



STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

JON S. CORZINE
GOVERNOR

ROLANDO TORRES, JR.
COMMISSIONER

Merit System Board

**MINUTES OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
JANUARY 16, 2008**

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

JANUARY 16, 2008

A regular meeting of the Merit System Board was held on Wednesday January 16, 2008, 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 November 21, 2007, 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: December 6, 2007

TO: Rolando Torres Jr., Commissioner
Department of Personnel

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

SUBJECT: Change in Classification Plan

DEPARTMENT OF AGRICULTURE

The Department of Agriculture requests an upward salary re-evaluation for the title of Supervising Agricultural Resource Specialist (S27-10295).

The function of this title is to supervise an agricultural or related natural resource management program.

Job content re-evaluations are based on an analysis of changes in education and experience requirements, problem solving and accountability factors. These factors were analyzed to determine if a substantial change in job content exists. The result of our research indicates the compensable Hay factors of problem solving and accountability have significantly increased, thus impacting the current Hay evaluation.

The appropriate negotiations representatives have been notified and support this request.

CHANGE IN SALARY RANGE

Effective: 12-23-06

FROM:
Spvg Agricultural Resource Specialist
S27-10295 Competitive H NL/12

TO:
Spvg Agricultural Resource Specialist
~~S27~~-10295 Competitive H NL/12

EVM/JMM/BP/GB



MEMORANDUM

DATE: January 8, 2008

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

FROM: Elizabeth Van Marter, Director
Classification and Compensation

SUBJECT: Change in the State Classification Plan

OFFICE OF THE STATE COMPTROLLER

There is established an Office of the State Comptroller in the Executive Branch of the State government and for the purposes of complying with the provisions of Article V, Section IV, paragraph 1 of the New Jersey Constitution, the office shall be allocated in, but not of, the Department of the Treasury. Notwithstanding this allocation, the office shall be independent of any supervision or control by the State Treasurer, or the department or by any division, board, office, or other officer thereof.

The State Comptroller shall report directly to the Governor and have the status equal to a cabinet level office.

This title shall be allocated to the unclassified service in accordance with P. L. 2007, Chapter 52, approved March 15, 2007, on the first day of the sixth month following enactment.

ESTABLISHMENT OF TITLE

Effective: 09/15/2007

State Comptroller
X98-____ Unclassified D NL/12

EVM/JJM/DD



MEMORANDUM

DATE: January 11, 2008

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

FROM: Elizabeth Van Marter, ^{gmv} Director
Classification and Compensation

SUBJECT: Change in the Classification Plan

DEPARTMENT OF LAW AND PUBLIC SAFETY

The Department of Law and Public Safety (L&PS) requests the creation of a new title series for exclusive use by sworn law enforcement personnel within the Division of Criminal Justice (DCJ).

Currently, criminal investigators in DCJ serve in the unclassified State Investigator- Law and Public Safety title series, which also includes employees in other divisions within L&PS who are not sworn law enforcement officers. The current title series contains five levels of investigators, which we have determined to be excessive to classify the functions performed within DCJ.

In addition, many non-law enforcement agencies have adopted titles using the word "investigator" for civil investigatory purposes, which DCJ advises has caused state criminal investigators, at times, not to be recognized as law enforcement officers both by the law enforcement community and by the general public.

Creation of a new title series, Detective-State Investigator is requested in the unclassified division pursuant to N.J.S.A. 52:17B-100.1, to address these issues. This title series will be assigned to Occupational Group 36, Occupations in Protective Services. Current employees will be appointed to appropriate titles in the new series which reflect the duties they perform.

The Office of Employee Relations has reviewed the bargaining unit assignments.

ESTABLISHMENT OF TITLES

Effective: 02-05-2008

Detective Trainee- State Investigator, Law and Public Safety
Y95-____ U C 4L/12

Detective II- State Investigator, Law and Public Safety
Y24-____ U C 4L/12

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Detective I- State Investigator, Law and Public Safety
Y27-____ U C 4L/12

Sergeant- State Investigator, Law and Public Safety
Y30-____ U C 4L/12

Lieutenant- State Investigator, Law and Public Safety
V33-____ U C N4/12

Deputy Chief- State Investigator, Law and Public Safety
M36-____ U C NL/12

Chief- State Investigator, Law and Public Safety
M38____ U C NL/12

EVM/JMM

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Chauntay L. Broaddus
County of Salem
Nursing and Convalescent Home
Removal

