



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 21, 2008**

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

MAY 21, 2008

A regular meeting of the Merit System Board was held on Wednesday May 21, 2008, in Trenton, New Jersey.

PRESENT: Chairperson Hope L. Cooper, 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, 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.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Clarence Anderson
City of Paterson
Library
Removal

In the Matter of Crystal Andrew-Monts
City of East Orange
Police Department
Suspension

In the Matter of Michael Brazelton
Township of Deptford
Department of Public Safety
Suspension

In the Matter of Janet Buffer
Township of North Brunswick
Department of Community Development
Removal

In the Matter of Salvatore Contini
County of Morris
Department of Human Services
Release at the end of the working test period

In the Matter of Severo Cordero
County of Hudson
Department of Roads and Public Property
Suspensions (3)

In the Matter of Lionel Dabney
Atlantic City Municipal Utilities Authority
Suspension and Removal

In the Matter of James DeCamp
City of Elizabeth
Police Department
Return to formerly held permanent title at the end of the working test period

In the Matter of Harold Farley
County of Hudson
Department of Roads and Public Property
Suspension

In the Matter of Kino Francis
County of Middlesex
Department of Adult Corrections
Suspension

In the Matter of Marcia Grayson
County of Monmouth
Department of Corrections and Youth Services
Suspension

In the Matter of Patricia James
County of Mercer
Department of Public Safety
Suspension

In the Matter of Fernand Jules
Woodbridge Developmental Center
Department of Human Services
Removal

In the Matter of Sudha Tiwari Kantor
Department of Human Services
Discrimination

In the Matter of Samuel Lopez
Borough of Hopatcong
Department of Public Works
Release at the end of the working test period

In the Matter of April H. McDaniel
County of Morris
Department of Human Services
Return to formerly held permanent title at the end of the working test period

In the Matter of Enid Mitchell
County of Passaic
Sheriff's Department
Removal

In the Matter of Winifred D. Morris
New Lisbon Developmental Center
Department of Human Services
Suspension

In the Matter of Victor Munguia
Judiciary Bergen Vicinage
Release at the end of the working test period

In the Matter of Carla Potter
City of Newark
Department of Health and Human Services
Removal

In the Matter of Earl Smith
Vineland Public Schools
Suspension

In the Matter of Stephen H. Whyte
County of Monmouth
Reclamation Department
Removal

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 IBRAHIM ABDUL-HAQQ

Ibrahim Abdul-Haqq, a former Firefighter, with the City of Newark, Fire Department, appeals his award of back pay.

Recommendation of the Administrative Law Judge – Award back pay in the amount of \$147,666.84 plus interest determined appropriate by the Merit System Board.

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

A-3 KAREN COOPER

Karen Cooper, Police Lieutenant, City of Trenton, Police Department, 15-day suspension on charges of neglect of duty and violation of Police Department rules regarding attention to duty, responsibilities of police officers and disobedience of orders.

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

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

A-4 TIMOTHY GREENE

Timothy Greene, Laborer, City of Newark, Department of Neighborhood and Recreation Services, 10-day suspension on charges of conduct unbecoming a public employee and other sufficient cause.

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

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

A-5 ANIL SHETH

Anil Sheth, appeals the removal of his name from the eligible list for Human Services Specialist I (C0888F), County of Union, based on an inability to communicate effectively in English.

Recommendation of the Administrative Law Judge – Deny the appeal and uphold the list removal.

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

A-6 WALDEMER STRYZ

Waldemer Stryz, County Correction Officer, County of Hudson, Department of Corrections, 30-day suspension on charges of insubordination, conduct unbecoming a public employee, neglect of duty, incompetency, inefficiency or failure to perform duties and other sufficient cause.

Recommendation of the Administrative Law Judge – Reverse the 30-suspension.

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

A-7 JASON BURKOWSKI

Jason Burkowski, County Correction Officer, County of Monmouth, Department of Corrections and Youth Services, removal effective August 10, 2007, on charges of chronic or excessive absenteeism or lateness, conduct unbecoming a public employee, neglect of 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-8 LARRY DABNEY

Larry Dabney, Laborer, City of Atlantic City, Department of Public Works, removal effective March 30, 2007, on charges of chronic or excessive absenteeism or lateness.

Recommendation of the Administrative Law Judge – Dismiss the appeal.

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

A-9 JUSTO DELGADO (REMAND)

Justo Delgado, Laborer, City of Union, Department of Public Works, removal effective July 11, 2005, on charges of failure and inability to perform duties, chronic and excessive absenteeism, neglect of duty and insubordination.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-10 GARY FULLER (REMAND)

Gary Fuller, Senior Correction Officer, Department of Corrections, removal on charges of conduct unbecoming a public employee, other sufficient cause and use, possession or sale of any controlled dangerous substance.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-11 KOREY T. HARRISON

Korey T. Harrison, Human Services Assistant, North Jersey Developmental Center, Department of Human Services, removal effective May 4, 2007, on charges of physical abuse and verbal abuse of a client.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-12 SHAWN HILL

Shawn Hill, Exterminator, Jersey City Housing Authority, removal effective February 2, 2007, on charges of failure to perform duties, insubordination, conduct unbecoming a public employee, threatening a supervisor, unauthorized leave and failure to report an absence from work.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-13 LEON LINTHICUM

Leon Linthicum, Police Officer, Township of Middle, Police Department, removal effective June 4, 2007, on the charge of neglect of duty.

Recommendation of the Administrative Law Judge – Modify the removal to a 90-day suspension.

