



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 30, 2008**

**Rolando Torres, Jr., Chairman
Flavella Branham
John Currie**

JANUARY 30, 2008

A regular meeting of the Merit System Board was held on Wednesday January 30, 2008, in Trenton, New Jersey.

PRESENT: Chairman Rolando Torres, Jr., Merit System Board Members Flavella Branham and John Currie; 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: January 17, 2008
TO: Rolando Torres, Jr., Commissioner
Department of Personnel
FROM: Elizabeth Van Marter, Director
Classification and Compensation
SUBJECT: Change in Classification Plan

DEPARTMENT OF TREASURY

We request inactivation of the title, Section Supervisor Program and Budget Analysis, Bureau of the Budget (50115), assigned exclusively to the Department of Treasury.

There are no incumbents in the title, and the Department of Treasury has confirmed it has no plans to utilize this title in the future.

TITLE INACTIVATION:

Effective: 01/05/2008

Section Supervisor Program & Budget Analysis
M33-50115 Career D NL/12

EVM/JMM/BP/GB

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Sandra Gardner
Ancora Psychiatric Hospital
Department of Human Services
Suspension

In the Matter of Alfred Lewis
City of Newark
Department of Law
Removal

In the Matter of Edmund Mahwinney
City of Atlantic City
Department Public Safety
Removal

In the Matter of Andy Trosky
County of Morris
Department of Public Works
Suspension

In the Matter of Latoya Williams
County of Burlington
County Jail
Suspension

In the Matter of Joseph Wright
City of Elizabeth
Police Department
Suspensions

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN
THE ABOVE MATTERS – ACKNOWLEDGE THE SETTLEMENTS.**

ACTION: The Merit System Board acknowledged the settlements.

A-2 RONDA M. BARNES

Ronda M. Barnes, Clerk Typist, Division of State Police, Department of Public Safety, release at the end of the working test period effective January 30, 2006.

Recommendation of the Administrative Law Judge – Uphold the release at the end of the working test period.

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

A-3 CHARLES BRITTON

Charles D. Britton, County Correction Officer, County of Camden, Department of Corrections, release at the end of the working test period effective August 12, 2006.

Recommendation of the Administrative Law Judge – Uphold the release at the end of the working test period.

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

A-4 HENRY VANCE DAVIS

Henry Vance Davis, a Professor with Ramapo College of New Jersey, appeals the determination of the Interim President, Ramapo College of New Jersey, which stated that he violated the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

Recommendation of the Administrative Law Judge – Uphold the State's determination that Mr. Davis violated the State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace and dismiss the appeal.

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

A-5 CLIFFORD LEWIS

Clifford Lewis, Institutional Trade Instructor 1, South Woods State Prison, Department of Corrections, 10-day suspension on charges of neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss the appeal for lack of jurisdiction and return to the Department of Personnel for disposition as a minor disciplinary appeal.

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

A motion was made and seconded that the open session be recessed and that, pursuant to Section 12(b) of the Open Public Meetings Act, the Merit System Board entered into Executive Session for the purpose of legal advice on the matter of A-6 Brian Cohan. The Board subsequently reconvened the public meeting.

A-6 BRIAN COHAN

Brian Cohan, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, removal effective March 31, 2006 on charges of verbal abuse of a patient and inappropriate physical contact or mistreatment of a patient.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-7 RHODA LIVINGSTON

Rhoda Livingston, Senior Correction Officer, Northern State Prison, Department of Corrections, removal effective March 22, 2006, on charges of conduct unbecoming a public employee, neglect of duty, loafing, idleness or willful failure to devote attention to tasks which would result in danger to persons or property and violations of administrative regulations regarding safety and security and intentional misuse of authority or position.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-8 RHODERICK LOVE

Rhoderick Love, Human Services Technician, Ancora Psychiatric Hospital, Department of Human Services, removal effective September 22, 2006, on the charge of physical abuse of a patient.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-9 DENISE ROSS

Denise Ross, Teacher's Aide, Newark School District, removal and resignation not in good standing, effective December 13, 2006, on charges of conduct unbecoming a public employee, chronic and excessive absenteeism, lateness, insubordination, neglect of duty, incompetency, inefficiency, failure to perform duties, resignation not in good standing and other sufficient cause.