In the Matter of Edwin Dye
City of Passaic
Department of Public Works
Suspension

In the Matter of Russell Faeder
Township of Nutley
Department of Public Safety
Suspension

In the Matter of Brian Goode
Borough of Keansburg
Police Department
Removal

In the Matter of Verneda Hall
County of Atlantic
Department of Public Safety
Removals (2)

In the Matter of Stacy Kitchen
County of Mercer
Department of Public Safety
Removal

In the Matter of Alexa Kuilan
Hunterdon Developmental Center
Department of Human Services
Removal

In the Matter of John Matty, Jr.
Woodbridge Township
Police Department
Suspension

In the Matter of Glenn Morehead
Middletown Township
Police Department
Suspension

In the Matter of Emily Murph
County of Essex
Department of Health and Rehabilitation
Suspension

In the Matter of Bobby Oliver
County of Hudson
Department of Roads and Public Property
Suspension

In the Matter of Victor Onwuzurike
Newark Public Schools
Removal

In the Matter of Joseph Price
County of Burlington
County Jail
Suspension and demotion

In the Matter of William Price
County of Atlantic
Department of Human Services
Removal

In the Matter of Catherine Traylor
Anne Klein Forensic Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Edmond Tyler, II
County of Burlington
County Jail
Removal

In the Matter of Daren West
City of Newark
Police Department
Removal

In the Matter of Albaline Worthern-Caraballo
County of Essex
Department of Health and Rehabilitation
Suspension

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN
THE ABOVE MATTERS – Acknowledge the settlements**

ACTION: The Merit System Board acknowledged the settlements.

A-2 ERIC COTTON

Eric Cotton, Cottage Training Technician, Woodbridge Developmental Center, Department of Human Services, 10-working day suspension on the charge of neglect of duty, failure to devote attention to tasks which would not result in causing a danger to a client, and removal effective July 14, 2006 on the charge of physical abuse of a client.

Recommendation of the Administrative Law Judge – Reverse the 10-working day suspension and removal.

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

A-3 DOUGLAS R. CRAIG

Douglas R. Craig, Automotive Mechanic, Department of Treasury, 60-day suspension on charges of insubordination, conduct unbecoming a public employee, disruption of the workplace and violation of a settlement agreement.

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

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

A-4 RAYMOND LAPOINT (REMAND)

Raymond LaPoint, Correction Sergeant, East Jersey State Prison, Department of Corrections, 10-working day suspension on charges of conduct unbecoming a public employee and violation of the Department policy prohibiting racial and/or sexual harassment, discrimination and/or retaliation.

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

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

A-5 LARRY MARTIN

Larry Martin, Police Officer, City of Jersey City, Police Department, eight-day suspension (forfeiture of eight days vacation) on charges of violation of Police Department rules regarding absence from duty and obeying all lawful orders.

Recommendation of the Administrative Law Judge – Uphold the eight-day suspension (forfeiture of eight days vacation).

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

A-6 JOSE MONTALVO

Jose Montalvo, Police Officer, City of Newark, Police Department, 1) 15-day suspension (5 days held in abeyance) on the charge of insubordination; 2) 5-day suspension on charges of incompetency, inefficiency, failure to perform duties, chronic or excessive absenteeism and obedience to orders; and 3) 5-day suspension for a prior discipline where 5 days were held in abeyance on charges of violation of Police department rules regarding the prompt report of sickness or injury, efficiency and cooperation and other sufficient cause.

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

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

A-7 STEPHEN CESARE

Stephen Cesare, Senior Investigator, Bayside State Prison, Department of Corrections, 30-working day suspension and demotion to the position of Senior Correction Officer effective June 19, 2006 on charges of conduct unbecoming a public employee, neglect of duty and violation of various Department rules regarding, among other things, falsification and violation of procedures regarding safety and security. The appellant was also removed effective June 19, 2006 on charges of insubordination, conduct unbecoming a public employee and violation of various Department rules regarding, among other things, falsification and undue familiarity with inmates.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-8 ALONZO CUMBERLANDER

Alonzo Cumberlander, Senior Correction Officer, Northern State Prison, Department of Corrections, removal effective December 5, 2006, on charges of conduct unbecoming a public employee, and violation of Department rules regarding physical or mental abuse of an inmate, patient, client, resident or employee, inappropriate physical contact or mistreatment of an inmate, patient, client, resident or employee, fighting or creating a disturbance on state property, negligence in performing duty resulting to injury to persons or damage to property.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-9 ADEBOLA DEMPSTER

