



STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

JON S. CORZINE
GOVERNOR

ROLANDO TORRES, JR.
COMMISSIONER

Merit System Board

**MINUTES OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
DECEMBER 19, 2007**

**Rolando Torres, Jr., Chairman
John Currie
Robert J. Long**

DECEMBER 19, 2007

A regular meeting of the Merit System Board was held on Wednesday December 19, 2007, in Trenton, New Jersey.

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

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

Iyata Anderson, Police Officer, City of Atlantic City, removal.

Effie Claiborne, Supervising Data Control Clerk, City of Newark, removal.

Daniel Ellis, Social Worker, Burlington County Board of Social Services, suspension.

Peter Farlow, County Correction Lieutenant, Camden County, suspension.

Stephanie Forman, Cottage Training Technician, New Lisbon Developmental Center, Department of Human Services, return to formerly held permanent title at the end of the working test period.

Charles Guischard, County Correction Sergeant, Atlantic County, suspension.

Lawrence Hayes, Laborer, City of Newark, resignation not in good standing.

Cheryl Janssen, Principal Account Clerk Typing, Passaic County, suspensions (3).

Richard Kent, County Correction Officer, Salem County, suspension.

Timothy Lapinski, County Correction Officer, Monmouth County, removal (2).

Michael Laurio, Human Services Specialist, Bergen County Board of Social Services, suspension.

Pauline Lee, Custodial Worker, Jersey City School District, removal.

Patricia McDevitt, Social Worker, Monmouth County, return to formerly held permanent title at the end of the working test period.

George Mikhail, Stable Worker, Union County, removal.

John Mullin, Pumping Station Repairer/Water Repairer, Winslow Township, removal.

Joseph Napoleone, Police Officer, City of Clifton, suspension.

Newark Housing Authority Layoff 2006, (partial withdrawal), various titles represented by SEIU, Local 617, good faith layoff.

Benjamin Okoli, Family Service Specialist 1, Department of Children and Families, return to formerly held permanent title at the end of the working test period.

Albert Ranieri, Pumping Station Operator, Camden County Municipal Utilities Authority, suspension.

Mark Ricciardi, Battalion Fire Chief, City of Paterson, suspension.

Michelle Sedeyn, Police Officer, City of Paterson, removal.

Cathedra Smart, County Correction Officer, Hudson County, removal.

Alhaleen Thomas, Security Guard, Newark School District, removal.

Anthony Tortorella, Police Officer, City of Orange, removal.

Kisha Williams, Police Officer Recruit, City of East Orange, removal.

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:

Daniel Alminda, Jr., Senior Food Service Worker, Hunterdon Developmental Center, Department of Human Services, removal.

James Bromberg, Cottage Training Technician, New Lisbon Developmental Center, Department of Human Services, return to formerly held permanent title at the end of the working test period.

Donna Danford, County Correction Lieutenant, Camden County, suspension.

Donnell Harden, Human Services Assistant, Woodbine Developmental Center, Department of Human Services, suspension.

Annette Jackson, Clerk Typist, City of Newark, suspension.

Catrece Lark, Institutional Attendant, Atlantic County, suspension.

Aileen Matias, Police Officer Recruit, Township of Irvington, removal.

Deborah Maxan, Family Service Worker, Essex County, removal.

Diane Miller, Library Assistant, Woodbridge Public Library, release at the end of the working test period.

