



STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

JON S. CORZINE
GOVERNOR

HOPE L. COOPER
ACTING COMMISSIONER

Merit System Board

**MINUTES OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
May 7, 2008**

**Margaret E. L. Howard, Presiding
Flavella Branham
John Currie
Robert Long**

MAY 7, 2008

A regular meeting of the Merit System Board was held on Wednesday May 8, 2008, in Trenton, New Jersey.

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

In accordance with L.1975, c.231, Margaret E. L. Howard, Presiding Board Member, 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: April 21, 2008
TO: Rolando Torres Jr., Commissioner
Department of Personnel
FROM: Elizabeth Van Marter, Director
State and Local Government Operations
SUBJECT: Change in Classification Plan

Middlesex County Cultural and Heritage Commission

In response to a request submitted by the Middlesex County Cultural and Heritage Commission (MCCHC), we request the title Resource Interpretive Specialist 1, Historic Resources (54406D) be made common for use by both State and Local Government.

This title is currently restricted to use by the Department of Environmental Protection (DEP). While the title will be made common, it will still be restricted to use by DEP within State Government. When presented with this proposal, DEP raised no substantial objection.

MCCHC contends that use of this title is appropriate given the scope of duties currently being performed by incumbents. Our review indicates that this title provides the most appropriate classification for the duties being performed. The job specification will be modified and bifurcated in such a way that duties performed in DEP and within Local Government are described separately and will not impact one another.

State Title Made Common

Effective: 09/06/05

Resource Interpretive Specialist 1, Historic Resources
P20-54406D Competitive M NE12

JMM/JAG

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

Wilbur Battersby
Department of Environmental Protection
Suspension

Marie Belizaire
County of Union
Runnells Hospital
Removal (2)

Rebecca Booker
Vineland Developmental Center
Department of Human Services
Removal

Stacy D. Brumell
Northern State Prison
Department of Corrections
Suspension

Jeffrey Burdsall
Judiciary – Cumberland, Gloucester and Salem Vicinage
Suspension

Ann Marie Casabianca
Department of Children and Families
Release at the end of the working test period

Felix Chukwueke
New Lisbon Developmental Center
Department of Human Services
Suspension

Shirley Collins
New Jersey Veterans Memorial Home at Vineland
Department of Military and Veterans Affairs
Removal

William Cunningham
Judiciary – Monmouth Vicinage
Suspension

Olanda Eckeard
Woodbine Developmental Center
Department of Human Services
Indefinite Suspension

Eric Goordman
Township of Parsippany-Troy Hills
Department of Public Works
Suspension

Tashneke James
County of Essex
Department of Citizen Services
Release at the end of the working test period

Jeanette Marasco
Ancora Psychiatric Hospital
Department of Human Services
Removal

Eric Marshall
County of Burlington
County Jail
Resignation not in good standing

Joseph Matuszewski
Mountainview Youth Correctional Facility
Department of Corrections
Removal

Rosalyn Napier
City of Paterson
Business Administration Department
Removal

Brian Ruhl
City of Trenton
Fire Department
Removal

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 ANTHONY AFOLO

Anthony Afolo, Supervising Family Service Specialist II, Department of Children and Families, return to formerly held permanent title Family Service Specialist, at the end of the working test period effective March 14, 2007.

Recommendation of the Administrative Law Judge – Reverse the return to the formerly held permanent title at the end of the working test period and grant a new working test period.

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

A-3 JOHN C. CRITCHER

John C. Critcher, Social Worker, County of Monmouth, Department of Human Services, release at the end of the working test period effective August 31, 2007.

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 ROBERT DAUGHTRY

Robert Daughtry, Senior Community Library Assistant, City of Jersey City, Library, 15-day suspension on charges of insubordination and conduct unbecoming a public employee.

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

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a 30-day suspension.

A-5 FERNANDO GARCIA

Fernando Garcia, provisional Human Services Specialist 1, permanent Children's Supervisor, County of Union, Department of Human Services, termination for unsatisfactory performance effective September 26, 2007.

Recommendation of the Administrative Law Judge – Grant appointing authority's motion for summary decision.

ACTION: The Merit System Board reversed the recommendation of the Administrative Law Judge and directed that the appellant be returned to his permanent title.

