



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
June 25, 2008**

**Hope L. Cooper, Chairperson
Flavella Branham
Margaret E. L. Howard
Robert Long**

JUNE 25, 2008

A regular meeting of the Merit System Board was held on Wednesday June 25, 2008, in Trenton, New Jersey.

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

In accordance with L.1975, c.231, Chairperson Hope L. Cooper, 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: June 20, 2008
TO: Hope L. Cooper, Acting Commissioner *HL*
Department of Personnel
FROM: Elizabeth Van Marter, Director *Elizabeth Van Marter*
Classification and Compensation *for EVM*
SUBJECT: Change in the State Classification Plan

OFFICE OF THE MEDICAID INSPECTOR GENERAL

N.J.S.A.30:4D-54 establishes the Office of the Medicaid Inspector General, in, but independent of, The Office of the Inspector General, in but not of, the Office of the State Comptroller, in but not of, the Department of the Treasury.

The statute provides that the Office be administered by a Medicaid Inspector General, appointed by the Governor, and an appointed First Assistant Medicaid Inspector General, both of whom shall be licensed attorneys.

We recommend that both titles be assigned to the unclassified service.

ESTABLISHMENT OF TITLES

Effective: 06-21-08

Medicaid Inspector General
X98-_____ Unclassified D NL/12

First Assistant Medicaid Inspector General
X98-_____ Unclassified D NL/12

EVM/JJM/BP

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Babygirl Ballah
New Lisbon Developmental Center
Department of Human Services
Suspension

In the Matter of Eric Bone
County of Mercer
Department of Public Safety
Suspension

In the Matter of Rose Burrell
New Lisbon Developmental Center
Department of Human Services
Resignation not in good standing

In the Matter of Myriam Campos
Department of Corrections
Suspension

In the Matter of Michael L. Cofield
County of Essex
Department of Citizen Services
Release at the end of the working test period

In the Matter of Michelle Dellapelle
Greystone Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Joseph Dulio
Borough of Stanhope
Police Department
Removal

In the Matter of Franklin Frierson
Newark School District
Removal and resignation not in good standing

In the Matter of Marcus Jacobs
Woodbridge Developmental Center
Department of Human Services
Removal

In the Matter of James Johnson
City of Newark
Department of Neighborhood and Recreational Services
Removal

In the Matter of Joshua Ledbetter
County of Hudson
Department of Corrections
Release at the end of the working test period

In the Matter of Curtis Lee
County of Passaic
Department of Youth Services
Removal

In the Matter of Bettie Lovett
New Lisbon Developmental Center
Department of Human Services
Suspension

In the Matter of Tasha Miles
Ancora Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Christine Monserrate
County of Hudson
Department of Corrections
Suspension

In the Matter of Angel A. Munoz
Adult Diagnostic and Treatment Center
Department of Corrections
Suspension

In the Matter of Diego Munoz
City of Bayonne
Department of Public Safety
Removal

In the Matter of William Nagy
Township of Woodbridge
Department of Public Works
Suspension

In the Matter of Chester Rogers
County of Mercer
Department of Public Safety
Removal

In the Matter of JoAnne Scaturro
Borough of Roselle
Police Department
Return to formerly held permanent title at the end of the working test period

In the Matter of Derrick Wadud
Northern State Prison
Department of Corrections
Removal

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 KEITH EATON

Keith Eaton, Stock Clerk, Newark Public School District, resignation not in good standing effective September 5, 2006, on charges of chronic or excessive absenteeism or lateness, resignation not in good standing and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss the appeal without prejudice.

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

A-3 SUBBA MADDIPATLA

Subba Maddipatla, Data Entry Machine Operator, Essex County, Department of Citizen Services, suspension for 60 days on charges of incompetency, inefficiency, failure to perform duties, insubordination, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss the appeal with prejudice.

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

A-4 JULIAN MARURI

Julian Maruri, Juvenile Detention Officer, Hudson County, suspension for 30 days on charges of neglect of duty, insubordination, conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss the appeal without prejudice.

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

A-5 DONNA VILLECCA

Donna Villecca, Paralegal Technician 2, Department of Transportation, release at the end of the working test period.

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-6 CARLOS ALEJO

Carlos Alejo, County Correction Officer, County of Passaic, Sheriff's Department, removal effective April 19, 2007, on the charge of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Grant motion for summary decision and dismiss the appeal.

