



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
MARCH 12, 2008**

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

MARCH 12, 2008

A regular meeting of the Merit System Board was held on Wednesday March 12, 2008, in Trenton, New Jersey.

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

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

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on 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: February 26, 2008

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

FROM: Elizabeth Van Marter, Director
Classification and Compensation *Em*

SUBJECT: Change in the State Classification Plan

DEPARTMENT OF HUMAN SERVICES

The Division of the Deaf and Hard of Hearing, Department of Human Services, requests the creation of a new department-specific title to provide services to the State's deaf and hard of hearing population.

The requested title will be used to consolidate the functions performed by the titles of Coordinator, Interpreter Referral Services (64883) and Field Representative, Division of the Deaf and Hard of Hearing (64884). While two titles were used in the past, these functions have evolved to the point that there is no discernable difference between them.

A Hay analysis indicates this title is appropriately evaluated at range 22.

The Department of Human Services will process this as a "no-pain, no-gain" transaction, in that incumbents will be moved to the new range with their current salary. The titles of Coordinator, Interpreter Referral Services and Field Representative, Division of the Deaf and Hard of Hearing will be inactivated once the incumbents are moved to the new title.

The bargaining unit was determined by the Office of Employee Relations. The appropriate negotiations representatives have been notified and have no objections to this request.

ESTABLISHMENT OF TITLE

Effective: 03/01/08

Deaf and Hard of Hearing Specialist
P22-____ Competitive P NL/12

EVM/JJM/BP

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Donna Anderson
Hunterdon Developmental Center
Department of Human Services
Removal

In the Matter of Clyde Best
Trenton Psychiatric Hospital
Department of Human Services
Removal

In the Matter of James D’Andrea
City of Union City
List bypass

In the Matter of Abdellah Ismail
County of Union
Runnells Hospital
Suspension and removal.

In the Matter of Betty Ann Joseph
County of Monmouth
Department of Health Care Facilities
Suspension

In the Matter of Edward Kownacki
City of Trenton
Police Department
Suspension

In the Matter of Monica Ragland
City of East Orange
Police Department
Suspension

In the Matter of Tony Richey
Newark School District
Demotion

In the Matter of Paul Tenorio
County of Monmouth
Department of Corrections and Youth Services
Suspension

In the Matter of Gary Woods
County of Burlington
County Jail
Resignation not in good standing

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 GEORGE DAVIS, JR.

George Davis, Jr., Police Officer, City of Newark, Police Department, seven-day suspension on charges of violation of Department rules and regulations regarding neglect of duty, safekeeping of prisoners, and disobedience of orders.

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

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to increase the penalty to a 20-working day suspension.

A-3 MARIO HIDALGO (REMAND)

Mario Hidalgo, Safety Specialist I, Motor Vehicle Commission, resignation not in good standing, effective April 13, 2006, on the charge of job abandonment.

Recommendation of the Administrative Law Judge – Reverse the resignation not in good standing.

ACTION: The Merit System Board reversed the recommendation of the Administrative Law Judge to uphold the resignation not in good standing.

A-4 CLAIRETHA JACKSON

Clairetha Jackson, Principal Clerk Typist, City of Trenton, Inspections Department, 60-working day suspension on charges of failure to perform duties and neglect of duty.

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

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

A-5 CLIFTON PURKETT

Clifton Purkett, Laborer, City of Newark, Department of Neighborhood Services, resignation not in good standing, effective July 6, 2005, on charges of chronic or excessive absenteeism or lateness, failure to perform duties, neglect of duty and other sufficient cause.

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

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

A-6 MARILYN RODRIGUEZ

Marilyn Rodriguez, Senior Probation Officer, Judiciary, five-day suspension on charges of conduct unbecoming a public employee and violation of the Judiciary's Workplace Violence Policy.

Recommendation of the Administrative Law Judge – Reverse the five-day suspension.

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

A-7 WILLIE ROWE

Willie Rowe, Police Officer, City of East Orange, Police Department, 59-day suspension on charges of insubordination and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Reverse the 59-day suspension.

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

A-8 MARIO A. ZACCARIA

Mario A. Zaccaria, Plumbing Subcode Official, Joint Construction Office of the Wildwoods, layoff appeal good faith issue only, effective March 30, 2007, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Uphold the layoff.

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

A-9 DESMOND HAMMIE

Desmond Hammie, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, removal effective July 28, 2006, on the charge of conduct unbecoming a public employee and a resignation not in good standing effective July 28, 2006 on the charge of being absent from duty for five or more consecutive business days without approval.