A-6 KARIMA HANNIBAL

Karima Hannibal, Police Officer, City of Newark, Police Department, eight-day suspension on charges of violation of Police Department rules and regulations regarding obedience to orders, malingering, communications through channels and unauthorized absence.

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

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

A-7 WILFREDO MERCADO

Wilfredo Mercado, Police Lieutenant, City of Newark, Police Department, 15-day suspension on charges of violation of Police Department rules and regulations and neglect of duty.

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

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

A-8 KEARY ALLEN

Keary Allen, Police Officer, City of Newark, Police Department, two removals effective December 6, 2004, one removal on charges of violation of Police Department rules regarding criminal law, conduct in public and private, conduct unbecoming a public employee, alcoholic beverages-off duty, and the other removal for violation of Police Department rules regarding mental and physical capability and inability to perform duties.

Recommendation of the Administrative Law Judge – Uphold the removals.

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

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

A-9 TORY BATTLE

Tory Battle, Senior Correction Officer, Mountainview Youth Correctional Facility, Department of Corrections, two removals effective May 3, 2007 on charges of conduct unbecoming a public employee, other sufficient cause, violation of rules regarding safety and security precautions, improper or unauthorized contact with an inmate, undue familiarity with inmates, parolees, their families, or friends.

Recommendation of the Administrative Law Judge – Uphold the removals.

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

A-10 WILLIAM BOYD

William Boyd, Laborer Heavy, City of Trenton, Department of Public Works, removal effective July 10, 2007, on charges of abandonment of position, insubordination, conduct unbecoming a public employee, incompetency, inefficiency and failure to perform duties, neglect of duty, chronic or excessive absenteeism or lateness and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the removal to a 60-day suspension.

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

A-11 MICHAEL C. BROWN (REMAND)

Michael C. Brown, County Correction Officer, County of Monmouth, Department of Corrections and Youth Services, removal effective July 22, 2004, on charges of a violation of the County substance abuse policy and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-12 DEVON DEBIAS

Devon Debias, Institutional Trade Instructor 2, Edna Mahan Correctional Facility for Women, Department of Corrections, 15-working day suspension and two removals effective April 14, 2007, on charges of unsatisfactory attendance and failure to follow call-off or call-on procedures.

Recommendation of the Administrative Law Judge – Modify the removal to a six-month suspension.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a 45-working day suspension.

A-13 JOHN S. DRAKE (REMAND)

John S. Drake, Sr., Sign Maker 3, City of Trenton, Department of Public Works, removal effective June 16, 2006, on the charge of inability to perform duties.

Recommendation of the Administrative Law Judge – Modify the removal to a resignation in good standing.

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

A-14 BRINSON HOWARD

Brinson Howard, Police Officer, City of Newark, Police Department, removal effective February 8, 2006, on charges of malingering, other sufficient cause, and violation of Police Department rules regarding disobedience of orders and false statements.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-15 ROY RIGGINS

Roy Riggins, Equipment Operator, County of Middlesex, Department of Public Works, removal effective March 12, 2007, on charges of violation of Federal regulations regarding drug and alcohol use by and testing of employees who perform functions related to the operation of commercial motor vehicles, and other sufficient cause.

Recommendation of the Administrative Law Judge – Grant motion for summary decision and uphold the removal.

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

A-16 RONALD WALKER

Ronald Walker, Human Services Specialist 1, Passaic County Board of Social Services, removal effective May 17, 2006, on charges of unauthorized absence, 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.

VOTE:

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

A-17 WILLIE ROWE

Willie Rowe, Police Officer, City of East Orange, Police Department, removal effective August 8, 2007, on charges of insubordination, conduct unbecoming a public employee, other sufficient cause, misconduct, conduct towards a superior officer and carrying equipment off duty.

Recommendation of the Administrative Law Judge – Modify the removal to a 45-day suspension.

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

A-18 SETTLEMENTS

In the Matter of Christina Huesser
Judiciary – Gloucester County
Suspension and Removal

In the Matter of Mary Stallworth
County of Monmouth
Department of Corrections and Youth Services
Release at the end of the working test period

In the Matter of Wilbur George
Jersey City School District
Suspension

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

ACTION: The Merit System Board acknowledged the settlements.