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

A-7 BILLY GRIMSLEY

Billy Grimsley, Custodial Worker, Newark Public School District, removal effective September 7, 2007, on charges of chronic or excessive absenteeism or lateness, neglect of duty, conduct unbecoming a public employee and insubordination.

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

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a 90 working day suspension.

A-8 EUSEBIO JIMENEZ

Eusebio Jimenez, Laborer, Heavy, City of Trenton, removal effective December 5, 2006, on the charge of inability to perform duties.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-9 MICHAEL LOVELAND

Michael Loveland, County Correction Officer, Burlington County Jail, removal effective August 13, 2007, on charges of conduct unbecoming a public employee and other sufficient cause.

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

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

A-10 JAMAAL LYNWOOD

Jamaal Lynwood, County Correction Officer, Monmouth County Department of Corrections and Youth Services, removal effective October 24, 2006, on charges of conduct unbecoming a public employee, neglect of duty, other sufficient cause and violation of various rules regarding professional conduct and responsibility, and code of ethics.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-11 KARRA MIRANDA

Karra Miranda, Senior Correction Officer, Northern State Prison, Department of Corrections, removal effective January 18, 2007, on charges of falsification, conduct unbecoming a public employee, conviction of an offense involving dishonesty or of a crime of the 3rd degree or above, or an offense involving or touching his/her office position or employment and violation of a rule, regulation, policy, procedure, order or administrative decision.

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

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

A-12 MARY OLDEN

Mary Olden, Senior Practical Nurse, Woodbine Developmental Center, Department of Human Services, removal effective December 1, 2007, on charges of falsification, intentional misstatement of material fact in connection with work attendance.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-13 JAMMAL PARHAM

Jammal Parham, Police Officer, City of Newark, 1) 2 removals, effective January 22, 2007, on charges of violation of Police Department rules regarding conduct in public and private, false statements, non regulation handgun prohibited, responsibility for own actions, absence without leave, acts or omissions, malingering, conduct unbecoming a public employee and other sufficient cause; 2) a 30-day suspension and 10-day suspension, which have not been served and are pending the disposition of the removal appeals.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board affirmed the Administrative Law Judge's recommendation to impose a removal on the charges underlying the two removals and 10-day suspension. In addition, the Board reversed the 30-day suspension.

A-14 BETTYE GRIFFIN-STAPLES

Bettye Griffin-Staples, Youth Worker, Department of Children and Families, removal effective July 31, 2007 on charges of inappropriate physical contact or mistreatment of a patient, client, resident or employee, violation of rules regarding an administrative decision and safety and security procedures, and conduct unbecoming a public employee.

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

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to uphold the removal.

A-15 JERRY DUCKWORTH

Jerry Duckworth, Senior Juvenile Detention Officer, Passaic County Department of Youth Services, removal effective December 6, 2006 on the charge of being medically unfit for duty.

Recommendation of the Administrative Law Judge – Enforce the settlement and dismiss the appeal.

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

A-16 SETTLEMENTS

In the Matter of Melissa Arroyo
City of Newark
Police Department
Removal

In the Matter of Shante Harris
City of Newark
Police Department
Removal

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

ACTION: The Merit System Board acknowledged the settlements.

SECTION B – MISCELLANEOUS MATTERS

B-1 DANIEL FERRERA

Daniel Ferrera, represented by Sanford R. Oxfeld, Esq., appeals his rejection as a Sheriff's Officer candidate by the County of Morris and its request to remove his name from the eligible list for Sheriff's Officer (S9999F), Morris County 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-2 BRIAN GONTARZ

Brian Gontarz 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 referred the matter for an independent psychological evaluation.

B-3 RICHARD T. ORNE, JR.

Richard T. Orne, Jr., appeals the removal of his name from the (S9999F) eligible list for the title of Police Officer, Lakewood Township on the basis of psychological unfitness.

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

B-4 DARRELL MEYERS

Darrell Meyers 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 medical unfitness to perform effectively the duties of the position.

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

B-5 MATTHEW MURPHY

Matthew Murphy 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 medical unfitness to perform effectively the duties of the position.

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

B-6 TALIAH A. PARKS

Taliah A. Parks appeals the request by the Department of Corrections to remove her name from the Correction Officer Recruit (S9999H) eligible list for medical unfitness to perform effectively the duties of the position.