Adebola Dempster, Human Services Assistant, Hunterdon Developmental Center, Department of Human Services, removal effective September 1, 2006, on the charge of physical or mental abuse of a client.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-10 JAMES KEEGAN

James Keegan, County Correction Officer, County of Monmouth, Department of Corrections and Youth Services, removal effective February 19, 2007, on charges of conduct unbecoming a public employee, violation of Department rules and regulations regarding code of ethics, other sufficient cause and violation of a last chance agreement and release.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-11 JADWIGA WARWAS

Jadwiga Warwas, Health Officer, City of Plainfield, Department of Administration and Finance, removal effective September 11, 2006, on charges of insubordination or serious breach of discipline and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to an official written reprimand, a fine to be paid the City of Plainfield equal to 109 hours pay.

A-12 SETTLEMENTS

In the Matter of Harry Cooper
Mid-State Correctional Facility
Department of Corrections
Indefinite suspension

In the Matter of Malukah Ferguson
Mercer County
Department of Public Safety
Suspensions (2)

In the Matter of Christopher Smith
City of Long Branch
Department of Public Works
Suspension and removal

RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE-
acknowledge the settlements.

ACTION: The Merit System Board acknowledged the settlements.

SECTION B – MISCELLANEOUS MATTERS

B-1 JOSEPH J. BODEK

Joseph J. Bodek, represented by Benjamin Benson, Esq., appeals his rejection as a Fire Fighter candidate by the City of Linden and its request to remove his name from the eligible list for Fire Fighter (M2287E) on the basis psychological unfitness to perform effectively the duties of the position.

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

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

B-2 KRAIG M. MCLAUGHLIN

Kraig M. McLaughlin appeals his rejection as a Police Officer candidate by the Township of Burlington 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-3 FRANKELY PAREDES

Frankely Paredes, represented by Stephen 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-4 CARMEN RODRIGUEZ

Carmen Rodriguez appeals her rejection as a Police Officer candidate by the City of Paterson and its request to remove her 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-5 BENEDETTO RUSSO

Benedetto Russo, represented by Joseph S. Murphy, Esq., appeals his rejection as a Fire Fighter candidate by the City of Paterson and its request to remove his name from the eligible list for Fire Fighter (M2293E) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that is matter be referred for an independent psychological evaluation.

B-6 MATTHEW J. SCHMIDT

Matthew J. Schmidt, represented by James P. Swift, 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 (S9999H) 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-7 JUSTIN SCHWARZ

Justin Schwarz, represented by Bruce D. Leder, Esq., appeals his rejection as a Police Officer candidate by the City of Hoboken 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-8 JOHN SERPICO

John Serpico, represented by James E. Sacks-Wilner, Esq., appeals his rejection as a Fire Fighter candidate by the City of Trenton and its request to remove his name from the eligible list for Fire Fighter (M2298E) 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-9 WILLIAM J. TANSEY

William J. Tansey, represented by Michael J. Prigoff, Esq., appeals his rejection as a Fire Fighter candidate by the City of Jersey City and its request to remove his name from the eligible list for Fire Fighter (M2286E) 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-10 BENJAMIN BYRD

Benjamin Byrd, a Senior Correction Officer with Bayside State Prison, Department of Corrections, represented by Mark Cairra, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-11 MARLO CARROLL

Marlo Carroll, an Inspector 3, Multiple Dwellings, with the Department of Community Affairs, appeals the denial of sick leave injury (SLI) benefits.

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

B-12 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 denied.

B-13 FRANK HILLMAN

Frank Hillman, a Senior Correction Officer with the Central Reception and Assignment Facility, Department of Corrections, represented by Samuel M. Gaylord, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-14 CRAIG HUGHES

Craig Hughes, a Senior Correction Officer with Southern State Correctional Facility, Department of Corrections, represented by Henry J. Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-15 BERNARD JONES

Bernard Jones, a former Correction Sergeant with Southern State Correctional Facility, Department of Corrections, represented by Justin R. Callow, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board referred the matter to the Medical Examiner's Review Panel.

B-16 RICARDO LEATY

Ricardo Leaty, a Safety Specialist 2 with the Motor Vehicle Commission, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board granted a hearing.

