



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
OCTOBER 24, 2007**

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

OCTOBER 24, 2007

A regular meeting of the Merit System Board was held on Wednesday October 24, 2007, in Trenton, New Jersey.

PRESENT: Chairman Rolando Torres, Jr., Merit System Board Members, John Currie, Flavella Branham, Margaret E. L. Howard and Robert J. Long; Pamela Ullman, Deputy Attorney General; and Henry Maurer, Director, Division of Merit System Practices and Labor Relations.

In accordance with L.1975, c.231, Chairman Rolando Torres Jr., opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on December 8, 2006, and posted at the Department of Personnel, 3 Station Plaza, Trenton, New Jersey.

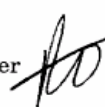
All actions were by unanimous vote unless otherwise specified.


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: October 18, 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 THE TREASURY

The Division of Investment, Department of the Treasury, requests a salary range change for employees responsible for providing investment services, and the implementation of portfolio strategies.

This new salary plan is the result of a collaborative effort between the Departments of Personnel and Treasury. Compensation for the new salary range, 97, will be established each fiscal year by the Department of Personnel. This range change is necessary to attract and retain qualified staff; compensation will be consistent with market relevant salaries for similar functions.

Specifics regarding the implementation of this new range are enumerated in a Salary Regulation and published in the Department of Personnel's Compensation Compendium.

CHANGE IN SALARY RANGE

Effective: 07/07/07

FROM:
Sr. Portfolio Manager, Stocks & Bonds
V34-52556 Competitive D NL/12

TO:
Sr. Portfolio Manager, Stocks & Bonds
V97-52556 Competitive D NL/12

EVM/JJM/BP

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

George Alberto, Police Lieutenant, City of Newark, Police Department, indefinite suspension.

Sarita Brody, Clerk, Hudson County, Sheriff's Department, suspension.

Brian Broccoli, Correction Officer, Camden County, Department of Corrections, removal.

Brian Darcy, Senior Correction Officer, Department of Corrections, New Jersey State Prison, removal.

Samuel Hargrove, County Correction Officer, Burlington County Jail, removals and resignations not in good standing.

Kenneth Hovey, Security Guard, Morris County, Department of Public Works, release at the end of the working test period.

William J. Kahaly, III, Truck Driver, Monmouth County, Highway Department, removal.

Manjeet Kaur, Test Development Specialist 2, Department of Personnel, Division of Selection Services, suspension.

John Morris, Senior Correction Officer, Department of Corrections, Adult Diagnostic Treatment Center, suspension.

Kassiem Robinson, County Correction Officer, Burlington County Jail, suspension.

Juan Roman, School Bus Driver, Vineland School District, removal.

Walter Sauer, Supervising Mechanic, Burlington City, Department of Public Works, removal.

Gail Smith, County Correction Officer, Atlantic County, Department of Public Safety, suspension.

DISMISSAL OF APPEALS – FAILURE TO APPEAR

The Merit System Board dismissed the following cases without prejudice for failure to appear at the scheduled hearing before the Office of Administrative Law:

Dave Barnes, Laborer, City of Newark, Department of Neighborhood and Recreational Services, removal and resignation not in good standing.

Brenda Cassidy, Institutional Trade Instructor 2, Food Processing, Department of Corrections, South Woods State Prison, indefinite suspension.

Malcolm George, Laborer, City of Newark, Water and Sewer Department, removal.

Eric Geraud, Police Officer, City of Newark, Police Department, removal.

Kyra Hayes, Human Services Specialist 2, Camden County Board of Social Services, release at the end of the working test period.

Raymond Jones, Operating Engineer 1, Department of Corrections, Bayside State Prison, resignation not in good standing.

Charles Marinnie, Sanitation Inspector, City of Trenton, Department of Public Works, removal.

Maria Martinez-Morales, Senior Food Service Handler, Department of Children and Families, resignation not in good standing.

Catherine Presti, Human Services Assistant, Department of Human Services, Ancora Psychiatric Hospital, resignation not in good standing.