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

B-7 LORRAINE GRAYDON

Lorraine Graydon, a Senior Probation Officer with the New Jersey Judiciary, Ocean Vicinage, represented by Mark Cimino, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-8 SHANTA M. HUNTER

Shanta M. Hunter, a former Residential Living Specialist 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 granted.

B-9 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 appeal be denied.

B-10 BERNARD JONES

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

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

B-11 ORLANDO MERCADO, JR.

Orlando Mercado, Jr., a Senior Correction Officer with Northern State Prison, Department of Corrections, represented by Henry J. Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-12 JENIFER MORRIS

Jenifer Morris, a Cottage Training Technician at Hunterdon Developmental Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

B-13 LENIN SIMICICH

Lenin Simicich, a former Police Sergeant with the Palisades Interstate Park Commission, appeals the denial of sick leave injury (SLI) benefits.

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

B-14 STELLA JOHNSON

Stella Johnson, a Communications Officer with the Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

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

B-15 HAWAIIAN THOMPSON-EPPS

Hawaiian Thompson-Epps, an Advocate Representative 2 with the Department of the Public Advocate, represented by Terry Ridley, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-16 YVONNE BREWER-SCOTT

Yvonne Brewer-Scott appeals the removal of her name from the Social Worker, Juvenile Rehabilitation (C0910G), Hudson County eligible list due to an unsatisfactory background report.

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

B-17 ELMORE T. GAINES

Elmore T. Gaines appeals the decision of the Division of Local Human Resource Management (LHRM), which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the Supervising Code Enforcement Officer (PM1122F), City of Newark eligible list, on the basis of his unsatisfactory employment history.

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

B-18 JAMES F. GILLEECE AND ROBERT REISS

James F. Gilleece, represented by Timothy R. Smith, Esq., appeals the bypass of his name on the eligible list for Police Sergeant (PM2563G), Union Township. Robert Reiss, also represented by Mr. Smith, appeals the bypass of his name on the eligible list for Police Lieutenant (PM2638G) Union Township.

ACTION: The Merit System Board granted a hearing.

B-19 JOSEPH LIOI

Joseph Lioi appeals the decision of the Division of Local Human Resource Management which upheld the bypass of his name on the Social Worker (C0724F), Monmouth County eligible list.

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

B-20 NICOLE MELCHIONNA

The Department of Corrections appeals the decision of the Division of State Human Resource Management (SHRM), which restored Nicole Melchionna's name to the Correction Officer Recruit (S9999H) eligible list.

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

B-21 JOHN RUPP

John Rupp, represented by Howard J. Heald, Esq., appeals the decision of the Division of Human Resource Information Services which upheld the removal of the appellant's name from the Fire Fighter (M2265E), Atlantic City eligible list on the basis of an unsatisfactory criminal record.

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

B-22 ACCOUNTING ASSISTANT (M6006J), MILLVILLE CITY SCHOOL DISTRICT

The Millville City School District requests not to make an appointment from the May 1, 2007 certification for Accounting Assistant (M6006J).

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

B-23 POLICE OFFICER (S9999H), NEWARK

The Division of Local Human Resource Management requests that the Merit System Board order Newark to return the August 7, 2007 certification of the eligible list for Police Officer (S9999H) for proper disposition.

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

B-24 SANDY DESHPANDE

Sandy Deshpande, an Analyst 1, Research and Evaluation, Health and Senior Services with the Department of Health and Senior Services (DHSS), appeals the determination of the Commissioner of the DHSS, stating that the appellant failed to present sufficient evidence to support a finding that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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

B-25 HAZEL NEGRON

Hazel Negron, a Records Technician 2, Motor Vehicles with the Motor Vehicle Commission, appeals the determination of the Equal Employment Opportunity Officer, stating that the appellant failed to present sufficient evidence to support a finding that she had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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

B-26 ROBERT ZORN, JR.

Robert Zorn, Jr., a Youth Worker with Mercer County, represented by Lawrence E. Popp, Esq., seeks Merit System Board resolution of a dispute concerning back pay, benefits, and counsel fees due to him as a result of the reversal of his removal. *See In the Matter of Robert Zorn, Jr.*, (MSB, decided October 10, 2007).

ACTION: The Merit System Board granted \$14,680 in counsel fees and granted a hearing regarding the amount of back pay.

