



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
SEPTEMBER 26, 2007**

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

SEPTEMBER 26, 2007

A regular meeting of the Merit System Board was held on Wednesday, September 26, 2007, in Trenton, New Jersey.

PRESENT: Chairman Rolando Torres, Jr., Merit System Board Members, John Currie, 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 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: September 11, 2007

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

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

SUBJECT: Change in the State Classification Plan

DEPARTMENT OF PERSONNEL

The Department of Personnel requests a new, department-specific title to conduct research and statistical workforce and market studies. Such studies will serve to address compensation issues and identify appropriate compensation levels.

ESTABLISHMENT OF TITLE

Effective: 09-01-07

Compensation Analyst
Y25-_____ Competitive F NL/12

EVM/JJM/BP

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



MEMORANDUM

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

FROM: Amy Laird, Acting Director
Division of State Human Resource Management

SUBJECT: Senior Executive Service

DATE: September 7, 2007

The Department of Personnel has requested that the following position be allocated to the Senior Executive Service. This position functions as the Director of Information Technology and Management for the Department of Personnel, and reports to the Deputy Commissioner, Department of Personnel. The position supervises an Assistant Chief Data Processing Operations, and directs an operation consisting of approximately 19 professional positions.

The requested SES position serves as the Chief Information Officer for the Department, and coordinates and manages all system analysis, design, and programming activities performed by New Jersey Office of Information Technology and/or outside vendors. The position directs all networking, application development, and imaging services for the Department of Personnel, and serves as a member of the State of New Jersey's CIO roundtable.

The position meets the criteria for the Senior Executive Service in that it exercises substantial managerial responsibility. The position has primary fiscal and programmatic accountability assigned to it, and is responsible to the Deputy Commissioner of Personnel, which is the second level of management of the Department. The position is accountable for a program which is dynamic in technological processes.

I recommend approval of this request.

Allocation of Position # 008100 to the Senior Executive Service

Effective : September 29, 2007

From:	To:
Manager 1 DOP, M 32 - 56883	Senior Executive Service, M 98 - 90752

www.state.nj.us/personnel

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

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Lloyd Brown
County of Essex
Department of Health and Rehabilitation
Removal

In the Matter of Cynthia N. Cheaves
New Lisbon Developmental Center
Department of Human Services
Removals (3)

In the Matter of Dennis Coaxum
County of Atlantic
Department of Public Safety
Removal

In the Matter of Veronica Denis
County of Morris
Department of Long Term Care Services
Suspension

In the Matter of Stephon Dinson
Ann Klein Forensic Hospital
Department of Human Services
Removal

In the Matter of James C. Harden, III
Woodbine Developmental Center
Department of Human Services
Removal

In the Matter of Tishell Jackson
County of Passaic
Preakness Hospital
Suspension

In the Matter of Oni Jammie
New Lisbon Developmental Center
Department of Human Services
Suspension

In the Matter of Arthur Payne
Township of Parsippany-Troy Hills
Department of Municipal Utilities
Suspension

In the Matter of Russell Morgan
County of Mercer
Department of Public Safety
Removal

In the Matter of Jill Sims
Newark School District
Removal

In the Matter of Joseph Tucker
County of Mercer
Department of Public Safety
Suspension

In the Matter of Gloria Uter
County of Passaic
Preakness Hospital
Suspension

In the Matter of Anthony Williams
Judiciary, Middlesex
Release at the end of the working test period

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 ANNA M. AYUSO

Anna M. Ayuso, Clerk Typist Bilingual in Spanish and English, County of Hudson, Department of Family Services, 90-day suspension (30 days held in abeyance for one year) on charges of conduct unbecoming a public employee, insubordination and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the 90-day suspension (30 days held in abeyance for one year).

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

A-3 JAMES JOYCE

James Joyce, Police Officer, City of Passaic, Police Department, 60-working day suspension on charges of conduct unbecoming a public employee and violation of Department rules and regulations regarding code of ethics and standard of conduct.

Recommendation of the Administrative Law Judge – Uphold the 60-working day suspension.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a 120-working day suspension.