Kawan Ravenell, Guard, Department of Law and Public Safety, New Jersey State Police, release at the end of the working test period.

Syvern Thomas, Maintenance Repairer, Paterson Housing Authority, suspension.

Eddie Weather, Laborer, City of Newark, Department of Neighborhood Services, suspension.

Gerald Willis, Senior Correction Officer, Department of Corrections, Albert C. Wagner Youth Correctional Facility, suspension.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of George Bello
City of Trenton
Police Department
Removal

In the Matter of Arlene Carlos
County of Essex
Health and Rehabilitation Department
Removal

In the Matter of Erica Chavez
City of Passaic
Police Department
Removal

In the Matter of Lauren Duca
County of Middlesex
Department of Adult Corrections
Removals (2)

In the Matter of Andrew Floyd
County of Union
Department of Public Safety
Suspension

In the Matter of Brian Garbinski
Township of Scotch Plains
Police Department
Removal

In the Matter of James Gatling
Newark School District
Removal

In the Matter of Huey Horne
City of Trenton
Department of Public Works
Removal

In the Matter of Andrew Jaques
City of Atlantic City
Department of Public Safety
Removal

In the Matter of Terrance Johnson
Central Reception and Assignment Facility
Department of Corrections
Suspension

In the Matter of Ruthie Morales
Vineland Development Center
Department of Human Services
Removal

In the Matter of Ronald O'Drain, Jr.
County of Camden
Department of Corrections
Release at the end of the working test period

In the Matter of Shevonda Seldon
Woodbridge Developmental Center
Department of Human Services
Suspensions (3) and Removal

In the Matter of Joseph Steiner
County of Bergen
Sheriff's Department
Suspension

In the Matter of Aaron Streater, Jr.
Township of Monroe
Department of Public Works
Removal

In the Matter of Brenda E. Wilson
County of Cumberland
Cumberland Manor
Removal

In the Matter of Leslie Woffard
City of Newark
Police Department
Suspensions (3)

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 PATRICIA VENNER

Patricia Venner, Receptionist/Telephone Operator, Burlington County Board of Social Services, 60-working day suspension, on charges of incompetency, inefficiency or failure to perform duties and insubordination.

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

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

A-3 BAILOR BARRIE

Bailor Barrie, Cottage Training Technician, Hunterdon Developmental Center, Department of Human Services, removal effective October 10, 2006, on the charge of physical or mental abuse of a client.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-4 PHILIP BENNETT

Philip Bennett, Correction Lieutenant, Bayside State Prison, Department of Corrections, removal effective May 4, 2005, on charges of conduct unbecoming a public employee and use, possession or sale of controlled dangerous substance.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-5 DONNA BROWN

Donna Brown, Cottage Training Technician, Woodbridge Developmental Center, Department of Human Services, 1) five-working day suspension 2) 90-working day suspension on charges of neglect of duty, failure to devote attention to tasks, which could result in danger to a client and 3) removal effective November 27, 2006, on the charge of being absent from work as scheduled without permission and without giving proper notice of intended absence.

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

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

A-6 WAYNE BROWN

Wayne Brown, Laborer, Paterson Housing Authority, removal effective May 24, 2005, on charges of conduct unbecoming a public employee and conviction of a crime.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-7 TYREE BUNCH

Tyree Bunch, Maintenance Worker 1 Transportation, Department of Transportation, removal effective February 4, 2005, on charges of falsification, theft or misappropriation, sleeping on the job, operating a vehicle and/or equipment in a negligent manner, failure to report, theft, damage or injuries, chronic and/or excessive absenteeism or lateness, assault and/or battery and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss the appeal.

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

A-8 GEMMA MATHEWS

Gemma Mathews, Cottage Training Technician, Hunterdon Developmental Center, Department of Human Services, removal effective October 8, 2006, on the charge of sleeping while on duty.

