINA MANOCCHIO (SETTLEMENT)

Assuntina Manocchio, Police Officer, City of Jersey City, removal effective February 15, 2005, based on dismissal from the Somerset County Police Academy.

Recommendation of the Administrative Law Judge – Acknowledge the settlement.

ACTION: The Merit System Board acknowledged the revised settlement.

A-3 LISA SMITH (SETTLEMENT)

Lisa Smith, Practical Nurse, County of Cumberland, Department of Corrections, two removals effective April 6, 2006, on charges of chronic or excessive absenteeism or lateness and insubordination.

Recommendation of the Administrative Law Judge – Grant motion to enforce settlement and modify the removals to a resignation in good standing.

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

A-4 KAREN L. JOHNSON

Karen L. Johnson, Employment Specialist, County of Atlantic, Department of Community Development Economic Assistance, resignation not in good standing effective October 31, 2005, 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 directed that this matter be held over.

A-5 JUAN MELENDEZ

Juan Melendez, County Correction Officer, County of Hudson, Department of Corrections, 30-day suspension on charges of insubordination, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

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

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

A-6 JOYCE MOSS

Joyce Moss, County Correction Officer, County of Mercer, Department of Public Safety, 10-day suspension on charges of chronic and excessive absenteeism and 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-7 DARIN STUBBS

Darin Stubbs, Laborer, City of Newark, Department of Neighborhood and Recreation Services, resignation not in good standing effective March 14, 2006, on the charge of resignation not in good standing.

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

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

A-8 KEITH BIEBER

Keith Bieber, Laborer, Township of Middletown, Department of Public Works, removal effective June 19, 2006, on charges of failure to perform duties, insubordination and neglect of duty.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-9 VALERIE BROWN (CONSOLIDATION)

Valerie Brown, County Correction Officer, County of Hudson, Department of Corrections, indefinite suspension effective April 5, 2006 and removal May 4, 2006, on charges of insubordination, conduct unbecoming a public employee, neglect of duty and other sufficient cause. At the hearing, the matters were consolidated and the indefinite suspension was withdrawn. The appointing authority was also permitted to withdraw part of the specification.

Recommendation of the Administrative Law Judge – Modify the removal to a 90-day suspension.

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

A-10 ROGER CALDWELL, JR.

Roger Caldwell, Jr., Human Services Specialist 2, Mercer County Board of Social Services, removal effective August 1, 2005, on the charge of 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-11 GLENN STEIGER

Glenn Steiger, Truck Driver, Borough of Rutherford, Department of Public Works, removal effective December 8, 2004, on charges of incompetency, inefficiency, failure to perform duties and violation of Federal, State, and local regulations prohibiting drug and alcohol use by employees who operate commercial vehicles.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-12 UDOBATA NWADIOZOR

Udobata Nwadiozor, Cottage Training Technician, Woodbridge Developmental Center, Department of Human Services, removal effective February 24, 2006, on charges of physical abuse of a client and verbal abuse of a client. This matter was held over from the June 6, 2007 Merit System Board meeting for testimony summary.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

SECTION B – MISCELLANEOUS MATTERS

B-1 MARGARET BULMER

Margaret Bulmer, a Head Clerk, Bookkeeper with the Senator Garrett W. Hagedorn Psychiatric Hospital, Department of Human Services, represented by Robert O. Yeager, Principal Staff Representative, Communications Workers of America, Local 1040, appeals the denial of sick leave injury (SLI) benefits.

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

B-2 DAVID DUBOUX

David DuBoux, an Institutional Trade Instructor 1, Cooking, with the Albert C. Wagner Youth Correctional Facility, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

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

B-3 RICHARD FYNAN

Richard Fynan, a Senior Correction Officer with New Jersey State Prison, Department of Corrections, represented by Brian W. Shea, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-4 CLARA HART-HENLEY

Clara Hart-Henley, a Superintendent, Residential Group Center, with the Juvenile Justice Commission, appeals the denial of sick leave injury (SLI) benefits.

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

B-5 LATONYA PAYNE

Latonya Payne, a Cottage Training Technician with Green Brook Regional 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-6 SYLVIA ROWELL

Sylvia Rowell, a Residential Living Specialist at Trenton Psychiatric Hospital, Department of Human Services (DHS), appeals the denial of sick leave injury (SLI) benefits.