A-4 PHYLLIS STUBBS

Phyllis Stubbs, Personnel Assistant 3, Department of Transportation, return to formerly held permanent title at the end of the working test period.

Recommendation of the Administrative Law Judge – Uphold the return to formerly held permanent title at the end of the working test period.

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

A-5 TALIBAH BURNETT

Talibah Burnett, County Correction Officer, County of Burlington, County Jail, removal effective May 6, 2005, on charges of chronic or excessive absenteeism or lateness, and violations of policy and procedures.

Recommendation of the Administrative Law Judge – Modify the removal to a resignation in good standing.

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

A-6 CORNELIUS CARUSO

Cornelius Caruso, Police Officer, City of Orange, Police Department, removal effective February 14, 2007, on charges of violation of Police Department rules regarding failure to perform duty, insubordination, failure to obey the laws and rules of the Department and abuse of sick leave.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-7 HAROLD CLARKE

Harold Clarke, Human Services Assistant, Woodbine Developmental Center, Department of Human Services, removal effective January 31, 2003, on charges of serious mistake due to carelessness which would result in danger to persons and mistreatment of a consumer.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-8 JOHN S. DRAKE, SR.

John S. Drake, Sr., Sign Maker 3, City of Trenton, Department of Public Works, removal effective June 16, 2006, on the charge of inability to perform duties.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-9 ROGER HARRIS

Roger Harris, Police Officer, City of Newark, Police Department, removal on charges of violation of Police Department rules and regulations and inability to perform duties.

Recommendation of the Administrative Law Judge – Reverse the removal contingent upon successful completion of a fitness for duty examination.

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

A-10 JASMIAH PARKS (REMAND)

Jasmiah Parks, Human Services Assistant, North Jersey Developmental Center, Department of Human Services, removal effective October 14, 2004, on the charge of physical abuse of a client.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-11 JONATHAN REED

Jonathan Reed, County Correction Officer, County of Camden, Department of Corrections, removal effective October 13, 2005, on charges of chronic or excessive absenteeism, conduct unbecoming a public employee, abuse of sick leave, and absence without leave.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-12 APRIL WILSON

April Wilson, Clerk, County of Essex, Prosecutor' Office, removal effective July 26, 2004, on charges of incompetency, inefficiency and failure to perform duties, insubordination, inability to perform duties, conduct unbecoming a public employee, neglect of duty, other sufficient cause and violation of the Department policies and procedures regarding being unfit for duty.

Recommendation of the Administrative Law Judge – Modify the removal to a 30-day suspension and a resignation in good standing.

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

A-13 ALICE WOART (REMAND)

Alice Woart, Human Services Assistant, Woodbridge Development Center, Department of Human Services, removal effective March 8, 2005, on the charge of abuse of a client.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-14 ROBERT ZORN, JR.,

Robert Zorn, Jr., Youth Worker, County of Mercer, Department of Human Services, removal effective May 11, 2005, on charges of conduct unbecoming a county employee, failure to perform duty and failure to follow rule, policy or procedure.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-15 SETTLEMENTS

In the Matter of Patricia George
County of Essex
Police Department
Removal

In the Matter of Larry Hanks
County of Essex
Department of Citizen Services
Removal

In the Matter of Kenneth Hawkins
County of Essex
Department of Public Safety
Suspension

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

ACTION: The Merit System Board acknowledged the settlements.

SECTION B – MISCELLANEOUS MATTERS

B-1 RASHID ABDUNAFI

Rashid Abdunafi, a Senior Correction Officer at East Jersey State Prison, Department of Corrections, represented by Robert C. Wolf, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-2 DEBORAH BOCKIUS

Deborah Bockius, a Charge Nurse, 12 Months at Hagedorn Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

B-3 CAROL A. GAINES

Carol A. Gaines, a Customer Service Information Specialist 3 with the Motor Vehicle Commission, represented by Peter G. Maurer, Staff Representative, Communications Workers of America, Local 1033, appeals the denial of sick leave injury (SLI) benefits.