Radames Ortiz, Maintenance Worker 2, Transportation, Department of Transportation, release at the end of the working test period.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Michael Barker
County of Cumberland
Cumberland Manor
Suspension

In the Matter of Kenneth D. Bogan
Woodbine Developmental Center
Department of Human Services
Removal

In the Matter of Tamika Brown
Northern State Prison
Department of Corrections
Removal

In the Matter of Dennis Caufield and Glenn Crane
City of Newark
Fire Department
Removals

In the Matter of Arthur Dando
Township of Woodbridge
Police Department
Suspension

In the Matter of Carol Devine
County of Monmouth
Department of Corrections and Youth Services
Suspension

In the Matter of Clara Garcia
Newark School District
Removal

In the Matter of Grace Hall
County of Hudson
Department of Corrections
Resignation not in good standing

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

In the Matter of Kathy Martin
Borough of North Arlington
Administration Department
Layoff

In the Matter of Floyd Newton
City of East Orange
Police Department
Suspension

In the Matter of Kenneth P. Olsen
City of Clifton
Fire Department
Suspension

In the Matter of Donald Preston
City of East Orange
Police Department
Suspension

In the Matter of Joseph Profetto
City of Vineland
License and Inspection Department
Suspension

In the Matter of Patrick Smith
City of Newark
Police Department
Removal

In the Matter of Paul Smithers
County of Essex
Department of Parks, Recreation and Cultural Affairs
Removal

In the Matter of Rahaman J. Thorpe
City of Rahway
Fire Department
Removal

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 EDWARD COTTON

Edward Cotton, Executive Assistant, Paterson Housing Authority, layoff appeal good faith issue only, effective July 24, 2006, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Grant the Summary Decision and uphold the layoff.

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

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

A-3 LOVE J. HEARD

Love J. Heard, County Correction Lieutenant, County of Burlington, County Jail, indefinite suspension on charges of incompetency, inefficiency or failure to perform duties, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the indefinite suspension.

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

A-4 FANNIE ROSS

Fannie Ross, Institutional Trade Instructor 2, Cooking, East Jersey State Prison, Department of Corrections, 10-working day suspension on charges of threatening, intimidating, harassing coercing, or interfering with fellow employees on state property.

Recommendation of the Administrative Law Judge – Modify the 10-working day suspension to a minor discipline of a 5-day suspension with appeal rights to the Department of Personnel for processing as a minor discipline.

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

A-5 WILLIE THOMPSON

Willie Thompson, Safety Specialist 1, Motor Vehicle Commission, eight-day suspension on charges of unauthorized absence, falsification and theft or misappropriation.

Recommendation of the Administrative Law Judge – Modify the eight-day suspension to a one-day suspension.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a five-day suspension and upheld the fine.

A-6 EDDIE WEATHERS

Eddie Weathers, Laborer, City of Newark, Department of Neighborhood and Recreational Services, 20-day suspension on charges of chronic or excessive absenteeism or lateness, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss the appeal without prejudice for failure to appear.

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

A-7 MELNA R. BLAKE

Melna R. Blake, Cottage Training Technician, New Lisbon Developmental Center, Department of Human Services, removal effective February 10, 2007, on charges of being absent from work as scheduled without permission and without giving proper notice of intended absence.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-8 JOSE CASTILLO

Jose Castillo, Senior Correction Officer, Adult Diagnostic Treatment Center, Department of Corrections, removal effective April 15, 2005, on charges of incompetency, inefficiency or failure to perform duties, neglect of duty, loafing, idleness or willful failure to devote attention to tasks which could result in danger to persons or property, falsification, and violation of a rule, regulation, policy, procedure, order or administrative decision. This matter was held over from the November 21, 2007 Merit System Board meeting for receipt of exceptions.

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

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

A-9 TEAIRA CLARK

Teaira Clark, County Correction Officer, County of Hudson, Department of Corrections, removal effective August 15, 2006, on charges of official misconduct, incompetency, inefficiency or failure to perform duties, insubordination, 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-10 HERBERT KEYS

Herbert Keys, Laborer, City of Newark, Department of Neighborhood and Recreational Services, removal effective June 3, 2005, on charges of conduct unbecoming a public employee 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 OLAH (REMAND)

Jeffrey Olah, Police Officer, Township of Woodbridge, Police Department, removal effective June 29, 2006, on charges of inability to perform duties and other sufficient cause.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-12 TANYA ONLY

Tanya Only, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, removal effective July 18, 2006, on charges of neglect of duty, willful failure to devote attention to tasks which could result in danger to persons and violation of a policy.