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

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

A-9 DANIEL MCMAHON

Daniel McMahon, Right to Know Project Specialist, City of Jersey City, Department of Health and Human Services, removal effective February 11, 2005, on charges of incompetency and failure to perform duties, chronic and excessive absenteeism and lateness, and neglect of duty.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-10 RALPH RAMLAL

Ralph Ramlal, County Correction Officer, Hudson County, Department of Corrections, removal effective March 20, 2006, on charges of insubordination, inability to perform duties, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-11 JEFFREY THOMPSON

Jeffrey Thompson, Police Officer, City of Newark, Police Department, nine removals effective February 27, 2005, on charges of various violations of Police Department rules regarding malingering, making false statements, unauthorized absence, obedience to orders, efficiency and cooperation, insubordination, and accessibility to Department surgeons and superior officers.

Recommendation of the Administrative Law Judge – Dismiss the appeal for failure to prosecute and order the appellant to pay sanctions in the amount of \$1,513.46.

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

SECTION B – MISCELLANOUES MATTERS

B-1 ANTHONY ALOSI

Anthony Alosi, represented by Steven P. Scheffler, Esq., appeals his rejection as a Police Officer candidate by the City of Atlantic City and its request to remove his name from the eligible list for Police Officer (S9999F) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-2 FRANK CICARONE

Frank Cicarone appeals his rejection as a Sheriff's Officer candidate by the County of Morris and its request to remove his name from the eligible list for Sheriff's Officer (S9999F) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-3 THOMAS CRESSEY

Thomas Cressey, represented by Steven P. Scheffler, Esq., appeals his rejection as a Police Officer candidate by the City of Atlantic City and its request to remove his name from the eligible list for Police Officer (S9999F) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-4 CHRISTOPHER ELLIOT

Christopher Elliot, represented by David J. DeFillippo, Esq., appeals his rejection as a Police Officer candidate by Berkeley Township and its request to remove his name from the eligible list for Police Officer (S9999F) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-5 MARTIN G. KAY

Martin G. Kay appeals his rejection as a Correction Officer Recruit, Juvenile Justice candidate by the Juvenile Justice Commission and its request to remove his name from the eligible list for Correction Officer Recruit, Juvenile Justice (S9999F) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-6 JOSEPH A. STEINMAN

Joseph A. Steinman, represented by Steven P. Scheffler, Esq., appeals his rejection as a Police Officer candidate by the City of Margate and its request to remove his name from the eligible list for Police Officer (S9999F) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-7 COLOSSAIN DAVIS

Colossain Davis, a Senior Correction Officer with 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-8 SYLVIA CARTER

Sylvia Carter appeals the removal of her name from the Habilitation Plan Coordinator (PS0420K), Hunterdon Developmental Center, eligible list on the basis that she lacked the required education.

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

B-9 CHARLES W. COWAN

The Camden County Prosecutor's Office appeals the determination of the Division of Human Resource Information Services (HRIS) which found that it did not provide a sufficient basis to remove Charles W. Cowan's name from the open competitive list for Advocate, Victim Witness Program (C1217G).

ACTION: The Merit System Board directed that this appeal be granted and Charles W. Cowan's name be removed from the Advocate, Victim Witness Program (C1217G) eligible list.

B-10 LILLIAN FOSTER

Lillian Foster appeals the decision of Human Resource Information Services (HRIS), which upheld the bypass of her name for appointment on the eligible list for Administrative Assistant 3 (S6760F).

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

B-11 SHAWN MCFARLANE

Shawn McFarlane appeals the decision of the Division of Local Human Resource Management, which upheld the removal of his name from the County Correction Officer (S9999F), Hudson County, eligible list due to an unsatisfactory criminal record.

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

B-12 RICHARD SNYDER

Richard Snyder requests that his name be added to the September 20, 2007 certification of the Deputy Municipal Emergency Management Coordinator (M6442H) and (M6119J), Lawrence Township, eligible lists.

ACTION: The Merit System Board denied the request.

B-13 SENIOR POLICE RECORDS CLERK TYPING (M1043H), CITY OF JERSEY CITY

The appointing authority's failure to dispose of the certification for Senior Police Records Clerk Typing (M1043H0, City of Jersey City, while provisionals are serving in the title, has been referred to the Merit System Board for enforcement.