B-17 MARY E. LEONARD

Mary E. Leonard, a former Charge Nurse (12 Months) with Ancora 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 denied.

B-18 JAMES LOWERY

James Lowery, a Senior Correction Officer with Northern State Prison, Department of Corrections, represented by Henry J. Cistrelli, Esq., appeals the denial of sick leave injury benefits.

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

B-19 FRANCISCO MELRO

Francisco Melro, a Senior Correction Officer at East 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 granted.

B-20 WILLIAM A. MOORE

William A. Moore, 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 referred the matter to the Medical Examiner's Review Panel.

B-21 NANCY MORAN

Nancy Moran, an Administrative Analyst 4 with the Division of Criminal Justice, Department of Law and Public Safety, appeals the denial of sick leave injury (SLI) benefits.

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

B-22 DEBORAH P. MURPHY

Deborah P. Murphy, a Family Service Specialist 1 with the Division of Youth and Family Services, Department of Children and Families, represented by Arnold Shep Cohen, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-23 WILLA PAIGE

Willa Paige, a Teacher 3, 12 Months, with the Juvenile Justice Commission, appeals the denial of sick leave injury (SLI) benefits.

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

B-24 JAMES PITTS AND ANGELA R. WILLIAMS

James Pitts, a Senior Correction Officer, represented by Lawrence E. Popp, Esq., and Angela R. Williams, a former Senior Correction Officer, with the Department of Corrections, appeal the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board granted the appeal of James Pitts and denied the appeal of Angela R. Williams.

B-25 ROSEMARY ROGERS

Rosemary Rogers, a Human Services Assistant with the Woodbridge Developmental Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

B-26 ELIZABETH ROTA

Elizabeth Rota, an Instructor, Commission for the Blind and Visually Impaired, with 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-27 ALPHONZIA WILLIAMS

Alphonzia Williams, a Repairer with the Woodbridge Developmental Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

B-28 ABRAHAM K. BHAGAVATHIPARAMPIL

The Township of Saddle Brook appeals the decision of the Division of Local Human Resource Management which restored Abraham K. Bhagavathiparampil's name to the eligible list for Senior Clerk (M1191H), Township of Saddle Brook.

ACTION: The Merit System Board directed that this appeal be granted and that Abraham K. Bhagavathiparampil's name be removed from the eligible list.

B-29 ELLIOTT COHEN

Bordentown Township appeals the decision of the Division of Human Resource Information Services which restored Elliott Cohen's name to the Code Enforcement Officer (M6395H), Bordentown eligible list.

ACTION: The Merit System Board directed that this appeal be denied and that Elliot Cohen's name remain on the eligible list for prospective employment opportunities only.

B-30 KEYONNA R. ELEY

Keyonna R. Eley appeals the decision of the Division of State Human Resource Management which upheld the removal of her name from the eligible list for Correction Officer Recruit (S9999F), Department of Corrections, for making a false statement of material fact on her employment application.

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

B-31 LILLIAN FOSTER

Lillian Foster appeals the decision of the Division of Human Resource Information Services, which upheld the bypass of her name for appointment on the eligible list for Probation Officer (S0300F) Judiciary, Vicinage 8, Middlesex County.

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

B-32 BERNADETTE KAUFFMANN

The Town of Kearny appeals the decision of the Division of Human Resource Information Services, which restored the name of Bernadette Kauffmann to the Librarian (M6242H), Town of Kearny, eligible list.

ACTION: The Merit System Board directed that this appeal be granted and that Bernadette Kauffmann's name be removed from the eligible list.

B-33 PIETRO MAGLIANO

Pietro Magliano, represented by Michael L. Prigoff, Esq., appeals the decision of the Division of Human Resource Information Services, which upheld the bypass of his name on the County Correction Lieutenant (PC2627D), Hudson County, eligible list.

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

B-34 DENNIS M. PEPE

Dennis M. Pepe appeals the determination of the Division of Local Human Resource Management which found that the appointing authority had presented a sufficient basis to remove his name from the open competitive list for Police Officer (S9999H), Hillside based on his unsatisfactory criminal record.

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

B-35 ROBERT L. ROBINSON

Robert L. Robinson appeals the decision of the Division of Human Resource Information Services, which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the Juvenile Detention Officer (C2128G), Warren County, eligible list on the basis of an unsatisfactory criminal record. Additionally, the appellant appeals the removal of his name from the Juvenile Detention Officer (C2125G), Hudson County, eligible list due to an unsatisfactory criminal record.