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-13 PEDRO PARDO

Pedro Pardo, Senior Correction Officer, Mountainview Youth Correctional Facility, Department of Corrections, removal effective December 22, 2006, on charges of conduct unbecoming a public employee, violations of safety and security precautions, improper of unauthorized contact with inmate, undue familiarity with inmates, parolees, their families, or friends and violation of a rule, regulation, policy, procedure, order, or administrative decision.

Recommendation of the Administrative Law Judge - Uphold the removal.

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

A-14 CASSANDRA RICHARDSON

Cassandra Richardson, Senior Correction Officer, Northern State Prison, Department of Corrections, removal effective August 30, 2006, on charges of conduct unbecoming a public employee, other sufficient cause, improper or unauthorized contact with an inmate, undue familiarity with inmates, parolees, their families, or friends, and violation of administrative procedures involving safety and security. This matter was held over from the November 8, 2007 Merit System Board meeting for receipt of exceptions.

Recommendation of the Administrative Law Judge - Reverse the removal.

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

A-15 JUAN SANTIAGO

Juan Santiago, Police Officer, City of Newark, Police Department, two removals effective April 17, 2001 and May 25, 2001, on charges of violation of various Police Department rules and regulations regarding criminal law, neglect of duty, conduct in public and private, report of crime, knowledge of crime, responsibility for own actions, knowledge of laws and regulations, association with the criminal element, police image, bound by duty, compromising arrangements and making a false statement.

Recommendation of the Administrative Law Judge - Grant respondent's motion for summary decision and dismiss the appeal.

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

A-16 KENYATTA SPEARMAN

Kenyatta Spearman, Senior Correction Officer, Northern State Prison, Department of Corrections, removal effective December 6, 2006, on charges of conduct unbecoming a public employee, conviction of an offense involving dishonesty or a crime, falsification and violation of a rule, regulation policy, procedure, order or administrative decision.

Recommendation of the Administrative Law Judge - Pursuant to an Order of Forfeiture, dismiss the appeal.

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

A-17 ANTHONY STALLWORTH

Anthony Stallworth, Pumping Station Operator, Camden County Municipal Utilities Authorities, removal effective February 5, 2007, on charges of falsification of official records, leaving work area without permission, personal use of an authority vehicle, conduct that will reflect discredit upon the authority during work hours, perpetration of any false or fraudulent act involving or against the authority, conduct unbecoming a public employee, misuse of public property, including motor vehicles and other sufficient cause.

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-18 FELICIA TURNER

Felicia Turner, Cottage Training Technician, Woodbridge Developmental Center, Department of Human Services, removal effective November 18, 2006, on the charge of physical 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-19 KENNETH HAGEMANN – SETTLEMENT

Kenneth Hagemann, Police Lieutenant, Borough of Roselle, release at the end of the working test period. Settled to a new working test period.

Recommendation of the Administrative Law Judge – Acknowledge the settlement.

ACTION: The Merit System Board acknowledged the settlement.

A-20 ROBERT JORDAN

Robert Jordan, Correction Sergeant, East Jersey State Prison, Department of Corrections, removal on charges of conduct unbecoming a public employee and use, possession or sale of any controlled dangerous substance. This matter was held over from the Merit System Board meeting of November 21, 2007 for a 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 EDUARDO AVALLANET

Eduardo Avallanet appeals his rejection as a Parole Officer Recruit candidate by the State Parole Board and its request to remove his name from the eligible list for Parole Officer Recruit (S2036E) 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 ALEISHA CRUZ

Aleisha Cruz, represented by Peter J. Cresci, Esq., appeals her rejection as a Police Officer candidate by the City of Jersey City and its request to remove her name from the eligible list for Police Officer (S9999D) 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-3 MICHAEL P. REILLY

Michael P. Reilly, represented by Patrick P. Toscano, Jr., Esq., appeals his rejection as a Fire Fighter candidate by the Township of West Orange and its request to remove his name from the eligible list for Fire Fighter (M2302E) 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-4 CHARLES CLARK

Charles Clark appeals the request by Jersey City to remove his name from the Fire Fighter (M2286E) eligible list for medical unfitness to effectively perform the duties of the position.