ACTION: The Merit System Board ordered the appointing authority to remove the provisional appointees, make an appointment from the certification and pay compliance costs.

B-14 ROSETTA BLOUNT

Rosetta Blount, a Principal Clerk Stenographer with the Hunterdon Developmental Center, Department of Human Services (DHS), appeals the determination of the Assistant Commissioner for Human Resources, DHS, 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 (State Policy).

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

B-15 PHILIP FREEMAN

Phillip Freeman, an Assistant Division Director with the Division on Civil Rights, Department of Law and Public Safety, represented by David C. Patterson, Esq., appeals the determination of the First Assistant Attorney General with the Department of Law and Public Safety, stating that the appellant failed to present sufficient evidence to support a finding that he had been subject 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.

VOTE:

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

B-16 SHUNAY HOWERTON AND SHERELL PETERSON

Shunay Howerton and Sherell Peterson, Senior Correction Officers at Northern State Prison, Department of Corrections, represented by Robert A. Fagella, Esq., petition the Merit System Board for interim relief of pending disciplinary charges.

ACTION: The Merit System Board denied the requests but ordered that a departmental hearing commence within 10 days.

B-17 ANTONIO ROSADO, JR.

Antonio Rosado, Jr., a County Correction Officer with the County of Essex, represented by Eric Winston, Esq., petitions the Merit System Board for interim relief of his indefinite suspension, commencing on February 16, 2005, pending the disposition of criminal charges.

ACTION: The Merit System Board denied the request.

B-18 ERNEST J. LONG

Ernest J. Long, a Senior Police Officer with the Department of Human Services, petitions the Merit System Board (Board) for enforcement of the settlement agreement acknowledged by the Board at its meeting on July 11, 2007.

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

B-19 EXECUTIVE ASSISTANT (C6544G), MERCER COUNTY

The Division of Local Human Resource Management has referred the matter of the proper disposition of the April 3, 2006 certification of the eligible list for Executive Assistant (C6544G), Mercer County, to the Merit System Board for enforcement.

ACTION: The Merit System Board ordered the appointing authority to properly dispose of the certification.

B-20 WILLIAM BITTNER AND HENRY MOFFA

The Township of Deptford, on behalf of William Bittner and Henry Moffa, requests that they be assigned retroactive appointment dates for record purposes and seeks their eligibility for the promotional examination for Police Lieutenant (PM2516J0, Township of Deptford.

ACTION: The Merit System Board granted the request.

B-21 DONIELLE BRIDGEWATER

Donielle Bridgewater, a Principal Clerk Typist with the Department of Agriculture, represented by Thomas Fagan, Staff Representative, CWA Local 1034, appeals her resignation in good standing.

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

B-22 BAZELAIS JEAN-PIERRE

Bazelais Jean-Pierre, a Food Service Worker with Bergen County, represented by James Bush, United Service Workers Union, Local 655, appeals his temporary lateral title change.

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

B-23 BARRY DAY

Barry Day, a Senior Correction Officer with the Southern State Correctional Facility, Department of Corrections, represented by Henry J. Cistrelli, Esq., petitions the Merit System Board for reconsideration of the decision, rendered on June 20, 2007, in which the Board denied his request for sick leave injury benefits.

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

B-24 STEPHEN ERMI

Stephen Ermi, a Laborer with the Department of Public Property, Streets and Water, City of Bordentown, represented by Stewart D. Warren, Esq., petitions the Merit System Board for reconsideration of the final administrative decision, rendered on June 15, 2007, in which the Director, Division of Merit System Practices and Labor Relations, Department of Personnel, denied his request for a hearing with respect to his 35-day suspension.

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

B-25 LISA SERMON

Lisa Sermon petitions the Merit System Board for reconsideration of the decision rendered on September 12, 2007, (*In the Matter of Sonia Benjamin, et al.*) which found that, per the substitution clause for education, she did not meet the experience requirements for the open competitive examination for Senior Management Assistant (S6932J).