SECTION B – MISCELLANEOUS MATTERS

B-1 JEEF CADET

Jeef Cadet, represented by Stephen B. Hunter, Esq., appeals his rejection as a Police Officer candidate by the City of Asbury Park 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-2 JOSEPH L. DIMATTIA

Joseph L. DiMattia appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (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 denied.

B-3 SEAN DESHADER

Sean DeShader, represented by Stephen B. Hunter, Esq., appeals his rejection as a Police Officer candidate by the City of Asbury Park 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-4 KIMBERLY R. KOHUT

Kimberly R. Kohut appeals her rejection as a Sheriff's Officer candidate by the County of Mercer and its request to remove her name from the eligible list for Sheriff's 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 denied.

B-5 SHAWN RYAN

Shawn Ryan appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (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 denied.

B-6 ROBERT COLLINS

Robert Collins, a Senior Correction Officer with the New Jersey State Prison, Department of Corrections, represented by Brian W. Shea, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-7 JOHN A. DEL ROSSO

John A. Del Rosso, a Senior Correction Officer with East 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-8 KAREN M. DOAUD

Karen M. Doaud, an Affirmative Action Specialist 2 with the Department of the Treasury, appeals the denial of sick leave injury (SLI) benefits.

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

B-9 TAMIKA GREEN

Tamika Green, a Senior Building Maintenance Worker 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-10 STEVEN KRAVATSKY

Steven Kravatsky, a Senior Correction Officer with Northern 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-11 RAMONITA RIVERA

Ramonita Rivera, a Family Service Specialist 2 (Bilingual in Spanish and English) with the Department of Children and Families, appeals the denial of sick leave injury (SLI) benefits.

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

B-12 JASON TOOTHMAN

Jason Toothman, a former Investigator with the Judiciary, Vicinage 7, Mercer County appeals the appointing authority's failure to grant him sick leave injury (SLI) benefits.

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

B-13 ROBERT BANAS

Robert Banas, represented by Stuart J. Alterman, Esq., appeals the decision of the Division of Local Human Resource Management, which upheld the removal of his name from the eligible list for Police Officer (S9999F), City of Garfield, due to an unsatisfactory criminal record.

ACTION: The Merit System Board directed that this appeal be granted but that the appellant's name be recorded as bypassed for appointment on the May 9, 2006 certification for Police Officer (S9999F), City of Garfield.

B-14 MARVIN L. CAMPBELL, JR.

Marvin L. Campbell, Jr., appeals the City of Trenton's request to remove his name from the eligible list for Police Officer (S9999H) on the basis of an unsatisfactory background report.

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

B-15 LAISA COLON

Laisa Colon appeals the decision of the Division of Local Human Resource Management, which upheld the removal of her name from the Police Officer (S9999F), City of Paterson, eligible list due to the falsification of her employment application.

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

B-16 CHRISTINE GNIEWKOWSKI-TAYLOR

Christine Gniewkowski-Taylor appeals the decision of the former Division of Human Resource Information Services (HRIS), which found that the appointing authority had presented a sufficient basis to remove her name from the Principal Alcoholism Counselor (C6889H), Burlington County eligible list, on the basis of failure to respond to the Notice of Certification.

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

B-17 JERARD INGENITO

Jerard Ingenito, represented by James P. Swift, Esq., appeals the decision 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 eligible list for Police Officer (S9999H), City of Atlantic City, on the basis of an unsatisfactory driving record.

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

B-18 BARBARA MCCONVILLE

Barbara McConville appeals the appointing authority's request to remove her name from the eligible list for Human Services Specialist 1 (C1144G), Ocean County Board of Social Services.

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

B-19 ABRAHAM PASCUAL

Abraham Pascual, represented by Joseph S. Murphy, Esq., appeals the decision of the Division of Local Human Resource Management, which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the Police Officer (S9999F), Paterson eligible list, on the basis of an unsatisfactory background report.

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

B-20 JOSEPH SIMPSON, III

Joseph Simpson, III, represented by Bette R. Grayson, Esq., appeals the decision of the Division of Human Resource Information Services, which upheld the removal of the appellant's name from the Correction Officer Recruit (S9999F), Department of Corrections, eligible list on the basis of an unsatisfactory criminal record.