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

B-36 FISCAL ANALYST (C6924J), COUNTY OF MONMOUTH

The County of Monmouth requests permission not to make an appointment from the June 11, 2007 certification for Fiscal Analyst (C6924J).

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

B-37 HOUSING ASSISTANCE TECHNICIAN (M1259H), CITY OF ORANGE HOUSING AUTHORITY

The City of Orange Housing Authority requests permission not to make an appointment from the September 25, 2006 certification for Housing Assistance Technician (M1259H).

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

B-38 SENIOR DATA PROCESSING SYSTEMS PROGRAMMER (C6808D), BURLINGTON COUNTY

Burlington County requests permission not to make an appointment from the February 2, 2004 certification for Senior Data Processing Systems Programmer (C6808D).

ACTION: The Merit System Board granted the request for appointment waiver and assessed no costs.

B-39 BEVERLY BROADUS-SMITH

Beverly Broadus-Smith, an Assistant Superintendent 1, Corrections, at New Jersey State Prison, Department of Corrections, appeals the determination of the Acting Director, Equal Employment Division, stating that the appellant failed to present sufficient evidence to support a finding that she had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace. This matter was held over from the November 8, 2007 Merit System Board meeting.

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

B-40 ALFRED MICCIO

Alfred Miccio, a Correction Sergeant with Southern State Correctional Facility, Department of Corrections, appeals the determinations of the Acting and Assistant Directors of the Equal Employment Division with the Department of Corrections, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to violation of the New Jersey Policy Prohibiting Discrimination in the Workplace.

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

B-41 CHRISTOPER APPLGATE

Christopher Applegate, a Police Sergeant with the City of Atlantic City, represented by Clifford L. Van Syoc, Esq., petitions the Merit System Board for interim relief of his pending disciplinary charges.

ACTION: The Merit System Board denied the request for interim relief.

B-42 PAUL BRUNDAGE

The Borough of Point Pleasant Beach requests that the eligible list for Public Works Repairer (PM0247D) be revived in order to effectuate the permanent appointment of Paul Brundage, effective July 15, 2003.

ACTION: The Merit System Board granted the request.

B-43 TONEY COOPER

Toney Cooper, a former Police Officer with the City of Plainfield (City), represented by David J. DeFillippo, Esq., requests that the Merit System Board reinstate him to his position after a determination by the Police and Firemen's Retirement System (PFRS) that he is no longer disabled and is fit for duty.

ACTION: The Merit System Board granted the request.

B-44 CAROL GANNETT

Carol Gannett seeks differential pay for the reclassification of her position from Police Records Clerk Typing to Senior Police Records Clerk, Typing, effective March 20, 2004.

ACTION: The Merit System Board granted the request.

B-45 MELVIN JONES

Melvin Jones, represented by Richard L. Press, Esq., requests that the Merit System Board order Atlantic City to comply with the Board's decision in *In the Matter of Sanitation Superintendent (PM0538E), Atlantic City* (MSB, decided January 12, 2005).

ACTION: The Merit System Board referred the matter for classification review of Melvin Jones' position.

B-46 VINELAND CITY SCHOOL DISTRICT VACATION LEAVE ENTITLEMENTS

The United Auto Workers Local 2327, represented by Regina C. Hertzog, Esq., requests that the Merit System Board review the vacation leave entitlement for 10-month employees of the Vineland City School District.

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

B-47 HUBERT DAVIS

Hubert Davis, a Hospital Attendant with the County of Essex, represented by William L. Kauffman, staff representative, CWA Local 1040, petitions the Merit System Board for reconsideration of the final administrative decision, rendered on June 15, 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 61-day suspension.

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

B-48 GUY ERVIN AND HARVEY JOHNSON

Guy Ervin and Harvey Johnson petition the Merit System Board for reconsideration of the decision rendered on July 11, 2007 which found that they did not meet the experience requirements for the promotional examination for Supervisor, Roads (PM1143H), Ewing Township.

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

B-49 THADDEUS FONTANILLA

Thaddeus Fontanilla, represented by Thomas J. Cammarata, Esq., requests reconsideration of the decision rendered on October 10, 2007, by the Merit System Board which found him to be psychologically unfit for a position as Police Officer (S9999F), Jersey City.