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

B-26 CORNELIUS CARUSO

The appeal of Cornelius Caruso, a Police Officer with the City of Orange, of his removal effective February 14, 2007, on charges, was heard by Administrative Law Judge (ALJ) J. Howard Solomon, who rendered his initial decision on August 23, 2007. At its meeting on September 26, 2007, the 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.

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

B-27 STEVEN HUBBS

The appeal of Steven Hubbs, a Police Officer with the City of Camden, of his fine of \$6,902 (equal to 25 days pay) (five days held in abeyance) on charges, was heard by Administrative Law Judge (ALJ) Ronald W. Reba, who rendered his initial decision on August 31, 2007. At its meeting on October 2007, the Merit System Board did not adopt the ALJ's recommendation to uphold the fine of \$6,902 (equal to 25 days pay) (five days held in abeyance). Rather, the Board increased the penalty to a 60-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-28 ERIC LEWIS

The appeal of Eric Lewis, a Police Officer with the City of East Orange, of his removal effective March 20, 2007, on charges, was heard by Administrative Law Judge Barry E. Moscowitz (ALJ), who rendered his initial decision on August 31, 2007. At its meeting on October 10, 2007, the Merit System Board adopted the ALJ's recommendation to reverse the removal. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-29 ROBERT ZORN, JR.

The appeal of Robert Zorn, Jr., a Youth Worker with Mercer County, of his removal, effective May 11, 2005, on charges, was heard by Administrative Law Judge (ALJ) John Schuster, III, who rendered his initial decision on August 9, 2007. At its meeting on October 10, 2007, the Merit System Board (Board) adopted the ALJ's recommendation to dismiss the charges and reverse the removal. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-30 JEANNE M. BALDWIN

Jeanne M. Baldwin appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Assistant Administrative Supervisor of Social Work (PC0963H), Middlesex County Board of Social Services.

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

B-31 DEMETRE BARKSDALE

Demetre Barksdale appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Administrative Analyst 4, Data Processing (PS0199P), Division of State Police, Department of Law and Public Safety.

ACTION: The Merit System Board directed that this appeal be denied but referred the classification of the appellant's position to the Division of State Human Resource Management for review.

B-32 PAMELA A. BELTON, ET AL.

Pamela A. Belton, Lee G. Sharp, Twanna T. Whittington-Santos and Jason Weber appeal the determinations of the Division of Selection Services which found that they did not meet the open competitive requirements for the promotional examination for Social Work Supervisor (PC1537H), Mercer County Board of Social Services.

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

B-33 MARIA CARLE, ET AL.

Maria Carle, Renita Singleton, and Anita Tucker appeal the determinations of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Social Worker (PC0288H), Camden County.

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

B-34 ROXANNE FATTORI

Roxanne Fattori 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 2 (PS1968P), Department of Law and Public Safety.

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

B-35 YOLANDA PHILLIPS-HADDEN

Yolanda Phillips-Hadden appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Supervisor, Child Care Quality Assurance Inspections (PS4143K), Department of Children and Families.

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

B-36 VICTORA PITTALUGA

Victoria Pittaluga appeals the determination of the Division of Selection Services, that per the substitution clause for education, she did not meet the experience requirement for the promotional examination for Assistant Purchasing Agent (PM0165H), Sea Isle City. Sea Isle City appeals the determination of the Division of Local Human Resource Management (LHRM) that the appellant was incorrectly classified as serving in the title of Assistant Purchasing Agent. Rather, LHRM determined that the appellant was serving in the title of Principal Purchasing Assistant, Typing.

ACTION: The Merit System Board directed that the appeal be granted of eligibility but denied the classification review appeal.

B-37 JOSEPH DICOLA

Joseph DiCola petitions the Merit System Board to allow him to file an untimely application for the promotional examination for Assistant Regional Electrical Supervisor (PS3435T), Department of Transportation.

ACTION: The Merit System Board granted the request.

B-38 DREW PANCKERI

The Ocean County Library requests that Drew Panckeri be permitted to file a late application for the open competitive examination for Technical Assistant, Management Information Systems (C6024H), Ocean County.