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

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

A-10 ESTELLE SMITH

Estelle Smith, Senior Correction Officer, Garden State Youth Correctional Facility, Department of Corrections, removal effective March 8, 2007, on charges of conduct unbecoming a public employee and violation of rules regarding improper or unauthorized contact with an inmate, and violation of various procedures including safety and security.

Recommendation of the Administrative Law Judge - Uphold the removal.

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

A-11 LISA SMITH (REMAND)

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

Recommendation of the Administrative Law Judge – Enforce the settlement and modify the removal to a resignation in good standing.

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

A-12 SETTLEMENTS

In the Matter of Robert E. Hammond
Monmouth County
Department of Corrections and Youth Services
Suspensions (2)

In the Matter of Lori Jenkins
Ancora Psychiatric Hospital
Department of Human Services

RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE –
Acknowledge the settlements.

ACTION: The Merit System Board acknowledged the settlements.

SECTION B – MISCELLANEOUS MATTERS

B-1 STACY BRUMELL

Stacy Brumell, 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 matter be referred to the Medical Examiners Panel.

B-2 NANCY GALARZA

Nancy Galarza, a Practical Nurse with the Vineland 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-3 BEATRICE INNOCENZI-GERVASONI

Beatrice Innocenzi-Gervasoni, a former Public Health Consultant 2, Nursing with the Department of Health and Senior Services, represented by Jim Mullholland, CWA Local 1034, appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this matter be referred to the Medical Examiners Panel.

B-4 TEREETHA JONES

Teretha Jones, a Public Health Consultant 1, with the Department of Health and Senior Services, appeals the denial of sick leave injury (SLI) benefits.

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

B-5 SHARON MERRIWEATHER

Sharon Merriweather, a Human Services Assistant with the New Lisbon 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-6 TIMOTHY MURPHY

Timothy Murphy, a Hearing Officer 3 with the State Parole Board, appeals the denial of sick leave injury (SLI) benefits.

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

B-7 ROBERTO PENA

Roberto Pena, a Senior Correction Officer with 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-8 MALIK MOODY

Malik Moody appeals the decision of Human Resource Information Services which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the eligible list for Police Officer (S9999F), City of Passaic on the basis of an unsatisfactory background report.

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

B-9 ADMINISTRATIVE ANALYST, (M6143G) CITY OF NEWARK

The appointing authority's failure to dispose of the certification for Administrative Analyst, (M6143G), while a provisional is serving in the title, has been referred to the Merit System Board for enforcement.

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

B-10 ASSISTANT PAYROLL SUPERVISOR, (PM0802H), CITY OF NEWARK

The appointing authority's failure to dispose of the certification for Assistant Payroll Supervisor, (PM0802H), while a provisional is serving in the title, has been referred to the Merit System Board for enforcement.

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

B-11 COLLECTOR, DELINQUENT ACCOUNTS (M1460H), CITY OF NEWARK

The appointing authority's failure to dispose of the certification for Collector, Delinquent Accounts (M1460H), City of Newark, while a provisional is serving in the title, has been referred to the Merit System Board for enforcement.

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

B-12 COMMUNITY RELATIONS SPECIALIST, (M6312H), CITY OF NEWARK

The appointing authority's failure to dispose of the certification for Community Relations Specialist, (M6312H), while a provisional is serving in the title, has been referred to the Merit System Board for enforcement.

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

B-13 HEAVY EQUIPMENT OPERATOR (PM1003H), CITY OF NEWARK

The City of Newark requests permission not to make an appointment from the February 26, 2007 certification for Heavy Equipment Operator (PM1003H).

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

B-14 MANAGEMENT ASSISTANT (C6042J) COUNTY OF ESSEX

The County of Essex requests permission not to make an appointment from the September 10, 2007 certification for Management Assistant (C6042J).

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

B-15 PARKING ENFORCEMENT OFFICER/PARKING METER COLLECTOR/PARKING METER REPAIRER, (M6197G), CITY OF NEWARK

The appointing authority's failure to dispose of the certification for Parking Enforcement Officer/Parking Meter Collector/Parking Meter Repairer, (M6197G), while a provisional is in the title, has been referred to the Merit System Board for enforcement.