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

B-4 STACEY GOODALL

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

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

B-5 DEMETRIA MASON

Demetria Mason, a Communications Operator, Secured Facilities at New Jersey State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

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

B-6 GENE PHILLIPS

Gene Phillips, a former Correction Lieutenant with South Woods State Prison, Department of Corrections, represented by Mario A. Iavicoli, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-7 LAWRENCE T. BOOKER

Lawrence T. Booker appeals the decision of the Division of Local Human Resource Management which upheld the removal of his name from the eligible list for County Correction Officer (S9999F), Passaic County, on the basis of an unsatisfactory criminal record, driving record and background report.

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

VOTE:

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

B-8 THOMAS MCDONALD

Thomas McDonald, represented by Gary D. Tomasella, Esq., appeals the determination of the Division of Human Resource Information Services, which upheld the appointing authority's bypass of his name from the eligible list for Police Inspector (PM3645F), City of Asbury Park.

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

B-9 EDWARD STRIEDL

Edward Striedl appeals the bypass of his name on a certification of the Construction Official (M9673G), Borough of Keansburg, eligible list.

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

B-10 ACCOUNT CLERK (M1234H), ELMWOOD PARK PUBLIC LIBRARY

The Elmwood Park Public Library requests permission not to make an appointment from the January 29, 2007 certification for Account Clerk (M1234H).

ACTION: The Merit System Board granted the request for appointment waiver but assessed selection costs in the amount of \$1,024.

B-11 ADMINISTRATIVE ANALYST 3, FISCAL MANAGEMENT (S6858G), STATEWIDE

The Department of Human Services requests permission not to make an appointment from the October 26, 2006 certification for Administrative Analyst 3, Fiscal Management (S6858G), Statewide.

ACTION: The Merit system Board granted the request for appointment waiver and assessed no costs at this time.

B-12 LOAN ADVISOR (M1466H), CITY OF NEWARK

The City of Newark requests permission not to make an appointment from the January 29, 2007 certification for Loan Advisor (M1466H).

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

B-13 ORLANDO CARAMBOT

Orlando Carambot, a Senior Building Maintenance Worker with the Department of Children and Families (DCF), appeals the determination of the Director of Administration with the DCF that the appellant failed to present sufficient evidence to support a finding that he had been subjected to a violation of the New Jersey State Police Prohibiting Discrimination in the Workplace (State Policy).

ACTION: The Merit System Board directed that this appeal be granted in part and directed that the matter be referred to the DCF for further review of the penalty.

B-14 RITA THORNTON

Rita Thornton, a Section Chief, Waste Management with the Department of Environmental Protection (DEP), appeals the determination of the Chief of Staff, DEP, 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 in the Workplace.

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

B-15 STACEY GOODALL

Stacey Goodall, a Senior Correction Officer at Northern State Prison, Department of Corrections petitions the Merit System Board for relief, pursuant to N.J.S.A. 11A:3-24 and N.J.A.C. 4A:2-5.1, et seq., from alleged reprisal by her co-workers and supervisor. The appellant also appeals the denial of sick leave injury.

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

B-16 MICHELE MOORE

Michele Moore, a County Correction Sergeant with Hudson County, represented by Catherine M. Elson, Esq., petitions the Merit System Board for interim relief of her immediate suspension and a stay of her removal.

ACTION: The Merit System Board denied the request.

B-17 THOMAS BROWN, JR.

Thomas Brown, Jr., an employee with the Juvenile Justice Commission (JJC), represented by Christopher Young, CWA Local 1040, appeals the determination to place him on step six of salary range P17, upon his placement in the title of Teacher 3 (12 months).

ACTION: The Merit System Board directed that this appeal be granted and Thomas Brown be placed on step 10 of salary range P17 and awarded differential back pay from December 23, 2006.

B-18 ANDREW BOOKER

Andrew Booker, a Senior Correction Officer with the Adult Diagnostic and Treatment Center, Department of Corrections, represented by Colin M. Lynch, Esq., requests Merit System Board review of a suspension of five days.

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

B-19 THOMAS F. FRICANO

Thomas F. Fricano, a former Police Officer with the Borough of Freehold, represented by Eric M. Winston, Esq., appeals his resignation in good standing.