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

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

A-10 HARRY IRIZARRY

Harry Irizarry, Laborer, City of Passaic, Department of Public Works, removal effective March 15, 2007, 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 RICHARD LASCO

Richard Lasco, Police Officer, City of Atlantic City, Department of Public Safety, removal effective August 1, 2007, on charges of violation of rules regarding outside employment and truthfulness.

Recommendation of the Administrative Law Judge – Modify the removal to a 120-working day suspension.

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

A-12 STEPHANIE BUTLER (CONSOLIDATION)

Stephanie Butler, County Correction Officer, Hudson County, removal effective April 5, 2005 on charges of incompetency, inefficiency, or failure to perform duties and other sufficient cause. This matter is a consolidated appeal with the Police Training Commission.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

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

A-13 KERRIE MORRIS (CONSOLIDATION)

Kerrie Morris, Police Officer, Township of Nutley, Department of Public Safety, removal effective January 26, 2006, on charges of failure to successfully complete the police training course as required. This matter is a consolidated appeal with the Police Training Commission.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-14 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. This matter was held over from the January 16, 2008 Merit System Board meeting.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

SECTION B – MISCELLANEOUS MATTERS

B-1 TIMOTHY O’HARE

Timothy O’Hare, represented by James D. Addis, Esq., appeals his rejection as a County Correction Officer by Bergen County and its request to remove his name from the eligible list for County Correction Officer (S9999F) on the basis of medical unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this appeal be granted and the processing of appellant’s appeal of his disqualification for psychological reasons continue.

B-2 DONZELLA GODBOLT

Donzella Godbolt, a former Senior Correction Officer at New Jersey State Prison, Department of Corrections, represented by Henry J. Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-3 SHAUNETT HYMAN

Shaunett Hyman, a Human Services Assistant with 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 granted.

B-4 MOLLY RICHARDSON

Molly Richardson, a Senior Correction Officer with Northern State Prison, Department of Corrections, represented by Arnold M. Abramowitz, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-5 PAUL STROMICK

Paul Stromick, a Storekeeper 1 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-6 DONALD MCDANIEL

Donald McDaniel appeals the decision of the Division of Human Resource Information Services (HRIS), which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the Fire Fighter (M2302E), West Orange eligible list due to an unsatisfactory background report.

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

B-7 ADOLPHUS BARKOR

Adolphus Barkor, a former Recruit with the Division of the State Police, Department of Law and Public Safety (DLPS), appeals the determination of the Director, Office of Equal Employment Opportunity, DLPS, stating that the appellant did not present sufficient evidence to support a finding that he 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-8 DEBRA KUSHNIR

Debra Kushnir, a Head Clerk, with the Department of Health and Senior Services, appeals the determination of the Commissioner, which found 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.

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

B-9 KATHLEEN FRANZESE

The Richard Stockton College of New Jersey requests that the provisions of N.J.A.C. 4A:3-4.9 be relaxed in order to permit it to compensate Kathleen Franzese at Step 8 of Salary Range P24 upon her promotion from the title of Technical Assistant 1, Higher Education (Salary Range S15) to the title of Professional Services Specialist 2.

ACTION: The Merit System Board denied the request.

B-10 PARAG SHAH

Parag Shah, represented by Dudley Burge, Senior Staff Representative, CWA Local 1032, requests an earlier effective date for his reclassification from Data Base Analyst 2, OIT to Software Development Specialist 3.

ACTION: The Merit System Board denied the request.

B-11 DEBRA L. BUCKLEY

Debra L. Buckley requests reconsideration of the Merit System Board decision, *In the Matter of Debra L. Buckley*, (MSB decided September 26, 2007), which found that she did not satisfy the experience requirement for the promotional examination for Area Supervisor, Highway Maintenance (PS3056T), Department of Transportation.

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

B-12 MARGARET BULMER

Margaret Bulmer, a Head Clerk Bookkeeper with the Senator Garrett W. Hagedorn Psychiatric Hospital, Department of Human Services, represented by Robert O. Yaeger, Principal Staff Representative, CWA Local 1040, petitions the Merit System Board for reconsideration of its decision, *In the Matter of Margaret Bulmer* (MSB, decided July 11, 2007), which denied her request for sick leave injury (SLI) benefits.

ACTION: The Merit System Board granted the request for reconsideration and that the appellant's sick leave that she utilized on April 10, 2006 and April 11 2006 be restored.