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

B-50 ANDRE RUIZ

Andre Ruiz, represented by F. Michael Daily, Jr., Esq., petitions the Merit System Board for reconsideration of its decision rendered October 10, 2007, upholding the bypass of his name on the certification of the eligible list for Fire Fighter (M2271E), City of Camden.

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

B-51 JOSE CASTILLO

The appeal of Jose Castillo, a Senior Correction Officer at the Adult Diagnostic and Treatment Center, Department of Corrections, of his removal effective April 15, 2005, on charges, was heard by Administrative Law Judge (ALJ) Stephanie M. Wauters, who rendered her initial decision on October 11, 2007. At its meeting on December 19, 2007, the Merit System Board did not adopt the ALJ's recommendation to modify the removal to a 30-day suspension. Rather, the Board imposed a six-month 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 (Abstained)
John Currie (Yes)
Margaret E. L. Howard (Abstained)
Robert J. Long (Yes)

B-52 ROBERT JORDAN

The appeal of Robert Jordan, a Correction Sergeant with East Jersey State Prison, Department of Corrections, of his removal effective August 3, 2006, on charges, was heard by Administrative Law Judge (ALJ) Carol I. Cohen, who rendered her initial decision on September 4, 2007. At its meeting on December 19, 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.

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

B-53 ROBERT JORDAN

The Department of Corrections, represented by Betty Ng, DAG, petitions the Merit System Board for a stay of its decision in *In the Matter of Robert Jordan* (MSB, decided December 19, 2007) which reinstated Robert Jordan to his position as a Correction Sergeant, pending the outcome of its motion for reconsideration of the Board's decision.

ACTION: The Merit System Board denied the request for a stay.

B-54 TANYA ONLY

The appeal of Tanya Only, a Human Services Assistant with Ancora Psychiatric Hospital, Department of Human Services, of her removal effective July 18, 2006, on charges, was heard by Administrative Law Judge Beatrice S. Tylutki (ALJ), who rendered her initial decision on November 30, 2007. At its meeting on December 19, 2007, the Merit System Board did not adopt the ALJ's recommendation to uphold the 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.

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

B-55 PEDRO PARDO

The appeal of Pedro Pardo, a Senior Correction Officer at Mountainview Youth Correctional Facility, Department of Corrections, of his removal, effective December 22, 2006, on charges was heard by Administrative Law Judge Joseph Lavery (ALJ), who rendered his initial decision on November 12, 2007. At its meeting on December 19, 2007, the Merit System Board did not adopt the ALJ's recommendation to uphold the removal. Rather, the Board modified the removal to a six-month 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 **(Abstained)**
 John Currie **(Yes)**
 Margaret E. L. Howard **(Abstained)**
 Robert J. Long **(Yes)**

B-56 CASSANDRA RICHARDSON

The appeal of Cassandra Richardson, a Senior Correction Officer with Northern State Prison, Department of Corrections, of her removal effective August 30, 2006, on charges, was heard by Administrative Law Judge (ALJ) Barry N. Frank, who rendered his initial decision on September 28, 2007. At its meeting on December 19, 2007, the 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.

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

B-57 ANTHONY STALLWORTH

The appeal of Anthony Stallworth, a Pumping Station Operator with Camden County Municipal Utilities Authority, of his removal effective February 5, 2007, on charges, was heard by Administrative Law Judge Donald J. Stein (ALJ), who rendered his initial decision on October 22, 2007. At its meeting on December 19, 2007, the Merit System Board did not adopt the ALJ's recommendation that the Appellant's removal be upheld. 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

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

B-58 WILLIE THOMPSON

The appeal of Willie Thompson, a Safety Specialist 1, Division of Motor Vehicles, with the Motor Vehicle Commission, of his eight-day suspension, beginning August 31, 2006, and fine of \$220.71, on charges, was heard by Administrative Law Judge Lisa James-Beavers (ALJ), who rendered her initial decision on November 15, 2007. At its meeting of December 19, 2007, the Merit System Board did not adopt the ALJ's recommendation to modify the appellant's eight-day suspension to a one-day suspension. Rather, the Board modified the penalty to a five-day suspension and upheld the fine of \$220.71. 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	(Abstained)
	Robert J. Long	(Yes)

B-59 ASISAT ADEWUNMI

Asisat Adewunmi appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the open competitive examination for Economic Development Representative 4 (M6546H), City of Orange.