B-27 CARMINE BAGNUOLO

Carmine Bagnuolo, Jr., a Trooper 2 with the Division of State Police, Department of Law and Public Safety, requests restoration of prior State service in order for his personnel record to reflect continuous service for vacation leave entitlement purposes.

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

B-28 EBENEZER EARLE

Ebenezer Earle, represented by Eric M. Winston, Esq., appeals the termination of his temporary appointment as a Juvenile Detention Officer with Passaic County effective August 21, 2007.

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

B-29 JOHN CRESCIO, CARMEN GAGLIANO AND JEFFREY WHITE

Asbury Park petitions the Merit System Board for retroactive dates of permanent appointment to the title of Police Sergeant for John Crescio, Carmen Gagliano, and Jeffrey White, in order to effectuate the terms of the settlement agreement.

ACTION: The Merit System Board granted the requests.

B-30 JOHN C. MCCORMACK

John C. McCormack appeals the decision of the Director, Division of Selection Services, which upheld several provisional appointments in the Department of the Treasury.

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

B-31 DEBORAH PAYTON

The Superior Court of New Jersey, Appellate Division, has remanded the Merit System Board's decision modifying the removal of Deborah Payton, a Clerk with Jersey City, to a five-day suspension for a redetermination of the propriety of the penalty.

ACTION: The Merit System Board modified the removal to a 30 working day suspension.

B-32 LILLIAN FOSTER

Lillian Foster requests reconsideration of the final decision of the Merit System Board (Board) rendered on December 19, 2007, which upheld the removal of her name from the Sales Representative 2, State Lottery (S6775F), Department of the Treasury, eligible list.

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

B-33 ANTHONY HEARN

Anthony Hearn, an Education Program Development Specialist 1, with the Department of Education, represented by Walter R. Bliss, Jr., Esq., requests reconsideration of that part of the final decision of the Merit System Board rendered on October 10, 2007, which ordered that the petitioner's permanent appointment as an Education Program Development Specialist 1 be rescinded.

ACTION: The Merit System Board granted reconsideration but reaffirmed its prior decision rescinding the appointment as an Education Program Development Specialist 1.

B-34 JAMES BRADLEY

The appeal of James Bradley, a Police Sergeant with the Borough of Wildwood Crest, of his eight-day (64 hours) suspension on charges, was heard by Administrative Law Judge (ALJ) Bruce M. Gorman, who rendered his initial decision on May 8, 2008. At its meeting on June 11, 2008, the Merit System Board adopted the ALJ's recommendation to modify the 8-day (64 hours) suspension to a 30-day (240 hours) suspension. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-35 TAHISHA COLLINS

The appeal of Tahisha Collins, a Senior Correction Officer with the Juvenile Justice Commission, of her 15-day suspension on charges, was heard by Administrative Law Judge (ALJ) Lisa James-Beaver, who rendered her initial decision on May 6, 2008. At its meeting on June 11, 2008, the Merit System Board did not adopt the ALJ's recommendation to modify the 15-day suspension to a five-day suspension. Rather, the Board upheld the 15-day suspension. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

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

B-36 JOHN DARAKLIS

The appeal of John Daraklis, a Laborer, Heavy, with Monroe Township, of his removal, effective July 13, 2007, on charges, was heard by Administrative Law Judge (ALJ) Joseph Lavery, who rendered his initial decision on March 11, 2008. At its meeting on June 11, 2008, the Merit System Board did not adopt the ALJ's recommendation to uphold the removal. Rather, the Board modified the removal to a four-month suspension, ordered that the appellant's reinstatement be subject to a return to work drug test, referred the appellant to the appointing authority's Employee Assistance Program, and required the appellant to undergo random monthly drug testing for a period of one year. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-37 STANTON WASHINGTON

The appeal of Stanton Washington, a Senior Correction Officer at Northern State Prison, Department of Corrections, of his removal, effective February 1, 2007, on charges, was heard by Administrative Law Judge (ALJ) Maria Mancini LaFiandra, who rendered her initial decision on April 16, 2008. At its meeting on June 11, 2008, the Merit System Board adopted the ALJ's recommendation to modify the removal to a three-month suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-38 MARY A. HOBBS AND LEOLA LEE

Mary A. Hobbs and Leola Lee 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 Management Assistant (PS42744K), Trenton Psychiatric Hospital.