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

B-7 EUGENE CANTELME

Eugene Cantelme, represented by Charles M. Grossman, Esq., appeals the decision of Human Resource Information Services (HRIS) which upheld the removal of his name from the Fire Fighter (M2289E), Newark eligible list due to his failure to meet the residency requirement and based on falsification of his pre-employment application.

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

B-8 BILLY DONNERSTAG

The Township of Vernon appeals the decision of Human Resource Information Services (HRIS) which found that the appointing authority had not presented a sufficient basis to remove Billy Donnerstag's name from the eligible list for Fire Prevention Specialist (M9117E) and amended the certification disposition to reflect that the appellant was interested in an appointment but was bypassed on the certification.

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

B-9 BILLY DONNERSTAG

Billy Donnerstag appeals the decision of Human Resource Information Services (HRIS) which found that the City of Clifton had presented a sufficient basis to remove his name from the Chief Emergency Medical Technician (M9468G), City of Clifton, eligible list due to his failure to meet the residency requirement.

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

B-10 JEVON EVANS

Jevon Evans, represented by Linda J. Niedweske, Esq., appeals the decision of the Division of Human Resource Information Services (HRIS) which found that the appoint authority had presented a sufficient basis to remove his name from the Correction Officer Recruit (S9999D) eligible list due to an unsatisfactory criminal record and falsification of his employment application.

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

B-11 ROBERT LOMBARDI, JR.

Robert Lombardi, Jr., represented by Stuart J. Alterman, Esq., appeals the decision of Human Resource Information Services, which upheld the removal of his name from the Police Officer (S9999F), City of Camden, eligible list due to an unsatisfactory employment record.

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

B-12 JEFFREY MAGAHAN

Jeffrey Magahan appeals the removal of his name from the Sheriff's Officer (S9999F), Ocean County, eligible list based on his falsification of his employment application and an unsatisfactory background report.

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

B-13 ALEXANDER H. MARCOPUL

Alexander H. Marcopul, represented by Gerald D. Miller, Esq., appeals the decision of the Division of Human Resource Information Systems which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for Correction Officer Recruit (S9999F), Department of Corrections on the basis of an unsatisfactory background report.

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

B-14 PHARMACY AIDE (C1375H), CAMDEN COUNTY HEALTH SERVICES CENTER

The Camden County Health Services Center requests permission not to make an appointment from the July 20, 2006 certification for Pharmacy Aide (C1375H).

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

B-15 JOY HILL

Joy Hill, a Senior Correction Officer with East Jersey State Prison, Department of Corrections, appeals the determination of the Acting Director, Equal Employment Division, 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).

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

B-16 ELVIA WILLIAMS

Elvia Williams, a Senior Correction Officer at East Jersey State Prison, Department of Corrections (DOC), 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 he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

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

B-17 DEBRA A. ROBSON

Debra A. Robson, a Principal Clerk Typist, with Middle Township School District, appeals her reassignment.

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

B-18 ALEISHA CRUZ

The Superior Court, Appellate Division, has reversed and remanded the November 3, 2005, Merit System Board determination that Aleisha Cruz was psychologically unsuitable for appointment as a Police Officer (S9999B), Brick Township.

ACTION: The Merit System Board referred the matter for an independent psychological evaluation.

B-19 WILFRED MARRERO

Wilfred Marrero, a Senior Correction Officer with Mid-State Correctional Facility, represented by Joseph A. Carmen, Esq., requests reconsideration of the Merit System Board decision rendered on January 17, 2007, granting him only partial sick leave (SLI) benefits for an injury which occurred on October 19, 2005.

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

B-20 AQIYL MUSTAFA

Aqiyl Mustafa, a Human Services Technician with Ancora Psychiatric Hospital, Department of Human Services, request reconsideration of the final administrative decision, rendered on December 7, 2005, which denied his request for sick leave injury (SLI) benefits.