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

B-20 MILONI BHATT AND KYLE SMITH

Miloni Bhatt and Kyle Smith petition the Merit System Board for reconsideration of the decision rendered on March 28, 2007 (In the Matter of Miloni Bhatt, et al.) which found that they did not meet the experience requirements for the promotional examination for Quality Assurance Specialist, Health Services (PS0260K), Office of Integrity and Accountability, Department of Human Services.

ACTION: The Merit System Board granted the requests.

B-21 WILLIAM J. BOWEN

William J. Bowen, a former Police Sergeant with the City of Margate, represented by Steven J. Bushinsky, Esq., petitions the Merit System Board for reconsideration of the final administrative decision, rendered on March 28, 2007, which acknowledged the settlement agreement reached by the parties and which provided for the petitioner's resignation in good standing, effective August 16, 2005.

ACTION: The Merit System Board denied the request.

B-22 VINCENT GREENFIELD

Vincent Greenfield, a Senior Correction Officer with Bayside State Prison, Department of Corrections, represented by Mario A. Iavicoli, Esq., petitions the Merit System Board for reconsideration of the final decision rendered on May 23, 2007, which upheld his removal.

ACTION: The Merit System Board granted reconsideration, but affirmed its prior decision upholding the appellant's removal.

B-23 WILBERT SANCHEZ

The appeal of Wilbert Sanchez, a County Correction Officer with the County of Mercer, of his 10-day and 20-day suspensions and three removals effective June 26, 2006, on charges, was heard by Administrative Law Judge Jeff S. Masin (ALJ), who rendered his initial decision on June 12, 2007. At its meeting on August 29, 2007, the Merit System Board adopted the ALJ's recommendation to uphold the 10-day and 20-day suspension. However, the Board did not adopt the ALJ's recommendation to uphold the removals. Rather, the Board modified the removals to a 90-calendar 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	(Yes)
	Robert J. Long	(Abstained)

B-24 VERNON L. DRUMMOND, JR.

The appeal of Vernon L. Drummond, Jr., a Residential Services Worker with Vineland Developmental Center, Department of Human Services, of his removal effective February 17, 2007 on charges, was heard by Administrative Law Judge Edgar R. Holmes (ALJ), who rendered his initial decision on August 1, 2007. At its meeting on September 12, 2007, the Merit System Board did not adopt the ALJ's recommendation to reverse the removal. Rather, the Board ordered that the matter be remanded to the Office of Administrative Law. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-25 JEFFREY OLAH

The appeal of Jeffrey Olah, a Police Officer with the Township of Woodbridge, of his removal effective June 29, 2006, on charges, was heard by Administrative Law Judge (ALJ) Joseph Lavery, who rendered his initial decision on August 6, 2007. At its meeting on September 12, 2007, the Merit System Board did not adopt the ALJ's recommendation to dismiss the charges and reverse the removal. Rather, the Board referred the appellant for an independent psychological evaluation and 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-26 CARRIE BATTISTA

Carrie Battista appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Administrative Assistant 3 (PS9920D), Department of Community Affairs.

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

B-27 GLENDA E. BATTLE

Glenda E. Battle appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Principal Clerk Transcriber (PS1137K), Ancora Psychiatric Hospital, Department of Human Services.

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

B-28 DEBRA L. BUCKLEY

Debra L. Buckley appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Area Supervisor, Highway Maintenance (PS3056T), Department of Transportation.

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

B-29 JAMES COE, JR.

James Coe, Jr., appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in education for the open competitive examination for Electrical Engineering Trainee (S0591J), Statewide.

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

B-30 JAMES A. DAMRON, JR.

James A. Damron, Jr., 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 Management Information Systems Coordinator (M4124H0, City of Trenton.

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

B-31 ANTHONY DODSON AND SUSAN KELEDY

The Department of Environmental Protection, on behalf of Anthony Dodson and Susan Keledy, appeals the determination of the Division of Selection Services which found that they were below the minimum requirements in experience for the qualifying examination for Administrative Analyst 3 (Data Processing), Department of Environmental Protection.

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

B-32 CYNTHIA GLENN

Cynthia Glenn appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Program Monitor (PM0376H), City of Newark.