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

B-5 KATHLEEN BANKES

Kathleen Bankes, an Occupational Therapy Assistant with the Hunterdon Developmental Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

B-6 EVADELL PARKER-ROGERS

Evadell Parker-Rogers, a Senior Correction Officer with the Department of Corrections, represented by Henry J. Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-7 TABIRAH S. BENTON

Tabirah S. Benton, represented by Darryl M. Saunders, Esq., appeals the decision of the Division of Human Resource Information Services which found that the appointing authority had presented a sufficient basis to remove her name from the eligible list for Police Officer (S90999F), Township of Irvington, on the basis of falsification of her employment record.

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

B-8 LILLIAN FOSTER

Lillian Foster appeals the decision of the Division of Human Resource Information Services which upheld the removal of her name from the Sales Representative 2, State Lottery (S6775F), Department of the Treasury, eligible list due to an unsatisfactory employment record.

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

B-9 BRIAN HALL AND BRUCE HALL

Brian Hall, represented by Charles J. Uliano, Esq., appeals the bypass of his name for appointment on the eligible list for Deputy Police Chief (PM3611G), Marlboro Township. Additionally, Bruce Hall, represented by Loren Rosenberg Lightman, Esq., appeals the bypass of his name for appointment on the eligible list for Deputy Police Chief (PM3611G), Marlboro Township.

ACTION: The Merit System Board granted a hearing on both appeals.

B-10 LOUIS P. TOSCANO

Louis P. Toscano appeals: 1) the removal of his name from the list for Technical Assistant 3 (S0442G), Greystone Park Psychiatric Hospital; 2) the bypass of his name on the list for Technical Assistant 3 (S0442G), Hagedorn Psychiatric Hospital; 3) his non-appointment from the list for Technical Assistant, MIS (S6873G), North Jersey Developmental Center; 4) the bypass of his name on the list for Judiciary Clerk 3 (S7185H), Vicinage 10; and 5) the removal of his name from the list for Judiciary Clerk 2 (S7186H), Vicinage 5. The Division of Human Resource Information Systems (HRIS) requests: 6) enforcement of its order to dispose of the certification issued to William Paterson College from the list for Customer Service Representative 3 (S0495G). Mr. Toscano also appeals: 7) the bypass of his name on the list for Human Services Specialist 2 (C0831F), Morris County; 8) the removal of his name from the list for Human Services Specialist 1 (C1388H), Morris County; 9) the bypass of his name on the list for Human Services Specialist 2 (C1048G), Warren County; 10) the bypass of his name on the list for Human Services Specialist 2 (C1048G), Warren County; 11) the removal of his name from the Human Specialist 1 (C1065G), Warren County list; 12) the certification notice for Technical Assistant 3 (S0605J), Greystone Park Psychiatric Hospital; and 13) the certification notice for Technical Assistant 3 (S0605J), Hagedorn Psychiatric Hospital. These appeals all involve open competitive lists.

ACTION: The Merit System Board directed that these appeals be denied and also denied the request for enforcement.

B-11 INVESTIGATOR 3, LABOR (S0523H), DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

The Department of Labor and Workforce Development (DOL), requests permission not to make an appointment from the October 26, 2006 certification for Investigator 3, Labor (S0523H), DOL.

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

B-12 RESEARCH ASSISTANT (M0807G) AND (M1082H), CITY OF JERSEY CITY

The City of Jersey City requests permission not to make an appointment from the August 9, 2006 certification for Research Assistant (M0807G) and (M1082H).