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

B-21 FIONA BLACK

The appeal of Fiona Black, a former Human Services Assistant with the Vineland Developmental Center, Department of Human Services, concerning her release at the end of the working test period, effective August 1, 2006, was before Administrative Law Judge Dennis P. Blake (ALJ), who rendered his initial decision on May 21, 2007. At its meeting on June 20, 2007, the Merit System Board adopted the ALJ's recommendation to dismiss the appeal as moot. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-22 PHILLIP BOONE

The appeal of Phillip Boone, a Senior Medical Security Officer with the Ann Klein Forensic Center, Department of Human Services, of his removal, effective February 16, 2006, on charges, was heard by Administrative Law Judge Ana C. Viscomi (ALJ), who rendered her initial decision on May 10, 2007. At its meeting on June 20, 2007, the Merit System Board (Board), adopted 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.

B-23 JAN FAASEN

The appeal of Jan Faasen, a County Correction Officer with Monmouth County, of her 10-day suspension, commencing on March 4, 2006, on charges, was heard by Administrative Law Judge James W. Faison, III (ALJ), who rendered his initial decision on May 7, 2007. At its meeting on June 20, 2007, the Merit System Board adopted the ALJ's recommendation to modify the 10-day suspension to a three-day suspension. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-24 DARRYL GATEWOOD

The appeal of Darryl Gatewood, an Electrician at Greystone Park Psychiatric Hospital, Department of Human Services, of two removals, effective February 17, 2006, on charges, was heard by Administrative Law Judge Walter M. Braswell (ALJ), who rendered his initial decision on May 17, 2007. At its meeting on June 20, 2007, the Merit System Board did not adopt the ALJ's recommendation to modify the removal to a six-month suspension. Rather, the Board modified the penalty to a four-month suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-25 EUGENE GREINER

The appeal of Eugene Greiner, a Safety Specialist 2 with the Motor Vehicle Commission of his seven-day suspension, commencing on March 15, 2006, on charges, was heard by Administrative Law Judge James A. Geraghty (ALJ), who rendered his initial decision on May 11, 2007. At its meeting on June 20, 2007, the Merit System Board adopted the ALJ's recommendation to dismiss the charges and reverse the seven-day suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-26 GEOBAHNNY MANAY

The appeal of Geobahnnny Manay, a Senior Correction Officer with the Edna Mahan Correctional Facility for Women, Department of Corrections, of her 20 working day suspension on charges, was heard by Administrative Law Judge (ALJ) Joseph F. Fidler, who rendered his initial decision on May 22, 2007. AT its meeting on June 20, 2007, the Merit System Board did not adopt the ALJ's recommendation to uphold the 20 working day suspension. Rather, the Board increased the penalty to a 30 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-27 RACHEL WAGNER

The appeal of Rachel Wagner, a Human Services Assistant with Ancora Psychiatric Hospital, Department of Human Services, of her removal, effective November 29, 2005, on charges was heard by Administrative Law Judge (ALJ) John R. Tassini, who rendered his initial decision on May 22, 2007. At its meeting on June 20, 2007, the Merit System Board did not adopt the ALJ's recommendation to modify the removal to a 15-day suspension. Rather, the Board modified the removal to a 30-day suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-28 JANIKA WHITE

The appeal of Janika White, a Juvenile Detention Officer with the Passaic County Department of Youth Services, of her removal, effective January 23, 2004, on charges was heard by Administrative Law Judge (ALJ) Barry N. Frank, who rendered his initial decision on May 18, 2007. At its meeting on June 20, 2007, the Merit System Board did not adopt the ALJ's recommendation to reverse the removal. Rather, the Board upheld 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	(Abstained)
Margaret E. L. Howard	(Yes)
Robert J. Long	(Yes)

B-29 CYNTHIA ASTORE, ET AL.

Cynthia Astore, Timothy Hughes, Vicky Reid, Robert Roman, and Michael van Gaalen appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirements for the open competitive examination for Data Processing Systems Programmer 2 (OIT) (S6909H), Office of Information Technology.

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

B-30 HERMAN L. BASKERVILLE

Herman L. Baskerville appeals the determination of the Division of Selection Services which found that he was ineligible for the promotional examination for General Supervisor, Sanitation (PM1000H), City of Atlantic City, because the announced title did not represent a promotion.

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

B-31 STEVEN BRODY

Steven Brody appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Administrative Analyst 4 (Data Processing) (PS1205P), Division of State Police.

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

B-32 ERIBERTO CASTILLO, ET AL.

Eriberto Castillo, Jason Dembowski, and Edward Ryan appeal the determination of the Division of Selection Services which found that they did not meet the experience requirements for the promotional examination for Training Officer, Corrections (PC1389H), Hudson County.