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

B-33 EDWARD JUBA

Edward Juba 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 Safety Officer, Developmental Disabilities (PS9339K), Woodbridge Developmental Center, Department of Human Services.

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

B-34 PETER KIRIAKATIS

Peter A. Kiriakatis 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 Comptroller (PM1400G), Lawrence Township.

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

B-35 KELLY MITCHELL

Kelly Mitchell appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Program Development Specialist 1 (PC0523H), Ocean County.

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

B-36 PATRICA VEGA

The City of Jersey City, on behalf of Patricia Vega, appeals the decision 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 Principal Buyer (PM1028H), Jersey City.

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

B-37 ROBERT WEBER

Robert Weber 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 Safety Officer, Developmental Disabilities (PS9339K), Woodbridge Developmental Center, Department of Human Services.

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

B-38 RICKY WYLIE

Ricky Wylie appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in education and experience for the promotional examination for Classification Officer 2 (PS0654I), Garden State Youth Reception Facility. Mr. Wylie also 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 Classification Officer 2 (PS3181I), Garden State Youth Reception Facility.

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

B-39 KENNETH CRAWFORD

Kenneth Crawford appeals his score on the essay and oral portions of the promotional examination for Battalion Fire Chief (PM3607G), Pleasantville.

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

B-40 ROBERT ECHAVARRIA

Robert Echavarria appeals his score on the oral portion of the promotional examination for Battalion Fire Chief (PM3605G), Millburn Township.

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

B-41 JOSEPH LYGA

Joseph Lyga appeals his score on the essay portion of the promotional examination for Battalion Fire Chief (PM3615G), Bayonne.

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

B-42 MICHAEL MAGUIRE

Michael Maguire appeals his scores on the oral portions of the promotional examination for Battalion Fire Chief (PM3165G), Bayonne.

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

B-43 PETER MCMONAGLE

Peter McMonagle appeals his scores on the oral portions of the promotional examination for Battalion Fire Chief (PM3615G), Bayonne.

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

B-44 ERIC NELSON

Eric Nelson appeals his score on the oral portion of the promotional examination for Battalion Fire Chief (PM3615G), Bayonne.

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

B-45 VINCENT WEICHEL

Vincent Weichel appeals his score on the open competitive examination for Sub-Code Official (S9352J), Department of Community Affairs.

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

B-46 THE NEW JERSEY LAW ENFORCEMENT SUPERVISORS ASSOCIATION, ET AL.

The New Jersey Law Enforcement Supervisors Association (NJLESA), represented by Frank Crivelli, Esq., Robert Attenborough, Claudy Augustin, Clifford Barnes, John DeSalvo, Kurt Ferguson, Ronald Garrison, Oliver Keller, Tim Mack, James McGonigal, Shawn McGowan, Emanuel Nso, Timothy Parsons, Edwin Rodriguez, Kevin Schultheis, James Sprenger, Sean St. Paul, Otis Truitt, Charles Warren and Michael White, appeal the scoring of the promotional examination for Correction Lieutenant (PS7819I), Department of Corrections.

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

B-47 ROBERT BARLOW, ET AL.

Robert Barlow, Kevin Bennett, Allen Huggins and Matthew Deibert appeal the test administration for the written portion of the promotional examination for Battalion Fire Chief (PM3591G), Atlantic City.

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

B-48 LAURIE CAHILL

Laurie Cahill appeals the promotional examination for Sheriff's Officer Captain (PC3614H), Ocean County.

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

B-49 JAMES FAY, ET AL.

James Fay, Gordon Holder, Joseph Tuohy and David Wentworth, (PC2664H), Monmouth County; and Frank Benevento, Anthony Casale, Mark Chiarolanza and James Smith, (PC2665H), Morris County; appeal the promotional examination for Sherriff's Officer Sergeant (various jurisdictions).

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

B-50 JOSEPH SOLACK

Joseph Solack appeals the determination of the Division of Selection Services which found that he was ineligible for the promotional examination for Equipment Operator (PC0019H), County of Mercer, because the announced title did not represent a promotion.