B-13 STEVEN C. HOWE AND JOSEPH MUFALLI

Steven C. Howe and Joseph Mufalli, represented by Fred Shahrooz Scampato, Esq., request reconsideration of the Merit System Board decision, *In the Matter of Steven C. Howe and Joseph Mufalli* (MSB, decided December 19, 2007), which found that they did not satisfy 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 denied the request for reconsideration but directed that the Division of State Human Resource Management add the standard supervisor language to the "Examples of Work" section to the job specification for Operating Engineer 1.

B-14 ROBERT PEPPER

Robert Pepper petitions the Merit System Board for reconsideration of its decision *In the Matter of Robert Pepper*, (MSB, decided August 29, 2007), which determined that he was properly bypassed on the Assistant Supervising Maintenance Repairer (PC1507G), Ocean County eligible list.

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

B-15 ABRAHAM SMALLS

Abraham Smalls petitions the Merit System Board for reconsideration of the decision rendered on October 10, 2007 which denied his appeal regarding the administration of the written portion of the open-competitive examination, and his score for the oral portion of the examination for Battalion Fire Chief (PM3592G), Camden.

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

B-16 WILLIAM LAYTON

The appeal of William Layton, a County Correction Officer with Burlington County, of his six-day suspension beginning October 12, 2006, on charges, was heard by Administrative Law Judge Lisa James-Beavers (ALJ), who rendered her initial decision on January 22, 2008. At its meeting on February 27, 2008, the Merit System Board did not adopt the ALJ's recommendation to uphold the six-day suspension. Rather the Board modified the penalty to a two-day suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-17 LYNN R. VANDERVEER

The appeal of Lynn R. VanDerveer, a Senior Alcoholism Counselor with Burlington County, of her removal effective February 20, 2007, on charges, was heard by Administrative Law Judge Joseph Lavery (ALJ), who rendered his initial decision on January 24, 2008. At its meeting on February 27, 2008, the Merit System Board did not adopt the ALJ's recommendation to uphold the removal. Rather, the 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-18 LINDA ARCAMONE, ET AL.

Linda Arcamone, Barbara Carter, and Asha Desai appeal the determinations of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the minimum experience requirements for the promotional examination for Supervisor of Patient Accounts 1 (PS3943K), Department of Children and Families.

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

B-19 DONISE M. BARFIELD, ET AL.

Donise M. Barfield, Rosemary Ciampa, and Joseph M. Gursky appeal the determination of the Division of Selection Services which found that they did not meet the experience requirements for the promotional examination for Supervisor of Operations (PS2518C), Department of Personnel.

ACTION: The Merit System Board directed that these appeals be denied but that the matter of the proper classification of Ms. Barfield's and Ms. Ciampa's provisional Supervisor of Operations positions be referred to the Division of State Human Resource Management.

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

B-20 JUAN DONOSO

Juan Donoso appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the qualifying examination for General Supervisor, Water, Borough of Park Ridge.

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

B-21 JOSEPH NAPOLITANO, SR.

Joseph Napolitano, Sr. appeals the determination of the Division of Selection Services that found that he did not meet the education and experience requirements for the promotional examination for Youth Activities Supervisor, (M6684J), Jersey City.

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

B-22 RAYMOND RUDE

Raymond Rude appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Data Processing Analyst 1 (S5242G), Department of Environmental Protection (DEP).

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

B-23 MERIT SYSTEM BOARD MINUTES

The Merit System Board Minutes of its meeting of February 27, 2008 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes with revisions.

B-24 JAMES STEWART

The appeal of James Stewart, a Police Officer with the City of Newark, of his 10-day, five-day, and one-day suspensions, on charges, was heard by Administrative Law Judge Jeffrey A. Gerson (ALJ), who rendered his initial decision on January 9, 2008. At its meeting on February 27, 2008, the Merit System Board adopted the ALJ's recommendation to modify the 10-day suspension to a five-day suspension. However, the Board did not adopt the ALJ's recommendation to reverse the five-day suspension and modify the one-day suspension to a written warning. Rather, the Board modified the five-day suspension to an official written reprimand and upheld the one-day suspension. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-25 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). This matter was held over from the January 30, 2008 Merit System Board meeting.

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

B-26 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). This matter was held over from the January 30, 2008 Merit System Board meeting.

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

B-27 SALARY REGULATIONS, FY 2008, SUPPLEMENT 6

The Salary Regulations: Supplement 6, Special Incentive Programs Salary Regulation is submitted for the Board's review. This regulation provides for hiring staff in various health care titles up to the 9th step.

ACTION: The Merit System Board recorded the salary regulations.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, March 26, 2008 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

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