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

B-21 CARPENTER (M6642H), BOROUGH OF RINGWOOD

The Borough of Ringwood, represented by Richard J. Clemack, Esq., requests permission not to make an appointment from the February 26, 2007 certification for Carpenter (M6642H).

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

B-22 INVENTORY CONTROL CLERK (M1319H), UNION TOWNSHIP

Union Township, represented by Arthur R. Thibault, Jr., Esq, requests permission not to make an appointment from the October 24, 2006 certification for Inventory Control Clerk (M1319H).

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

**B-23 SECRETARIAL ASSISTANT 1, NON-STENOGRAPHIC (PS0129K),
DEPARTMENT OF HUMAN SERVICES, DIVISION OF MEDICAL
ASSISTANCE AND HEALTH SERVICES**

The Department of Human Services requests permission not to make an appointment from the June 29, 2007 certification for Secretarial Assistant 1, Non-Stenographic (PS129K), Department of Human Services, Division of Medical Assistance and Health Services.

ACTION: The Merit System Board granted the appointment waiver and directed that no selection costs presently be assessed.

B-24 DIANE DILKS AND ANNA POLK

Salem County requests that the eligible list for County Correction Lieutenant (PC2520E), Salem County, be revived in order to permanently appoint Diane Dilks, effective April 9, 2007. It also requests that Anna Polk, a County Correction Captain, be granted a retroactive date of permanent appointment of May 25, 2007.

ACTION: The Merit System Board granted the requests.

B-25 NICOLAS EMERIC

Monmouth County, on behalf of Nicolas Emeric, requests a retroactive appointment date to the title of Hazardous Materials Responder, Operations.

ACTION: The Merit System Board granted the request.

B-26 SANDRA JENKINS

Sandra Jenkins, a Highway Safety Specialist with the Department of Law and Public Safety, petitions the Merit System Board for relief with regard to her provisional appointment.

ACTION: The Merit System Board granted a regular appointment to the title of Highway Safety Specialist, effective the date of this decision.

B-27 CHRISTOPHER LEHMANN

Monmouth County requests that the eligible list for Assistant Supervising Maintenance Repairer, Low Pressure License (PC1254U) be revived in order to effectuate the permanent appointment of Christopher Lehmann, effective September 4, 1999.

ACTION: The Merit System Board granted the request.

B-28 DOUGLAS MACKIE

Douglas Mackie, a Crew Supervisor, Plumbers and Steamfitters, with the Hunterdon Developmental Center, Department of Human Services, represented by Benjamin Spivack, Esq., requests that the Merit System Board review his request for interim relief regarding his disciplinary hearing.

ACTION: The Merit System Board dismissed the appeal for lack of jurisdiction.

B-29 VINCENT PRZYBYCIN

Vincent Przybycin, a former Assistant Supervisor, Roads, with the County of Burlington, represented by Jim Mulholland, Senior Staff Representative, CWA Local 1034, petitions the Merit System Board for reconsideration of the final administrative decision, rendered on February 11, 2008, in which the Director of the Division of Merit System Practices and Labor Relations, Department of Personnel denied his request for a hearing with respect to his removal from employment.

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

B-30 PATRICIA CLARKE

The appeal of Patricia Clarke, an Institutional Attendant with Atlantic County, of her removal effective March 6, 2007, on charges, was heard by Administrative Law Judge Edgar R. Holmes (ALJ), who rendered his initial decision on March 14, 2008. At its meeting on April 23, 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-31 VERNON L. DRUMMOND, JR.