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

B-39 PHYLLIS ROBINSON

Phyllis Robinson appeals the determination of the Division Selection Services which found that she was below the minimum requirements in experience for the open competitive examination for Technical Assistant to the Construction Official (M1823J), Morristown.

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

B-40 CHRISTOPHER CHESNER

Christopher Chesner 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 Business Manager (PM1307H), Moorestown Fire District 1.

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

B-41 DEBRA DOWNEY AND KATHLEEN FORCINITO

Debra Downey and Kathleen Forcinito appeal the decisions of the Division of Selection Services which found that they did not meet the experience requirements for the promotional examination for Supervisor of Accounts (PC0486J), Cumberland County.

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

B-42 CHRISTINE LINDSTROM

Christine Lindstrom appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the open competitive examination for Municipal Court Administrator (M1608J0), Burlington Township.

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

B-43 KENNETH MCGINLEY

Kenneth McGinley 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 Head Grounds Worker (PS5887K), Senator Garrett W. Hagedorn Center for Geriatrics.

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

B-44 JOSEPH V. CAPLETTE

Joseph V. Caplette appeals the determination of the Division Selection Services which found that he did not meet the experience requirements for the promotional examination for Supervisor, Public Works (PM0489J), Linden.

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

B-45 RAGAIE GEORGY

Ragaie Georgy appeals his rank and score for the promotional examination for Clinical Laboratory Evaluator 2 (PS2347H), Department of Health and Senior Services.

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

B-46 PAUL KUBALA

Paul Kubala appeals his score on the examination for Construction and Maintenance Technician 3 (PS3058T), Department of Transportation.

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

B-47 KYLE SMITH

Kyle Smith appeals the rank and score of another candidate, Jose Poveda, on the promotional examination for Heavy Equipment Operator (PM1102J), Camden.

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

B-48 BENNY RAMIREZ

Benny Ramirez appeals the scoring and test administration of the promotional examination for Senior Clerk Typist (Bilingual in Spanish and English) (PC0988J), Essex County.

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

B-49 JAMES ZANGARA

James Zangara appeals the rank and score of all of the other candidates on the promotional eligible list (Anthony Gagliano, Thomas Navarro, and Jose Ramos), as well as his own score, for Assistant Public Works Superintendent (PM1071J), City of Passaic.

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

B-50 MARVIN ANDERSON, JR., ET AL.

Marvin Anderson, Jr., Daniel Regan, and Thomas White, Jr., appeal the validity of the test questions for the promotional examination for Construction and Maintenance Technician 3 (PS3058T), Department of Transportation.

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

B-51 FIRE OFFICER 1 (PM2567J) JERSEY CITY

The Uniformed Firefighters Association of New Jersey, Local 1066, IAFF, AFL-CIO, represented by Paul L. Kleinbaum, appeals the administration of the promotional examination for Fire Officer 1 (PM2567J), Jersey City.

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

B-52 RONALD BARTELL

The Township of Hillside requests relaxation of N.J.A.C. 4A:4-7.1A(c) so as to permit the intergovernmental transfer of Ronald Bartell from the title of Sheriff's Officer, Union County Sheriff's Office, to the title of Police Officer, Township of Hillside.

ACTION: The Merit System Board granted the request.

B-53 ROGER WORLEY

The City of Bridgeton requests relaxation of N.J.A.C. 4A:4-7.1A(c) so as to permit the intergovernmental transfer of Roger Worley from the title of Sheriff's Officer, Gloucester County Sheriff's Office, to the title of Police Officer, Bridgeton.

ACTION: The Merit System Board granted the request.

B-54 STATE VOLUNTARY FURLOUGH PROGRAM

The Acting Commissioner, Department of Personnel (DOP), submits for the Merit System Board's (Board) review and consideration an evaluation of the effectiveness of the continued relaxation of the eligibility criteria for the voluntary furlough program. Anika Andrews, Chelsea Du Brul, Alessandra Duck, Meghan Gosselink, Kumari Jayakody, Cecile M. Murphy, Jennifer E. Myers, and Cathryn Schaffer, employees of the Department of Environmental Protection (DEP) and Geraldine Callahan, Ruth Carter, Brandy Connaughton, Amy Donlon, Kristen Heinzerling, Katherine Hunt, Colleen Malloy, Susan Oljiat, Andrew Reese, Elizabeth Renaud, Susan Saroca, and Tirza Wahman, employees of the Department of Law and Public Safety (DLPS), petition the Board to continue to extend its relaxation of the eligibility criteria for the voluntary furlough program through fiscal year 2009.