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

B-33 GUY ERVIN AND HARVEY JOHNSON

Guy Ervin and Harvey Johnson appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirements for the promotional examination for Supervisor, Roads (PM1143H), Ewing Township.

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

B-34 WINSTON FORTUNE AND CHARLOTTE Y. PRUNTY

Winston Fortune and Charlotte Y. Prunty appeal the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the requirements in experience for the examination for Instructor Counselor (PS6164K), Ann Klein Forensic Center, Department of Human Services.

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

B-35 VERONICA GROTHUSEN

Veronica Grothusen appeals the determination of the Division of Selection Services that found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Recreation Program Specialist (PC1632H), Monmouth County.

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

B-36 EILEEN HODGES

Eileen Hodges appeals the determination of the Division of Selection Services which found that the appellant did not meet the experience requirements for the open competitive examination for Family Counselor (C1573H), Bergen County.

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

B-37 WALTER JONES

Walter Jones appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Equipment Operator, Mosquito Extermination (PC1590H), Morris County.

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

B-38 THOMAS KEY

Thomas Key appeals the determination of the Division of Selection Services that, per the substitution clause for education, he was below the minimum requirements in experience for the promotional examination for Technician, Management Information Systems (PS2359J), Rowan University.

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

B-39 GREGORY LARSEN

Gregory Larsen 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 Planner, Emergency Management (PS1404P), Division of State Police, Department of Law and Public Safety.

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

B-40 ALAN LERNER

Alan Lerner appeals the determination of the Division of Selection Services which found that the appellant did not meet the experience requirements for the promotional examination for Family Counselor (C1573H), Bergen County.

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

B-41 CHARLES MCDONNELL

Charles McDonnell appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the open competitive examination for Recreation Program Specialist (M1294H), Middle Township.

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

B-42 SAMEERAH MUHAMMAD

Sameerah Muhammad 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 Building Management Services Specialist 4 (M6434H), Newark School District.

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

B-43 MILTON NEY

Milton Ney 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 Telephone System Installer and Repairer (C6013H), Gloucester County.

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

B-44 MICHAEL OBAL

Michael Obal appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he was below the minimum requirements in experience for the promotional examination for Training Technician (PC1557H), Burlington County Board of Social Services.

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

B-45 LAWRENCE POTASH

Lawrence Potash appeals the determination of the Division of Selection Services which found that he did not meet the educational requirements for the open competitive examination for Staff Clinical Psychologist 3, Division of Mental Health Services (S6912H), Statewide.

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

B-46 JAUHARA PRESSEY

Jauhara Pressey 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 Economic Development Representative 2 (M1417H), Orange.

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

B-47 TARA QUARLES

Tara Quarles appeals the determination of the Division of Selection Services that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Instructor Counselor (PS8861K), Ann Klein Forensic Center, Department of Human Services.

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

B-48 KEVIN R. SHOMO

Kevin R. Shomo appeal the determination of the Division of Selection Services which found that, per the substitution clause for education, he did not meet the requirements in experience for the examination for Instructor Counselor (PS6164K), Ann Klein Forensic Center, Department of Human Services.

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

B-49 CHRISTINE VAN NESS

Christine Van Ness appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Administrative Analyst 4 (Data Processing) (PS1205P), Division of State Police.

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

B-50 ERNESTO ATIENCIA, ET AL.

Ernesto Atiencia, Anthony Fontaine, Camille Ingram, Lateasha Rogers-Perry, and Robert Manzari II appeal the scoring of the physical performance portion of the examination for Fire Fighter (M9999H), various jurisdictions.

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

B-51 VLADMIR CALDERON AND ADRIAN MONTEIRO

Vladmir Calderon and Adrian Monteiro appeal their scores for the promotional examination for Truck Driver (PM1377G), Rahway.

ACTION: The Merit System Board rescinded the eligible list and appointments made there from and directed that an assembled examination be administered.

B-52 TRACY JONES

Tracy Jones appeals the validity of two items on the promotional examination for Conservation Officer 2 (PS8157G), Department of Environmental Protection.

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

B-53 SEAN GAYNOR AND GEORGE TUTWILER

Sean Gaynor appeals for a review of the examination for Fire Captain (PM3518H), West Orange, while George Tutwiler appeals for a review of the examination for Fire Lieutenant (PM2514H), Pennsauken.