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

B-16 PARKING METER COLLECTOR (M6588H), CITY OF NEWARK

The appointing authority's failure to dispose of the certification for Parking Meter Collector (M6588H), City of Newark, while a provisional is serving in the title, has been referred to the Merit System Board for enforcement.

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

B-17 PLUMBER/STEAMFITTER (M6061G), CITY OF NEWARK

The appointing authority's failure to dispose of the certification for Plumber/Steamfitter (M6061G), City of Newark, while a provisional is serving in the title has been referred to the Merit System Board for enforcement.

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

B-18 PRINCIPAL CLERK (M1124H) AND (M1504H), CITY OF NEWARK

The appointing authority's failure to dispose of the certification for Principal Clerk (M1224H) and (M1504H), City of Newark, while a provisional is serving in the title has been referred to the Merit System Board for enforcement.

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

B-19 PRINCIPAL PLANNER COMMUNITY DEVELOPMENT PROGRAM (M1287H), CITY OF NEWARK

The appointing authority's failure to dispose of the certification for Principal Planner Community Development Program (M1287H), while a provisional is serving in the title, has been referred to the Merit System Board for enforcement.

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

B-20 PROGRAM COORDINATOR SPECIAL EVENTS (M1372H), CITY OF NEWARK

The City of Newark requests permission not to make an appointment from the November 27, 2006 certification for Program Coordinator Special Events (M1372H).

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

B-21 SANITATION INSPECTOR (M1215H), CITY OF NEWARK

The appointing authority's failure to dispose of the certification for Sanitation Inspector (M1215H), while a provisional is serving in the title, has been referred to the Merit System Board for enforcement.

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

B-22 SHELDON MANN'S

Sheldon Manns, a Technical Assistant, Classification with Bayside State Prison, Department of Corrections (DOC), appeals the determination of the Acting Director of the Equal Employment Division of the DOC, stating that the appellant had failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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

B-23 GERALDINE BRYANT

Geraldine Bryant, a former Administrative Clerk (Typing) with the City of East Orange, represented by Annmarie Pinarski, Esq., appeals the failure of the appointing authority to accept her rescission of her retirement, effective April 1, 2007.

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

B-24 LUKE IVEY

Luke Ivey, a former Senior Probation Officer with the Judiciary, Vicinage 15, Cumberland, Gloucester, and Salem Counties, represented by James M. Carter, Esq., requests hearings regarding his 30-day suspension and three removals effective February 28, 2007, March 22, 2007 and March 29, 2007.

ACTION: The Merit System Board denied the request.

B-25 RICHARD KRAMER

Atlantic County requests that the appointment of Richard Kramer to the title of County Correction Officer be recorded as a regular appointment from a regular reemployment list.

ACTION: The Merit System Board granted the request.

B-26 JEAN R. BRUNO

Jean R. Bruno, represented by Paul W. Bergrin, Esq., petitions the Merit System Board for enforcement of the decision rendered in *In the Matter of Jean Bruno, Police Officer (S9999F), Borough of Roselle* (MSB, decided August 15, 2007), in which the Board concluded that the appellant was psychologically fit to perform the duties of a Police Officer and ordered his appointment.

ACTION: The Merit System Board denied the request for enforcement and directed that Mr. Bruno's name be removed from the Police Officer (S9999F) eligible list.

B-27 RAFAEL RIVERA

Rafael Rivera, a County Correction Officer with Hudson County, represented by Robert A. Flagella, Esq., petitions the Merit System Board for relief in relation to his indefinite suspension, commencing on September 17, 2006.

ACTION: The Merit System Board granted the request.

B-28 TONY E. OUTERBRIDGE

Tony E. Outerbridge, represented by Peter Fico, Esq., requests reconsideration of the Board's November 1, 2006 decision denying his appeal of his ineligibility for the examination for Fire Lieutenant (PM2505H), Township of Irvington, due to an untimely filed application.

ACTION: The Merit System Board granted the request.

B-29 JANEEN BUTCHER

Janeen Butcher appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Head Clerk (PS4817J), Rowan University.

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

B-30 MICHAEL DRAZEK

Michael Drazek appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Assistant Library Director (PM0641J), Pompton Lakes.