ACTION: The Merit System Board relaxed the rule through December 31, 2008.

B-55 READOPTION OF N.J.A.C. 4A:1, WITH AMENDMENTS, GENERAL RULES AND DEPARTMENT ORGANIZATION

Submitted for the Board's readoption is N.J.A.C. 4A:1 (General Rules and Department Organization) with amendments. The Board proposed the rule chapter for readoption with amendments at its January 30, 2008 meeting. The proposal was published in the March 17, 2008 issue of the New Jersey Register. A public hearing was held on April 30, 2008; however, no comments were received at that time. One written comment was received during the public comment period. However, the comment does not require a change to the proposed readoption with amendments.

ACTION: The Merit System Board readopted the rules with amendments.

B-56 READOPTION OF N.J.A.C. 4A:2, WITH AMENDMENTS, APPEALS, DISCIPLINE, AND SEPARATIONS

Submitted for the Board's readoption is N.J.A.C. 4A:2 (Appeals, Discipline, and Separations), with amendments. The Board proposed the rule chapter for readoption with amendments at its January 30, 2008 meeting. The proposal was published in the March 17, 2008 issue of the New Jersey Register. A public hearing was held on April 30, 2008; however no comments were received at that time. One written comment was received during the public comment period. However, the comment does not require a change to the proposed readoption with amendments.

ACTION: The Merit System Board readopted the rules with amendments.

B-57 READOPTION OF N.J.A.C. 4A:5, WITH AMENDMENTS, VETERANS AND DISABLED VETERANS PREFERENCE

Submitted for the Board's readoption is N.J.A.C. 4A:5 (Veterans and Disabled Veterans Preference), with amendments. The Board proposed the rule chapter for readoption with amendments at its January 30, 2008 meeting. The proposal was published in the March 17, 2008 issue of the New Jersey Register. A public hearing was held on April 30, 2008; however, no comments were received at that time nor were any written comments received during the public comment period.

ACTION: The Merit System Board readopted the rules with amendments.

B-58 READOPTION OF N.J.A.C. 4A:7, EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION.

Submitted for the Board's readoption is N.J.A.C. 4A:7 (Equal Employment Opportunity and Affirmative Action). The Board proposed the rule chapter for readoption at its January 30, 2008 meeting. The proposal was published in the March 17, 2008 issue of the New Jersey Register. A public hearing was held on April 30, 2008; however, no comments were received at that time nor were any written comments received during the public comment period.

ACTION: The Merit System Board readopted the rules.

B-59 READOPTION OF N.J.A.C. 4A:9-1.1, POLITICAL SUBDIVISIONS

Submitted for the Board's readoption is N.J.A.C. 4A:9-1.1 (Political Subdivisions). The Board proposed all of N.J.A.C. 4A:9, including N.J.A.C. 4A:9-1.1 and 1.2 for readoption at its January 30, 2008 meeting. The proposal was published in the March 17, 2008 issue of the New Jersey Register. A public hearing was held on April 30, 2008; however, no comments were received at that time nor were any written comments received during the public comment period. However, it came to light that the Uniform Shared Services and Consolidation Act, P.L. 2007, c., 63, had repealed N.J.S.A. 11A:9-8, the authority for N.J.A.C. 4A:9-1.2, regarding jurisdictions subject to Title 11A by consolidation or legislation. Therefore, as statutory authority no longer exists for N.J.A.C. 4A:9-1.2, it is recommended that only N.J.A.C. 4A:9-1.1 be readopted.

ACTION: The Merit System Board readopted N.J.A.C. 4A:9-1.1.

B-60 READOPTION OF N.J.A.C. 4A:10, VIOLATIONS AND PENALTIES

Submitted for the Board's readoption is N.J.A.C. 4A:10, (Violations and Penalties). The Board proposed the rule chapter for readoption at its January 30, 2008 meeting. The proposal was published in the March 17, 2008 issue of the New Jersey Register. A public hearing was held on April 30, 2008; however, no comments were received at that time nor were any written comments received during the public comment period.

ACTION: The Merit System Board readopted the rules.