The appeal of Vernon L. Drummond, Jr., a Residential Services Worker with the Vineland Developmental Center, Department of Human Services of his removal effective February 17, 2007, on charges, was heard by Administrative Law Judge Edgar R. Holmes (ALJ), who rendered his initial decision on March 17, 2008. At its meeting on April 23, 2008, the Merit System Board adopted The ALJ's recommendation to reverse the removal. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-32 FERENC HELYES

The appeal of Ferenc Helyes, a Senior Electrician with the City of Perth Amboy, of his removal effective August 6, 2007, on charges, was heard by Administrative Law Judge Douglas H. Hurd (ALJ), who rendered his initial decision on March 10, 2008. At its meeting on April 23, 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-33 KEISHA HENDERSON

The appeal of Keisha Henderson, a County Correction Officer with Essex County, of her removal effective April 23, 2004, on charges, was heard by Administrative Law Judge (ALJ) Jesse H. Strauss, who rendered his initial decision on January 7, 2008. At its meeting of April 23, 2008, 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:	Flavella Branham	(Abstained)
	John Currie	(Yes)
	Margaret E. L. Howard	(Yes)
	Robert J. Long	(Yes)

B-34 CHRISTOPER M. PORTALE

The appeal of Christopher M. Portale, a Truck Driver, Single Axle with the Department of Transportation, concerning his removal effective August 17, 2007, on charges, was heard by Administrative Law Judge Daniel B. McKeown (ALJ), who rendered his initial decision on March 20, 2008. At its meeting on April 23, 2008, the Merit System Board did not adopt the ALJ's recommendation to reverse the removal. Rather, the Board remanded the matter to the Office of Administrative Law for further proceedings. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-35 CARMEN SANDERS

The appeal of Carmen Sanders, a Security Guard with the Newark School District of her removal effective June 19, 2007, on charges, was heard by Administrative Law Judge Edith Klinger (ALJ), who rendered her initial decision on March 19, 2008. At its meeting on April 23, 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-36 STEVEN ALESE, ET AL.

The County of Essex, on behalf of Steven Alese, Emmanuel Amankwa, James Brooks, Milinda Dhanooolal, Vera Conrelius, Joseph Hernandez, Michael Janiera, Raymond Lamboy, Zadir Lucas, Michael Radice and Emmanuel Rosa, appeals the determination of Local Human Resource Management which denied its request that these employees be assigned retroactive appointment dates for record purposes. The County also seeks eligibility for all of the above employees to the promotional examination for County Correction Sergeant (PC2667J), Essex County. Further, Michael Radice, represented by Nicholas J. Palma, Esq., Steven Alese, Vera Cornelius and Mark Piccinno individually appeal their ineligibility for the subject promotional examination.

ACTION: The Merit System Board granted retroactive appointment dates. The Board also directed that Messrs. Alese, Amankwa, Radice and Rosa and Ms. Dhanooolal and Cornelius be admitted to the examination and that Messrs. Brooks, Hernandez, Lamboy and Lucas be allowed to submit applications for the examination.

VOTE:

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

B-37 TONY ALEXANDER, ET AL.

Tony Alexander, Thomas Harris, Jorge Lopez, Waldo Lopez, Eddie Martinez, and Sean Nagle appeal the determinations of the Division of Selection Services that found that they did not meet the experience requirements for the promotional examination for Senior Custodian (PM1477J), Jersey City School District.

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

B-38 KEVIN M. ANDERSON

Kevin M. Anderson appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the promotional examination for Supervisor, Roads (PC0864J), Atlantic County.

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

B-39 CAROL-ANNE AVELLA-LANGFORD

Carol-Anne Avella-Langford 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 Assistant Program Analyst (PC0353J), Bergen County.

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

B-40 DANIEL BIBAUD, ET AL.

Daniel Bibaud, Eric Papa and Frank Sermarini appeal the determinations of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Data Processing Programmer 2 (PS3397N), Department of Labor and Workforce Development.

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

B-41 LAURA BORYS

Laura Borys 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 Personnel Officer (PM0677J), Township of Jackson.

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

B-42 ANDRE BUTLER AND NIA-MANIKA JONES

Andre Butler and Nia-Manika Jones appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirements for the promotional examination for Head Clerk (PS3956K), Department of Children and Families.

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

B-43 ANTHONY CARABELLI, JR.

Anthony Carabelli, Jr., appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the open competitive examination for Director of Economic and Industrial Development (M6187J), City of Trenton.

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

B-44 DAVID EARL

David Earl appeals the determination of the Division of Selection Services which found that he did not meet the educational requirements for the promotional examination for Supervising Engineer, Construction and Maintenance (PS4555T), Department of Transportation.

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

B-45 RONALD EDWARDS

Ronald Edwards appeals the determination 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 the "dual" title of County Correction Lieutenant/Training Officer Corrections (PC2667H), Hudson County.