ACTION: The Merit System Board granted the request.

B-39 JAMES SHELLEM

James Shellem, represented by John M. Donnelly, Esq., appeals the determination of the Division of Selection Services which found him ineligible for the promotional examination for Police Lieutenant (PM2504J), Atlantic City, due to an untimely application. This matter was held over from the Merit System Board meeting of October 10, 2007.

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

B-40 JAMES L. THAYER

James L. Thayer appeals the determination of the Division of Selection Services which found him ineligible for the promotional examination for Police Sergeant (PM2597J), Millville, due to an untimely application.

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

B-41 WILLIAM ANDERSON, JR.

William Anderson, Jr., appeals his scores on the essay and oral portion of the promotional examination for Fire Officer 2 (PM2595G), Jersey City Fire and Safety Services.

ACTION: The Merit System Board directed that the score for the first essay be raised from 1 to 2 but the remainder of the appeal be denied.

B-42 RICHARD CASELLA

Richard Casella appeals his score on the oral portion of the promotional examination for Fire Officer 2 (PM3595G), Jersey City Fire and Safety Services.

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

B-43 MARK CIASTON

Mark Ciaston appeals his scores on the essay and oral portions of the promotional examination for Fire Officer 2 (PM3595G), Jersey City Fire and Safety Services.

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

B-44 PAUL DRENNAN

Paul Drennan appeals his scores on the essay and oral portions of the promotional examination for Fire Officer 2 (PM3595G), Jersey City Fire and Safety Services.

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

B-45 DANIEL DELANEY, SR.

Daniel Delaney, Sr. appeals his scores on the essay and oral portions of the promotional examination for Fire Officer 2 (PM3595G), Jersey City Fire and Safety Services.

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

B-46 WAYNE MCCARTHY

Wayne McCarthy appeals his scores on the oral portion of the promotional examination for Fire Officer 2 (PM3595G), Jersey City Fire and Safety Services.

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

B-47 TROY MCMURRAY

Troy McMurray appeals his scores on the oral portion of the promotional examination for Fire Officer 2 (PM3595G), Jersey City Fire and Safety Services.

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

B-48 KEVIN NALLY

Kevin Nally appeals his scores on the essay and oral portions of the promotional examination for Fire Officer 2 (PM3595G), Jersey City Fire and Safety Services.

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

B-49 MICHAEL NICKERSON

Michael Nickerson appeals his score of the oral portion of the promotional examination for Fire Officer 2 (PM3595G), Jersey City Fire and Safety Services.

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

B-50 HECTOR RIVERA

Hector Rivera appeals his score on the essay portion of the promotional examination for Fire Officer 2 (Pm3595G), Jersey City Fire and Safety Services.

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

B-51 DENNIS WHELAN

Dennis Whelan appeals his scores on the oral portion of the promotional examination for Fire Officer 2 (PM3595G), Jersey City Fire and Safety Services.

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

B-52 ANTON PESKENS

Anton Peskens appeals his scores on the essay and oral portions of the promotional examination for Battalion Fire Chief (PM3594G), Hoboken.

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

B-53 CHRISTOPHER PRELL

The Township of Independence requests relaxation of N.J.A.C. 4A:4-7.1A(c) so as to permit the intergovernmental transfer of Christopher Prell from the title of Sheriff's Officer, Warren County Sheriff's Office, to the title of Police Officer, Township of Independence.

ACTION: The Merit System Board granted the request.

B-54 RECENT COURT DECISIONS

Submitted for the Board's review are copies of recent court decisions involving Merit System Board and Department of Personnel determinations *In the Matter of Richard Holland* (Appellate Division, decided 9/7/07); *In the Matter of Todd Healy* (Appellate Division, decided 9/20/07); *In the Matter of Renee Copeland* (Appellate Division, decided 9/21/07); *In the Matter of Chad Batiuk*, (Appellate Division, decided 9/28/07); and *In the Matter of Omar Thompson* (Appellate Division, decided 9/28/07).