ACTION: The Merit System Board granted the request for an appointment waiver but assessed costs.

B-13 TRUCK DRIVER (M9933H) BOROUGH OF RINGWOOD

The Borough of Ringwood requests permission not to make an appointment from the December 26, 2006 certification for Truck Driver (M9933H).

ACTION: The Merit System Board denied the request for appointment waiver and ordered the appointing authority to properly dispose of the certification and remit \$500 in compliance costs.

B-14 BRENDA I. DAVIS

Brenda I. Davis, an Administrative Assistant 2 with the Office of the Public Defender (OPD), appeals the determination of the Public Defender, 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 JASON BROOK

Jason Brook a County Correction Officer with Mercer County, represented by Stuart A. Tucker, Esq., petitions the Merit System Board for reconsideration of the decision rendered on August 8, 2007, denying his request for a hearing regarding his removal, effective March 5, 2007.

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

B-16 JAMES COE, JR.

James Coe, Jr., petitions the Merit System Board for reconsideration of the decision rendered on September 26, 2007, in which the Board denied the appeal of his ineligibility for the open competitive examination for Electrical Engineering Trainee (S0591J) because he was below the minimum requirements in education.

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

B-17 ANDRE WILSON

Andre Wilson, a former Police Officer with the City of East Orange, represented by Vincent C. Scoca, Esq., petitions the Merit System Board for reconsideration of the decision, rendered on September 21, 2007, in which the Director of the Division of Merit System Practices and Labor Relations, Department of Personnel, denied his request for a hearing with respect to his removal.

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

B-18 R.J. SHUMNY

The Superior Court, Appellate Division has temporarily remanded the Merit System Board's determination in *In the Matter of R.J. Shumny* (MSB, decided January 17, 2007), in order to permit the parties to seek Board approval of a negotiated settlement.

ACTION: The Merit System Board acknowledged the settlement.

B-19 YVETTE GORE-BELL

The appeal of Yvette Gore-Bell, a County Correction Officer with Hudson County, of her removal effective July 29, 2005, on charges, was heard by Administrative Law Judge Imre Karaszegi, Jr., (ALJ), who rendered his initial decision on October 23, 2007, upholding the removal. At its meeting on December 5, 2007, the Merit System Board modified the removal to a resignation in good standing. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-20 KEVIN CEBULSKI AND ARTHUR WALCZAK

The Borough of Sayreville, on behalf of Kevin Cebulski and Arthur Walczak, appeals the determination of the Division of Selection Services which found them ineligible for the promotional examination for Police Sergeant (PM2609J), Borough of Sayreville due to untimely applications.

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

B-21 PHILIP CHESKI

Philip Cheski appeals the determination of the Division of Selection Services that denied his admittance to the promotional examination for Fire Lieutenant (PM2637J), Clifton.

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

B-22 ALTERICK COBB

Alterick Cobb 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 Supervisor of Custodians (PM1690H), Newark School District.

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

B-23 WILLIAM CRIPPS

William Cripps appeals the determination of the Division of Selection Services that denied his admittance to the promotional examination for Fire Captain (PM3609J), Wildwood.

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

B-24 MARSHA A. HERRON

Marsha A. Herron 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 Geographic Information Systems Specialist 3 (S6910J).

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

B-25 STEVEN C. HOWE AND JOSEPH MUFFALLI

Steven C. Howe and Joseph Muffalli appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirements for the promotional examination for Chief Operating Engineer 2 (PS3669P), Juvenile Justice Commission, Department of Law and Public Safety.

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

B-26 GEORGIA M. JAMES

Georgia M. James 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 Principal Training Technician (PS0794K), Woodbridge Developmental Center, Department of Human Services.

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

B-27 ELVIS LUGARDO

Elvis Lugardo appeals the determination of the Division of Selection Services which found him ineligible for the promotional examination for Police Sergeant (PM2602J), Newark due to an untimely application.