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

B-31 JACQUELINE EDWARDS

Jacqueline Edwards appeals the determination of the Division of Selection Services that she failed to meet the experience requirements for the promotional examination for Assistant Supervisor of Resident Living, Developmental Disabilities (PS4711K), Woodbridge Developmental Center.

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

B-32 DALBIR FARWAHA

Dalbir Farwaha 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 Data Processing (PS4535P), Department of Law and Public Safety.

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

B-33 ARTHUR KOLLET

Arthur Kollet 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 Assistant Violations Clerk (M1753J), Morristown.

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

B-34 CHUCK LEE

Chuck Lee appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the open competitive examination for Assistant Municipal Engineer (M9119J), Jersey City.

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

B-35 ANA C. LEZCANO

Ana C. Lezcano 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 Paralegal Specialist (PM1207H), Clifton.

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

B-36 LISETTE MARTINEZ

Lisette Martinez appeals the determination of the Division of Selection Services that she did not meet the requirements for the promotional examination for Senior Technician, Management Information Systems (MIS) (S8458G), Department of Environmental Protection. The Division of State Human Resource Management requests that the Merit System Board accept Martinez's out-of title work experience to qualify her for the promotional examination for Program Technician (PS7072G), DEP.

ACTION: The Merit System Board denied the appeal of eligibility for the examination for Senior Technician, MIS (PS8458G), DEP, but granted the request to accept her out-of-title work for the examination for Program Technician (PS7072G), DEP.

B-37 LUANN MASLANIK

LuAnn Maslanik appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the qualifying examination for Financial Aid Assistant, Rowan University.

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

B-38 KIM MOREL

Kim Morel 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 Admitting Officer (PS0635E), New Jersey Veterans Memorial Home at Paramus.

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

B-39 RICHARD ONORATO

The appointing authority appeals the determination of the Division of Selection Services that Richard Onorato did not meet the experience requirement for the promotional examination for Senior Sewer Maintenance Worker (PM1501J), Willingboro Municipal Utilities Authority.

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

B-40 TAMARA PRICE

Tamara Price appeals the determination of the Division of Selection Services that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Budget Analyst 3 (PS5158T), Motor Vehicle Commission.

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

B-41 COLLEEN TOTH

Colleen Toth appeals the determination of the Division of Selection Services which found that she was ineligible for the promotional examination for Violations Clerk (PM1044J), Borough of Sayreville, because the announced title did not represent a promotion.

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

B-42 ROSE M. WAGNER

Rose M. Wagner appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the open competitive examination for Senior Program Analyst (M6135J), City of Jersey City.

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

B-43 KENYA WHITEHURST

Kenya Whitehurst appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Principal Training Technician (PS2998K), Commission for the Blind and Visually Impaired.

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

B-44 LINWOOD WHILDON

Linwood Whildon appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Chief Operating Engineer 2 (PS3918K), Woodbine Developmental Center.

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

B-45 MICHAEL AUBLE

Michael Auble appeals his scores on the essay and oral portions of the promotional examination for Battalion Fire Chief (PM3591G), Atlantic City.

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

B-46 MELVIN BARRETT

Melvin Barrett appeals his score of the oral portion of the promotional examination for Deputy Fire Chief (PM3601H), East Orange.

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

B-47 KEVIN BENNETT

Kevin Bennett appeals his scores on the essay and oral portions of the promotional examination for Battalion Fire Chief (PM3591G), Atlantic City, as well as the seniority score of another candidate.

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

B-48 ANGELO DEMAIO, JR.

Angelo DeMaio, Jr., represented by Sidney Lehmann, Esq., appeals the test administration and his scores on oral portions of the promotional examination for Battalion Fire Chief (PM3591G), Atlantic City.

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

B-49 GARY HOLMES, SR.

Gary Holmes, Sr. appeals his scores on the essay and oral portions of the promotional examination for Battalion Fire Chief (PM3591G), Atlantic City.

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

B-50 ALLEN HUGGINS

Allen Huggins, represented by Seth Grossman, Esq., appeals his scores on the oral portion of the promotional examination for Battalion Fire Chief (PM3591G), Atlantic City.

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

B-51 RODERICK KNOX

Roderick Knox appeals his scores on the oral portions, and his overall score, on the promotional examination for Battalion Fire Chief (PM3591G), Atlantic City.