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

B-60 YVES AUBOURG

The Township of Hillside, on behalf of Yves Aubourg, 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 Director, Economic Development Program (M6045J), Hillside Township.

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

B-61 TECIA BULLE, ET AL.

Union County, on behalf of Tecia Bulle, Martha DaSilva, Martha Iluonokhalumhe, Janet Laughery, Kimberlie Mangina, Sean McGarry, Komal Patel, Lottie Riley, and Rita Steed, appeals the determinations of the Division of Selection Services which found that, per the substitution clause for education, they were below the minimum requirements in experience for the promotional examination for Social Worker (PC1367H), Union County.

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

B-62 ALICE (PURCELL) BURKE

Alice (Purcell) Burke 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 Employee Benefits Specialist (PM0189H), Jersey City.

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

B-63 CYNTHIA CARTER

Cynthia Carter appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Senior Instructor Counselor, Readjustment Unit (PS1377K), New Lisbon Developmental Center.

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

B-64 RICHARD CAVANAGH

Richard Cavanagh appeals the determination of the Division of Selection Services that denied his admittance to the promotional examination for Fire Captain (PM3580J), Belleville.

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

B-65 MARILYN CORRADETTI AND EPHRAIM MORRISON

Marilyn Corradetti appeals the decision of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Regional Supervisor of County Representatives, Human Services (PS7213K), Department of Children and Families. Ephraim Morrison appeals the decision 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 Regional Supervisor of County Representatives, Human Services (PS7213K), Department of Children and Families.

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

B-66 BARBARA DEITMAN

Jerry Coyle, Warren County Personnel Director, appeals, on behalf of Barbara Deitman, the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Supervisor of Accounts (PC1935H), Warren County.

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

B-67 JEAN DEPOE

Jean DePoe appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Municipal Court Administrator (PM0353H), Township of Verona.

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

B-68 MEGHAN FARRELL

Meghan Farrell appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in education and experience for the open competitive examination for Director of Therapeutic Services (C6800H), Hudson County.

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

B-69 GENNIFER GEORGE

Gennifer George appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Advocate Victim Witness Program (PC0638H), Mercer County.

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

B-70 ANA HERNANDEZ

Ana Hernandez appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Deputy Municipal Court Administrator (Bilingual in Spanish and English) (PM0332H), Camden City.

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

B-71 JOSEPH KEARNEY

Joseph Kearney appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the open competitive examination for Assistant Director of Data Processing (C6812H), Bergen County.

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

B-72 RAYMOND KINNARD

Raymond Kinnard appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Supervisor of Postal Services (PS9969G), Department of Environmental Protection (DEP).

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

B-73 CHRISTINE LACKEY

Christine Lackey appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the open competitive examination for Public Health Investigator (C1437H), Middlesex County.

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

B-74 MICHAEL LEARDI AND JAMES LEISHMAN

Michael Leardi and James Leishman appeal the determinations of the Division of Selection Services which found that they were ineligible for the promotional examination for County Correction Lieutenant (PC2640H), Passaic County.

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

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

B-75 MARITA MARCIONESE

Marita Marcionese appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Supervising Clerk Typist (PM1374H), Winslow Township.

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

B-76 TERESA PANNULLO

Teresa Pannullo appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Principal Clerk/Senior Telephone Operator (PC0394J), Morris County.

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

B-77 LISA RITZO

Lisa Ritzo 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 Fiscal Analyst (PS9438T), Motor Vehicle Commission.

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

B-78 CARLOS VAZQUEZ

Carlos Vazquez 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 Assistant Superintendent of Weights and Measures, (PM0513J), Jersey City.

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

B-79 DOUGLAS WARWICK

Douglas Warwick appeals his residency status for the open competitive examination for Maintenance Repairer (M6111J), Asbury Park City.

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

B-80 JOSEPH GONZALEZ AND FRANK HOLMES

Joseph Gonzalez and Frank Holmes appeal the determinations of the Division of Selection Services which found that appellants filed their application after the announced filing deadline for the promotional examination for Fire Captain (PM3600J), Orange.

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

B-81 JAMES L. GRUNDY, JR.

James L. Grundy, Jr., appeals the determination of the Division of Selection Services that denied his eligibility for the examination for Fire Captain (PM3621H), Plainfield, due to an untimely filed application.