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

B-51 JOHN O'KEEFFE

John O'Keeffe appeals the correct responses to two items on the promotional examination for Parole Officer Recruit (PS2906P), Juvenile Justice Commission.

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

B-52 LORI FELDMUS

Lori Feldmus appeals her not being permitted to take the open competitive examination for Employment Services Trainee (S0582J), Department of Labor and Workforce Development due to her late arrival at the testing center and requests a make up examination.

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

B-53 PATRICK ONUEKWUSI

Patrick Onuekwusi appeals his lack of notification for the open competitive examination for Instructor Counselor (S0326F) and requests a make-up examination.

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

B-54 VERONICA THORNTON

Veronica Thornton appeals the decision of the Division of Selection Services denying her request for a make-up examination for Police Lieutenant (PM2561H), Teaneck.

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

B-55 RECENT COURT DECISIONS

Submitted for the Board's review are summaries of recent court decisions involving Merit System Board and Department of Personnel determinations for *In the Matter of Joe Ante* (Appellate Division, decided 8/3/07); *In the Matter of Richard Davis* (Appellate Division, decided 8/9/07); *In the Matter of Bazyt Bergus* (Appellate Division, decided 8/14/07); *In the Matter of Jeffrey M. Terry* (Appellate Division, decided 8/22/07); *In the Matter of William Morris* (Appellate Division, decided 8/22/07); *In the Matter of Anthony Renieri* (Appellate Division, decided 8/23/07); *In the Matter of Dawn Terry* (Appellate Division, decided 8/23/07); *In Matter of Joseph F. Richardson* (Appellate Division, decided 8/27/07).

ACTION: The Merit System Board noted the decisions.

B-56 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes for its meeting of September 12, 2007 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of September 12, 2007.

B-57 DANIEL GARRISON

The appeal of Daniel Garrison, a Laborer with the Township of Middletown, of his 30-day suspension, beginning November 7, 2006, on charges was before Administrative Law Judge Bernard Goldberg, who acknowledged the settlement reached between the parties on March 20, 2007. On May 4, 2007, the appellant was served with a Preliminary Notice of Disciplinary Action regarding a separate incident. In light of this pending discipline, the appellant requests that the settlement be rescinded.

ACTION: The Merit System Board denied the request and acknowledged the settlement as clarified.

B-58 CAROL LOWERY

The appeal of Carol Lowery, a Human Services Technician with Greystone Park Psychiatric Hospital, Department of Human Services, of her 30-day suspension and removal effective June 28, 2004, on charges, was considered by Administrative Law Judge Irene Jones (ALJ), who rendered her initial decision on June 15, 2007, recommending acknowledgement of the settlement of the parties.

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

B-59 ERIC KJEMS

Eric Kjems, a Fire Fighter with the Borough of Carteret, represented by Clifford Kuhn, Jr., Esq., petitions the Merit System Board for interim relief of his immediate suspension effective November 22, 2006.

ACTION: The Merit System Board denied the request.

B-60 SPURGEON WILLIAMS

Spurgeon Williams, a former Police Officer with the City of East Orange, represented by Bruce Regenstreich, Esq., requests that his appeal of his release at the end of the working test period, effective September 17, 2004, be returned to the Office of Administrative Law for a hearing.

ACTION: The Merit System Board granted the request.

B-61 KATHLEEN JAWORSKI

Kathleen Jaworski 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 Program Development Specialist, Community Service (PC0524H), Ocean County. This matter was held over from the August 15, 2007 Merit System Board meeting.

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

B-62 EARLY SETTLEMENT

Bobby Singletary
Adult Diagnostic and Treatment Center
Department of Corrections
Suspension

ACTION: The Merit System Board acknowledged the settlement.

B-63 CHRISTOPHER GROFF

The City of Millville, represented by William G. Blaney, Esq., requests that it be permitted to transfer Christopher Groff, a Senior Police Officer, Department of Human Services, to his former title of Police Sergeant, City of Millville.

ACTION: The Merit System Board denied the request.

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

ROLANDO TORRES, JR.
COMMISSIONER
MERIT SYSTEM BOARD