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

B-46 WILLIAM GURECKI AND ROSA TOTH

William Gurecki and Rosa Toth appeal the determinations of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Taxpayer Service Representative 3, (PS3735U), Department of the Treasury.

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

B-47 JANE KLAWUNN

Jane Klawunn appeals the determination of the Division of Selection Services which found her to be below the experience requirements for the open competitive examination for Assistant Social Work Supervisor Psychiatric (S0620J), Department of Human Services.

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

B-48 EDWIN MORGAN

Edwin Morgan 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 Claims Examiner, Unemployment and Disability Insurance, Department of Labor and Workforce Development.

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

B-49 ANGEL TORRES

Angel Torres 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 Contract Administrator 1, Department of Children and Families.

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

B-50 LILLIAN WASHINGTON

Lillian Washington 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 Personnel Director (M6519H), City of Trenton.

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

B-51 MICHAEL TORSIELLO, ET AL.

Michael Torsiello appeals his seniority on the examination for Fire Captain (PM3509H), Irvington. In response to this appeal and on behalf of Michael Torsiello, Charles Deeney, Fernando De Lima, and Randy Wuest, the appointing authority requests appointment dates for seniority purposes be changed from April 29, 2004 to various previous dates, and for Charles Henderson, a later date. Further, John Caponigro is similarly situated with Mr. De Lima, and Michael Herrmann, Nicholas Morley and Michael Rosa are similarly situated with Mr. Henderson.

ACTION: The Merit System Board directed that this appeal be granted so that Mr. Torsiello's seniority score on the examination be changed, and the appointment dates for all be changed to their actual start dates.

B-52 MERIT SYSTEM BOARD MINUTES

The minutes of the Merit System Board meeting of April 23, 2008 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of April 23, 2008.

B-53 JOSEPH PHILLIPS

Joseph Phillips, a County Correction Officer with Mercer County, represented by Mark W. Catanzaro, Esq., petitions the Merit System Board for interim relief of his immediate suspension without pay, commencing on March 26, 2008.

ACTION: The Merit System Board denied the request.

B-54 JOSEPH MUNIZ

Joseph Muniz, a Senior Correction Officer, appeals an official written reprimand issued by the Department of Corrections.

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

B-55 BENJAMIN RICHARDSON

The appeal of Benjamin Richardson, a Laborer with the City of Newark, of his removal effective January 26, 2007, on charges, was heard by Administrative Law Judge Maria Mancini LaFiandra (ALJ), who rendered her initial decision on March 18, 2008. At its meeting on April 23, 2008, the Merit System Board did not adopt the ALJ's recommendation to uphold the removal. Rather, the Board ordered that the matter be remanded to the Office of Administrative Law. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-56 JONELLE HUGEE, ET AL.

The Acting Director, Division of Local Human Resource Management, requests that the eligible lists for S9999B and S9999D be revived in order to effectuate the appointment of Jonelle Hugee, Andrew Hutchinson, William Rupp and Steven Torres and seeks their eligibility for the promotional examination for County Correction Sergeant (PC2667J), Essex County. Further, Messrs. Hutchinson, Rupp and Torres individually appeal their eligibility for the subject promotion.

ACTION: The Merit System Board granted retroactive appointment dates and that Messrs. Jenkins and Rupp be admitted to the examination and Ms. Hugee be allowed to submit an application for the examination.

B-57 USHA I. PATEL

Usha I. Patel 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 Labor Market Analyst 4 (PS1708N), Department of Labor and Workforce Development.

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

B-58 OLIVIA KLEIN AND ROBERT V. SQUEO

Olivia Klein and Robert V. Squeo appeal the determinations of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Deputy Director of Welfare (PC1088J), Monmouth County.

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

B-59 EARLY SETTLEMENTS

Terri Matthews
Vineland Developmental Center
Department of Human Services
Removal

Ira J. Williams
New Lisbon Developmental Center
Department of Human Services
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, May 21, 2008, at 10 a.m., at 3 Station Plaza, Trenton, New Jersey.

**MARGARET E. L. HOWARD
PRESIDING
MERIT SYSTEM BOARD**