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

B-52 PETER MCCABE

Peter McCabe appeals his scores on the essay and oral portions of the promotional examination for Battalion Fire Chief (PM3591G), Atlantic City.

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

B-53 THOMAS MCDERMOTT

Thomas McDermott appeals his score of the oral portion and his seniority score of the promotional examination for Deputy Fire Chief (PM3618H), Kearny.

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

B-54 MICHAEL MOONEY

Michael Mooney appeals his score on the essay and oral portions of the promotional examination for Battalion Fire Chief (PM3591G), Atlantic City.

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

B-55 RONALD PRICE

Ronald Price requests an explanation of scoring of the open competitive examination for Senior Public Information Specialist (S6940J), State.

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

B-56 RICHARD DELANEY

Richard Delaney appeals the administration and his scores on the computerized portion of the promotional examinations for Supervising Engineer 2, Surface Design (PS0882T) and Supervising Engineer, Field Survey, Transportation (PS0887T), Department of Transportation (DOT).

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

B-57 EDWARD BRADY, ET AL.

Edward Brady (PM2504J), Atlantic City; Charles Hetzel (PM2505J), Bayonne; Jordan Alexiou, Lawrence Gioconda, Michael Kelly and Giacomo Sacca (PM2521J), Elizabeth; Shane Harrison, Jeffrey Martin, Robert Miktus and Eugene Walker (PM2525J), Hamilton; Hector Alvarez and Ronald King (PM2538J), Paterson; Patrick Feliciano (PM2544J), Rutherford; Richard Ostermueller (PM2555J), Winslow; and Brian DiPasquale and Frank Thorpe (PM2568J), Elmwood Park; appeal the written examination for Police Lieutenant (various jurisdictions).

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

B-58 MICHAEL MICELI, ET AL.

Michael Miceli, Charles Rocco and Glenn Wiegand (PM3522J), Bloomfield; Andrew King, James McKenna, James Mooney, Joseph Mularz, William Pinho and Stephen Thelen (PM 2528J), Elizabeth; Keith Bendul and Stephen Gallagher (PM3531J), Fort Lee; John Rutkowski (PM3534J), Hoboken; Walter Young (PM3535J), Irvington; Scott Macfie and Anthony Sylvester (PM3536J), Kearny; John Hearn (PM3544J), North Arlington; John Prettyman (PM3546J), Ocean City; James Carifi, Sean Clark and Edward Jasiecki (PM3547J), Parsippany-Troy Hills; John Zebrowski (PM3553J), Sayreville; John Gunich (PM3557J), Union Beach; and Richard Levens and Robert Martin (PM3560J), West Orange; appeal the written examination for Police Captain (various jurisdictions).

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

B-59 GEORGE POLSTER

George Polster requests volunteer points be added to his final average for various eligible lists produced by the examination for Fire Fighter (M9999H).

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

B-60 READOPTION WITH AMENDMENTS: N.J.A.C. 4A:1, GENERAL RULES AND DEPARTMENT ORGANIZATION

The Notice of Proposal regarding the proposed readoption with amendments of N.J.A.C. 4A:1, General Rules and Department Organization is submitted to the Board. It is recommended that this proposal be approved for publication in the New Jersey Register.

ACTION: The Merit System Board approved the proposal for publication.

B-61 READOPTION WITH AMENDMENTS: N.J.A.C. 4A:2, APPEALS, DISCIPLINE AND SEPARATIONS

The Notice of Proposal regarding proposed readoption with amendments of N.J.A.C. 4A:2, Appeals, Discipline and Separations is submitted to the Board. It is recommended that this proposal be approved for publication in the New Jersey Register.

ACTION: The Merit System Board approved the proposal for publication.

B-62 READOPTION WITH AMENDMENTS: N.J.A.C. 4A:5, VETERANS AND DISABLED VETERANS PREFERENCE

The Notice of Proposal regarding proposed readoption with amendments of N.J.A.C. 4A:5, Veterans and Disabled Veterans Preference is submitted to the Board. It is recommended that this proposal be approved for publication in the New Jersey Register.

ACTION: The Merit System Board approved the proposal for publication.