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

B-82 ROBERT CHUMAR

The Acting Director, Division of State Human Resource Management, on behalf of the Department of Education, requests that Robert Chumar's out-of-title work experience be accepted to qualify him for a prospective promotional examination for Administrative Analyst 3, Department of Education.

ACTION: The Merit System Board granted the request.

B-83 RICHARD MCCAULEY AND ROBERT YOUNG

Richard McCauley and Robert Young appeal their scores on the promotional examination for Truck Driver (PM0331J), Upper Township.

ACTION: The Merit System Board directed that these appeals be denied but that the Mr. Young's position be referred for a classification review.

B-84 ROBERT REARDON AND NACY HILLMAN

Robert Reardon and Nancy Hillman appeal their score for the promotional examination for Printing Operations Technician 2 (PS9416U), Department of the Treasury.

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

B-85 JOCELYN CASEY, ET AL.

Union County requests that Jocelyn Casey, Donna Garofalo, Joseph Huff, Colleen Pierce, Andre Rogers, and Sharon Tyler be permitted to file late applications for the promotional examination for Social Worker (PC1367H), Union County.

ACTION: The Merit System Board granted the request.

B-86 VICTOR A. IOFFREDO

The Sheriff, Warren County requests that the provisions of N.J.A.C. 4A:7.1A(a) be relaxed in order to process the Intergovernmental Transfer of Victor A. Ioffredo from the title of Sheriff's Officer, Middlesex County Sheriff's Office to the title of Sheriff's Officer, Warren County Sheriff's Office.

ACTION: The Merit System Board granted the request.

B-87 JERSEY CITY WATER DEPARTMENT

Larry Ross, Personnel Director, City of Jersey City, on behalf of the appointing authority, requests that N.J.A.C. 4A:4-7.1, 4A:8-2.3, 4A:4-7.6 and 4A:3-3.1 et seq. be relaxed in order to implement a new contract for the City of Jersey City with the United Water Company to operate the Jersey City Water Utility.

ACTION: The Merit System Board granted the request.

B-88 MERIT SYSTEM BOARD MINUTES

The minutes of the Merit System Board meeting of December 19, 2007 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of December 19, 2007.

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

B-89 COUNTY POLICE OFFICER (S9999H), BERGEN COUNTY

The Division of Local Human Resource Management requests that the Merit System Board order Bergen County to properly dispose of the July 23, 2007 certification (O1071633) of the eligible list for County Police Officer (S9999H), Bergen County.

ACTION: The Merit System Board granted the request.

B-90 EARLY SETTLEMENTS

Lisa Almeida-Fortunato
Ancora Psychiatric Hospital
Department of Human Services
Resignation not in good standing

Germani Brown
New Jersey State Prison
Department of Corrections
Suspension

Nicole Dunich
Department of Children and Families
Release at the end of the working test period

Cecelia M. Jackson
Judiciary
Somerset Vicinage
Suspension

Timothy Lapinski
County of Monmouth
Department of Corrections and Youth Services
Removals (2)

Margaret Senski
New Lisbon Developmental Center
Department of Human Services
Suspension

Carol Szupiany
New Jersey Veterans Memorial Home at Menlo Park
Department of Military and Veterans Affairs
Release at the end of the working test period

Monica Vallejo
Department of Children and Families
Release at the end of the working test period

Michael Virili
New Lisbon Developmental Center
Department of Human Services
Suspension

ACTION: The Merit System Board acknowledged the settlements.

B-91 ENVIRONMENTAL SPECIALIST, SITE REMEDIATION TITLE SERIES

The Director of the Division of Classification and Compensation, Department of Personnel, requests that the provisions of *N.J.A.C.* 4A:4-7.6(c) be relaxed in order to effectuate the lateral title change of employees performing hazardous site mitigation duties, serving in dissimilar titles, to the Environmental Specialist, Site Remediation title series with retention of permanent status. Additionally, it is requested that this rule be relaxed for those employees currently serving in the Hazardous Site Mitigation Specialist title series performing functions most appropriately classified in titles other than 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 title of Research Scientist 3 to unrelated competitive titles with retention of permanent status. The Director further 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. This matter was held over from the Merit System Board meeting of December 19, 2007.

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 Wednesday, January 30, 2008 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

ROLANDO TORRES, JR.
COMMISSIONER
MERIT SYSTEM BOARD