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

B-54 LINDA M. BROWN

Linda M. Brown appeals the determination of the Division of Selection Services which found that she was not eligible for the promotional examination for Principal Library Assistant (PC0064J), County of Atlantic, because her application was postmarked after the closing date of the examination announcement.

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

B-55 TRINA LUCAS

Trina Lucas petitions the Merit System Board to accept her untimely application for the promotional examination for Secretarial Assistant typing (PM1633H), Newark School District.

ACTION: The Merit System Board granted the request.

B-56 THOMAS COLSON

Thomas Colson requests a make-up examination for the promotional examination for Sheriff's Officer Sergeant (PC2503F), Monmouth County.

ACTION: The Merit System Board denied the request.

B-57 CHAKIA LEWIS-DOUGLAS

Chakia Lewis-Douglas appeals the denial of her request for a make-up for the open competitive examination for Administrative Clerk, Typing (M1233H), East Orange.

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

B-58 DAVID AGUIRRE, ET AL.

David Aguirre, Antonia Brodie, Tresie Green, Joseph Kazimar and Benjamin Vega appeal the test administration of the physical performance portion of the examination for Fire Fighter (M9999H), various jurisdictions.

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

B-59 DELORES W. DUBLIN

Delores W. Dublin appeals the administration of the promotional examination for Administrative Analyst 1 (PS1989I), Department of Corrections.

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

B-60 MICHAEL O'GARA, ET AL.

Michael O'Gara and Michael Mautner appeal the test administration for the promotional examination for Fire Captain (PM3503H), Asbury Park City. Keith Repace appeals the test administration for the promotional examination for Fire Lieutenant (PM2515H), Woodbridge.

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

B-61 JOSEPH TROISE

Joseph Troise appeals the administration of the physical performance portion of the examination for Fire Fighter (M9999H), various jurisdictions.

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

B-62 DAN R. CASSIDY

Dan R. Cassidy, a Senior Correction Officer at Bayside State Prison, Department of Corrections, requests the relaxation of N.J.A.C. 4A:4-2.12(a)1 in order to permit his permanent appointment to the title of Senior Parole Officer.

ACTION: The Merit System Board denied the request but directed that the matter be referred to the Division of State Human Resource Management for further review.

B-63 PROPOSED AMENDMENTS: N.J.A.C. 4A:4-1.13 AND 4A:7-2.1 THOROUGH 2.3; PROPOSED REPEAL N.J.A.C. 4A:7-3.3; REPROPOSED AMENDMENTS N.J.A.C. 4A:7-3.1 AND 3.2 (CIVIL UNIONS; EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION)

Proposed amendments, which codify the State Policy Prohibiting Discrimination in the Workplace are submitted for adoption, with changes. The Board proposed the amendments at its March 14, 2007 meeting. The proposal was published in the April 16, 2007 issue of the New Jersey Register. A public hearing was held on May 15, 2007. Two comments were received but do not necessitate any changes to the proposal. However, further internal review resulted in two substantive changes not requiring additional public notice and comment.

ACTION: The Merit System Board adopted the proposed amendments with changes.

B-64 RECENT COURT DECISIONS

Submitted for the Board's review are recent court decisions involving Merit System Board and Department of Personnel determinations *In the Matter of Michelle Thurber* (New Jersey Supreme Court, decided 6/20/07); *In the Matter of John Carter* (New Jersey Supreme Court, decided 6/20/07); *In the Matter of Gaetano Antonello, et al.* (Appellate Division, decided 6/14/07); *In the Matter of Hector Fuentes* (Appellate Division, decided 6/15/07); *In the Matter of Timothy Mitchell* (Appellate Division, decided 6/15/07); *In the Matter of Salvatore Matza* (Appellate Division, decided 6/19/07); and *In the Matter of Karol Hennessey* (Appellate Division, decided 6/27/07).

ACTION: The Merit System Board noted the decisions.

B-65 EARLY SETTLEMENT

Cynthia Smollock
New Lisbon Developmental Center
Department of Human Services
Suspension

ACTION: The Merit System Board acknowledged the settlement.

B-66 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of June 20, 2007 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of June 20, 2007.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, July 25, 2007 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

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