ACTION: The Merit System Board noted the decisions.

B-55 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of October 10, 2007 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of October 10, 2007.

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

B-56 SCOTT HARRELL

Scott Harrell, a Police Officer with the Borough of Roselle, represented by James M. Mets, Esq., petitions the Merit System Board for interim relief regarding his immediate suspension, pending a departmental hearing, effective March 9, 2007.

ACTION: The Merit System Board granted the request.

B-57 JOSEPH WRIGHT

Joseph Wright, a former Police Officer with the City of Elizabeth, represented by Jason L. LeBoeuf, Esq., requests reconsideration of the decision of the Director of Merit System Practices and Labor Relations, Department of Personnel, rendered on July 17, 2007, denying him a hearing with respect to his removal from employment.

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

B-58 MITCHELL CHASMAR

The appeal of Mitchell Chasmar, a Police Sergeant with the Township of Weehawken, of his 10-day suspension on charges, was heard by Administrative Law Judge Diana C. Sukovich (ALJ), who rendered her initial decision on September 7, 2007. At its meeting on October 10, 2007, the Merit System Board did not adopt the ALJ's recommendation to modify the 10-day suspension to a 30-day suspension. Rather, the Board upheld the 10-day suspension. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-59 ANTHONY HEARN

The appeal of Anthony Hearn, an Education Program Development Specialist 1 with the Department of Education, of the determination of the Commissioner of Education, stating that the appellant violated the New Jersey State Policy Prohibiting Discrimination in the Workplace, was heard by Administrative Law Judge Jeff S. Masin, who rendered his initial decision on April 13, 2007. At its meeting on October 10, 2007, the Merit System Board adopted the ALJ's recommendation to grant the appellant's appeal, but did not award the appellant back pay and counsel fees. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-60 JOHN ROBERTSON

The appeal of John Robertson, a Building Maintenance Worker with Hudson County, of his removal, effective August 9, 2006, on charges, was heard by Administrative Law Judge Maria Mancini La Fiandra (ALJ), who rendered her initial decision on August 29, 2007. At its meeting on October 10, 2007, the Board did not adopt the ALJ's recommendation to uphold the appellant's removal. Rather, the Board modified the removal 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-61 STATE PROMOTIONAL LISTS

The Commissioner, Department of Personnel, requests the extension of all State promotional lists expiring on or after October 1, 2007 for one year beyond their original expiration dates or until new lists are promulgated, whichever occurs first.

ACTION: The Merit System Board granted the request.

B-62 PROPOSED AMENDMENTS N.J.A.C. 4A:4-2.15, 7.1A AND 7.4; 4A:6-1.2, 1.3, AND 3.5 AND 4A:8-2.4 (INTERGOVERNMENTAL TRANSFERS)

Submitted for the Board's review is a notice of adoption regarding rule amendments. The amendments would codify P.L. 2006, c.77, which took effective August 2, 2006. The law requires the Commissioner of Personnel to provide by rule for the intergovernmental transfer of law enforcement officers, including sheriff's officers and county correction officers, as part of the existing Department of Personnel intergovernmental transfer program. It also requires that law enforcement officers be given the option to waive all accumulated sick leave and seniority rights so long as written consent is given by the receiving jurisdiction, the affected employee, and the Department of Personnel. Finally, the law prohibits the sending jurisdiction from paying supplemental compensation for accumulated sick leave to any law enforcement officer approved for an intergovernmental transfer. A public hearing was held on August 29, 2007. No comments were received then regarding this proposal, nor have any written comments been received. It is recommended that the proposal be adopted without change.

ACTION: The Merit System Board adopted the amendments.

B-63 EARL SETTLEMENTS

Litea Mathis
Green Brook Regional Center
Suspension

Nora Termanini
Department of Children and Families
Release at the end of the working test period

ACTION: The Merit System Board acknowledged the settlements.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Thursday, November 8, 2007, at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

ROLANDO TORRES, JR.
COMMISSIONER
MERIT SYSTEM BOARD