B-63 READOPTION WITH AMENDMENTS: N.J.A.C. 4A:7, EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

The Notice of Proposal regarding proposed readoption with amendments of N.J.A.C. 4A:7, Equal Employment Opportunity and Affirmative Action is submitted to the Board. It is recommended that this proposal be approved for publication in the New Jersey Register.

ACTION: The Merit System Board approved the proposal for publication.

B-64 READOPTION WITH AMENDMENTS: N.J.A.C. 4A:9, POLITICAL SUBDIVISIONS

The Notice of Proposal regarding proposed readoption with amendments of N.J.A.C. 4A:9, Political Subdivisions is submitted to the Board. It is recommended that this proposal be approved for publication in the New Jersey Register.

ACTION: The Merit System Board approved the proposal for publication.

B-65 READOPTION WITH AMENDMENTS: N.J.A.C. 4A:10, VIOLATIONS AND PENALTIES

The Notice of Proposal regarding proposed readoption with amendments of N.J.A.C. 4A:10, Violations and Penalties is submitted to the Board. It is recommended that this proposal be approved for publication in the New Jersey Register.

ACTION: The Merit System Board approved the proposal for publication.

B-66 RECENT COURT DECISIONS

Submitted for the Board's review are summaries of recent court decisions involving Merit System Board and Department of Personnel determinations *In the Matter of Anthony Carter* (Appellate Division, decided 11/2/07); *In the Matter of Harry Lucas* (Appellate Division, decided 11/16/07); *In the Matter of Geraldine Sims* (Appellate Division, decided 11/27/07); and *In the Matter of Children Services v. E. T. and E.T. v. Camden County* (Appellate Division, decided 12/7/07).

ACTION: The Merit System Board noted the decisions.

B-67 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of January 16, 2008 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of January 16, 2008.

B-68 STEPHEN CESARE

The appeal of Stephen Cesare, a Senior Investigator, Secured Facilities, with Bayside State Prison, Department of Corrections, of his 30-day suspension, demotion to Senior Correction Officer, effective June 19, 2006 and removal, effective June 19, 2006, on charges was heard by Administrative Law Judge W. Todd Miller (ALJ), who rendered his initial decision on November 2, 2007. At its meeting on January 16, 2008, the Merit System Board adopted the ALJ's recommendation to uphold the appellant's removal. Additionally the Board dismissed the appellant's appeal of his 30-day suspension and demotion as moot. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-69 JAMES KEEGAN

The appeal of James Keegan, a County Correction Officer with Monmouth County of his removal effective February 19, 2007, on charges was heard by Administrative Law Judge Joseph Lavery (ALJ), who rendered his initial decision on November 1, 2007, reversing the removal. At its meeting on January 16, 2008, the Merit System Board adopted the ALJ's recommendation. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-70 LARRY MARTIN

The appeal of Larry Martin, a Police Officer with the City of Jersey City, of his eight-day suspension (forfeiture of eight vacation days) on charges, was heard by Administrative Law Judge (ALJ) Ken R. Springer, who rendered his initial decision on December 10, 2007. At its meeting on January 16, 2008 the Merit System Board did not adopt the ALJ's recommendation to uphold the eight-day suspension (forfeiture of eight vacation days). Rather, the Board increased the penalty to a 120-working day suspension. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System adopted the final decision.

B-71 JADWIGA WARWAS

The appeal of Jadwiga Warwas, a Health Officer with the City of Plainfield, of her removal effective September 11, 2006, on charges was heard by Administrative Law Judge (ALJ) James A. Geraghty, who rendered his initial decision on December 12, 2007. At its meeting on January 16, 2008, the Merit System Board did not adopt the ALJ's recommendation to reverse the removal. Rather, the Board imposed an official written reprimand and a fine equal to 109 hours. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-72 ENVIRONMENTAL SPECIALIST, SITE REMEDIATION TITLE SERIES

The Director of the Division of Classification and Compensation (DCC), Department of Personnel (DOP), 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 January 16, 2008 Merit System Board meeting for further review.

ACTION: The Merit System Board granted the request.

B-73 EARLY SETTLEMENTS

Madelyn Frisby
County of Burlington
County Jail
Removal

Clarence Wiley
Veterans Memorial Home at Menlo Park
Department of Military and Veterans Affairs
Indefinite Suspension and suspension

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 Wednesday, February 13, 2008 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

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