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

B-28 GARY R. MADRISS

Gary R. Madriss appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Principal Training Technician (PS0794K), Woodbridge Developmental Center, Department of Human Services.

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

B-29 KATHERINE PANETTA

Katherine Panetta 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 Social Worker, Aging (C1709J), Union County.

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

B-30 HENRY SISBARRO III

Henry Sisbarro III appeals the decision of the Division of Selection Services which found that he lacked the required amount of continuous permanent status as of the closing date for the promotional examination for Fire Captain (PM3605J), Union Township.

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

B-31 STEVEN SMITH

Steven Smith 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 Juvenile Officer (M2323H), City of Trenton.

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

B-32 GERARD VESSELS

Gerard Vessels appeals the determination of the Division of Selection Services that denied his admittance to the promotional examination for Fire Captain (PM3609J), Wildwood.

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

B-33 BRIAN COSTELLO

Brian Costello appeals the decision of the Division of Selection Services denying his request for a make-up examination for County Correction Sergeant (PC2667G), Ocean County.

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

B-34 KEITH WILLIAMS

Keith Williams appeals the decision of the Division of Selection Services denying his request for a make-up examination for Correction Sergeant (PS9154I), Department of Corrections.

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

B-35 FRANK CALAMITA

Frank Calamita, represented by Joseph Afflitto, Jr., Esq., appeals his score on the oral portion of the promotional examination for Battalion Fire Chief (PM3597G), Paterson.

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

B-36 MICHAEL D'ARCO

Michael D'Arco appeals his scores on the essay and oral portions of the promotional examination for Battalion Fire Chief, (PM3597G), Paterson.

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

B-37 BRODERICK FLEMING

Broderick Fleming appeals his score of the oral portion of the promotional examination for Deputy Fire Chief (PM3519J), Plainfield.

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

B-38 TONY MALDONADO

Tony Maldonado appeals his scores for seniority and the essay portion of the promotional examination for Battalion Fire Chief (PM3597G), Paterson.

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

B-39 ROBERT POLONIAK

Robert Poloniak appeals his scores on the essay and oral portions of the promotional examination for Battalion Fire Chief (PM3597G), Paterson.

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

B-40 STATE VOLUNTARY FURLOUGH PROGRAM

The Commissioner, Department of Personnel, recommends relaxation of the eligibility criteria for the voluntary furlough program for the last six months of fiscal year 2008.

ACTION: The Merit System Board granted the request.

B-41 MERIT SYSTEM BOARD MINUTES

The minutes of the Merit System Board meeting of December 5, 2007 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of December 5, 2007.

B-42 DAN CASSIDY

The Division of State Human Resource Management petitions the Merit System Board for acknowledgement of the settlement agreement between Dan Cassidy and the Department of Corrections.

ACTION: The Merit System Board acknowledged the settlement.

B-43 ANTHONY D'ALTRUI

The appeal of Anthony D'Alturi, a Construction Official with the Borough of Sayreville, of his removal effective April 16, 2002, on charges, was heard by Administrative Law Judge Israel D. Dubin, who rendered his initial decision on October 10, 2007. At its meeting of December 5, 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.

B-44 LUZETTA GOLDEN

The appeal of Luzetta Golden, a County Correction Officer with the Burlington County Jail, of her removal, effective September 5, 2006, on charges, was heard by Administrative Law Judge Israel D. Dubin (ALJ), who rendered his initial decision on October 29, 2007. At its meeting on December 5, 2007, the Board did not adopt the ALJ's recommendation to uphold the removal. Rather, the Board modified the penalty to a 90-day suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-45 ALFRED HARRIS

The appeal of Alfred Harris, a Senior Correction Officer at the Central Reception and Assignment Facility, Department of Corrections, of his removal effective May 6, 2005, on charges, was heard by Administrative Law Judge Ana C. Viscomi (ALJ), who rendered her initial decision on October 26, 2007. At its meeting on December 5, 2007, the Merit System Board did not adopt that ALJ's recommendation to modify the removal to a six-month suspension. 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.