B-61 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 Brian Bahm, Department of Public Safety, County of Mercer* (Appellate Division, decided 5/6/08); *In the Matter of Daniel LoBue, Police Captain (PM3549F), City of Hoboken* (Appellate Division, decided 5/8/06; *In the Matter of Charles Leek* (Appellate Division, decided 5/14/08; *In the Matter of Tracie Irvin v. Newark School District* (Appellate Division, decided 5/28/08); *In the Matter of Russell Teal, Department of Public Safety, County of Mercer* (Appellate Division, decided 5/29/08; *In the Matter of Joseph Poplawski, Sheriff's Officer Sergeant (PC3017C), Burlington County* (Appellate Division, decided 5/30/08).

ACTION: The Merit System Board noted the decisions.

B-62 MERIT SYSTEM BOARD MINUTES

Submitted for adoption are the Merit System Board minutes of its meeting of June 11, 2008.

ACTION: The Merit System Board adopted the minutes of its meeting of June 11, 2008.

B-63 BRIAN BOTKA

Brian Botka, a Boiler Operator with Hudson County, represented by John P. Rowland, Esq., petitions the Merit System Board for interim relief of his immediate suspension, effective December 26, 2006.

ACTION: The Merit System Board denied the request.

B-64 CHARLES DOMINGUEZ AND DANIELLE VALIANTE-LUNA

Union County, on behalf of Charles Dominguez and Danielle Valiante-Luna, petition the Merit System Board for reconsideration of the decision rendered on July 25, 2007 (*In the Matter of Charles Dominguez, et al.*) which found that they did not meet the education requirements for the open competitive examination for Human Services Specialist 1 (C1662J), Union County. This matter was held over from the June 11, 2008 Board meeting.

ACTION: The Merit System Board denied the request.

B-65 IBRAHIM ABDUL-HAQQ

The request of Ibrahim Abdul-Haqq, a former Fire Fighter with the Newark Fire Department, for back pay, was heard by Administrative Law Judge Diana C. Sukovich (ALJ), who rendered her initial decision on April 22, 2008. At its meeting on June 11, 2008, the Merit System Board adopted the ALJ's recommendation to reduce the appellant's back pay award by income he should have earned. However, the Board did not accept the ALJ's recommendation that the amount of back pay owed was \$147,666.84. Rather the Board awarded back pay in the amount of \$148,732.94 plus interest from April 13, 2000 to February 25, 2002 for a total of \$152,140.07.

ACTION: The Merit System Board adopted the final decision.

B-66 SHERIFF'S OFFICERS AND COUNTY CORRECTION OFFICERS APPOINTMENTS, PASSAIC COUNTY

Various parties of the Passaic County Sheriff's Office impacted by its appointment practices petition the Merit System Board for review and relief: 1) The Passaic County Sheriff's Officers Policeman's Benevolent Association (PBA), Local 286 (Local 286), represented by Merick H. Limsky, Esq., appeals the decision of the Division of Local Human Resource Management (LHRM) denying its request to change the appointment dates for those Sheriff's Officers whose titles were laterally changed from County Correction Officer effective September 12, 2005; 2) Lowell T. Forbes and Todd Mitchell petition the Board to change their appointment dates from County Correction Officer to Sheriff's Officer; 3) James Elliot appeals his date of appointment to the title of County Correction Officer, Passaic County Sheriff's Office; 4) James Sesak, represented by Daniel J. Zirrieth, Esq., appeals the determination of LHRM that his name would not be placed on the special reemployment list for Sheriff's Officer; 5) Edward Shanley, Vice President, Local 286, Passaic County Sheriff's Office requests that County Correction Officers whose titles were laterally changed to Sheriff's Officers be permitted to return to County

Correction Officers in the event of a layoff; and 6) James Racanelli petitions the Board for reconsideration of its decision in *In the Matter of Sheriff's Officers and County Correction Officer Layoff, Passaic County Sheriff's Office* (MSB, decided March 26, 2008) regarding his layoff.

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

B-67 EARLY SETTLEMENTS

Nicholas Bean
Hunterdon Developmental Center
Department of Human Services
Suspension

Cheryl Miele
Hagedorn Gero- Psychiatric Hospital
Department of Human Services
Resignation not in good standing

Ebony Kent
Vineland Developmental Center
Department of Human Services
Suspension

Sabria Lindsey
Vineland 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, July 16, 2008 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

**HOPE L. COOPER
CHAIRPERSON
MERIT SYSTEM BOARD**