B-46 JAMES MATUS

The appeal of James Matus, a County Correction Officer with Hudson County, of his release at the end of the working test period, effective January 5, 2007, was heard by Administrative Law Judge Carol I. Cohen (ALJ), who rendered her initial decision on October 31, 2007, upholding the release. At its meeting on December 5, 2007, the Merit System Board adopted the ALJ's recommendation. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-47 PAUL SCAIFE

The appeal of Paul Scaife, a Laborer with the City of Newark, of his removal effective December 22, 2006, on charges, was heard by Administrative Law Judge Jeffrey A. Gerson (ALJ), who rendered his initial decision on October 29, 2007. At its meeting on December 5, 2007, the Merit System Board did not adopt the ALJ's recommendation to uphold the removal. Rather, the Board modified the penalty to a 30 working day suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-48 WILLIAM MALAYTER

The appeal of William Malayter, a Plumbing Subcode Official with the Township of Jackson, of his 45 working day suspension and removal effective January 4, 2005, on charges was heard by Administrative Law Judge (ALJ) Dennis P. Blake, who rendered his initial decision on November 2, 2007. At its meeting on December 5, 2007, the Merit System Board adopted the ALJ's recommendation to uphold the 45 working day suspension but did not adopt the ALJ's recommendation to modify the removal to a 90-day and a 180-day suspension. 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.

B-49 ROBERT VERONELLI

The appeal of Robert Veronelli, a Museum Assistant with the City of Paterson Free Public Library, of a 15-day suspension and his removal effective February 14, 2007, on charges, was heard by Administrative Law Judge JoAnn LaSala Candido (ALJ), who rendered her initial decision on October 31, 2007. At its meeting on December 5, 2007, the Merit System Board adopted the ALJ's recommendation to uphold the 15-day suspension and to reinstate the appellant and award back pay from April 26, 2007 until his reinstatement. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-50 JAMISON FLANNIGAN

Jamison Flannigan appeals the determination of the Division of Selection Services that found that she did not meet the residency requirements for the open competitive examination for Fire Fighter (M2399H0, Voorhees Township.

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

B-51 EARLY SETTLEMENTS

Judith Corin
New Lisbon Developmental Center
Department of Human Services
Suspension

Florine Rayford
New Lisbon Developmental Center
Department of Human Services
Suspension

Aderemi Roluga
New Lisbon Developmental Center
Department of Human Services
Suspension

Carla Vass
New Lisbon Developmental Center
Department of Human Services
Suspension

ACTION: The Merit System Board acknowledged the settlements.

B-52 ENVIRONMENTAL SPECIALIST, SITE REMEDIATION TITLE SERIES

The Managing Director, State and Local Government Operations (SLGO), Department of Personnel (DOP), requests that the provisions of *N.J.A.C.* 4A:4-7.6 be relaxed in order to effectuate the lateral title change, with retention of seniority, for employees performing hazardous site mitigation duties, serving in dissimilar titles, to the Environmental Specialist, Site Remediation title series. It is also requested that the provisions of *N.J.A.C.* 4A:4-1.1 be relaxed in order to permit lateral title changes from the non-competitive titles of Research Scientist and Assistant Geologist to unrelated competitive titles with retention of permanent status. The Managing Director also requests that the provisions of *N.J.A.C.* 4A:3-1.2(d) be relaxed in order to appoint Anne Hayton, Kathleen Kunze, and John Prendergast to the Research Scientist title series.

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

There being no further business before the Merit System Board, the meeting was adjourned to convene on January 16, 2008 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

ROLANDO TORRES, JR.
COMMISSIONER
MERIT SYSTEM BOARD