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

A-14 ALVIN MCBRIDE

Alvin McBride, Assistant Water Treatment Plant Operator, City of Trenton, Department of Public Works, removal effective July 25, 2007, on the charge of failure to pass impaired screening test.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-15 DARRYL MIDDLETON

Darryl Middleton, Printing Machine Operator, County of Hudson, Department of Finance and Administration, 25-day and 45-day suspensions and removal effective April 27, 2006, on charges of conduct unbecoming a public employee, neglect of duty and insubordination.

Recommendation of the Administrative Law Judge – Modify the 25-day suspension to a 10-day suspension, modify the 45-day suspension to a 15-day suspension and modify the removal to a 25-day suspension.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to uphold the 25-day and 45-day suspensions and modified the removal to a 90-day suspension.

A-16 MICHAEL OXHORN

Michael Oxhorn, Judiciary Clerk II, Judiciary Hudson Vicinage, removal effective February 21, 2005, on charges of conduct unbecoming a public employee and violation of Judiciary's policy on sexual harassment.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-17 KENNETH PETTIFORD

Kenneth Pettiford, Senior Correction Officer, Central Reception and Assignment Facility Department of Corrections, removal on charges of other sufficient cause, physical or mental abuse of an inmate, patient, client, resident or employee, intentional disobedience or refusal to accept an order, assaulting or resisting authority, disrespect or use of insulting or abusive language to supervisor, and conduct unbecoming a public employee.

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-18 SETTLEMENTS

In the Matter of Vikia Benton
County of Essex
Department of Corrections
Removal

In the Matter of Franklin Perez
City of Union
Department of Public Works
Suspension

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

ACTION: The Merit System Board acknowledged the settlements.

SECTION B – MISCELLANEOUS MATTERS

B-1 JOHN S. BAENA

John S. Baena 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 (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 SULLIVAN CARPIO

Sullivan Carpio appeals the removal of his name from the (S9999F) eligible list for the title of Police Officer, City of Newark on the basis of psychological unfitness.

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

B-3 MICHAEL D. HAWS

Michael D. Haws appeals the removal of his name from the (C2078E) eligible list for the title of Juvenile Detention Officer, Burlington County on the basis of psychological unfitness.

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

B-4 JOHN MILLER IV

John Miller IV appeals the removal of his name from the (S9999H) eligible list for the title of Correction Officer Recruit, Department of Corrections on the basis of psychological unfitness.

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

B-5 BENEDETTO RUSSO

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

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

B-6 MICHAEL BASILE

Michael Basile, an Operating Engineer, Heating and Air Conditioning, with William Paterson University, represented by William O'Brien, Chapter President IFPTE – Local 195, appeals the denial of sick leave injury (SLI) benefits.

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

B-7 ANNE T. BELCASTRO

Anne T. Belcastro, a Charge Nurse 12 Months with Greystone Park 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 granted.

B-8 AISHAH DUKES

Aishah Dukes, a Human Services Assistant with Trenton 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 granted.

B-9 DAVID JEFFERSON

David Jefferson, a Senior Correction Officer with Mountainview Youth Correctional Facility, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

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

B-10 EDITH LEWIS

Edith Lewis, a Cottage Training Technician 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-11 EDDIE MOSE

Eddie Mose, a Senior Medical Security Officer at Ann Klein Forensic 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-12 NATHANIEL PARKER

Nathaniel Parker, a Correction Lieutenant, Juvenile Justice with the Juvenile Justice Commission, Department of Law and Public Safety, represented by Mario A. Iavicoli, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-13 NICHOLAS BARONE

Nicholas Barone, represented by Daniel J. Welsh, Esq., appeals the decision of the Division of Local Human Resource Management (LHRM), which declined to review the appeal regarding his removal from the Fire Fighter (M2201D), City of Bayonne, eligible list due to an unsatisfactory criminal record.

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

B-14 STARLETT CANADY

Starlett Canady 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 Juvenile Detention Officer (PC3673G), Hudson County eligible list, on the basis of her failure to respond to a notice of certification.

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

B-15 MARTIN V. CARLUCCIO

Martin V. Carluccio appeals the decision of the former Division of Human Resource Information Services which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the eligible list for Juvenile Detention Officer (C2090F), Passaic County, on the basis of an unsatisfactory criminal record. The appellant also appeals the appointing authority's request to remove his name from the eligible list for Juvenile Detention Officer (C2110G), Passaic County, on the basis of an unsatisfactory criminal record.

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

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

B-16 MARTIN V. CARLUCCIO

Martin V. Carluccio appeals the appointing authority's request to remove his name from the eligible list for Communications Officer (C1516H), Passaic County, on the basis of an unsatisfactory background report.

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

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

B-17 KEYIED ZAHIR

Keyied Zahir, represented by Paul W. Bergrin, Esq., 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 the appellant's name from the Fire Fighter (M2289E), Newark, eligible list on the basis of his failure to meet the residency requirements.

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

B-18 COORDINATOR OF SOCIAL SERVICES (M113H), TOWNSHIP OF TEANECK

The Township of Teaneck requests permission not to make an appointment from the January 8, 2007 certification for Coordinator of Social Services (M1113H).

ACTION: The Merit System Board denied the request for appointment waiver and directed that the certification be disposed of and assessed compliance costs in the amount of \$500.

B-19 FIRE PREVENTION SPECIALIST (M9052J), CITY OF NEWARK

The appointing authority's failure to dispose of the certification for Fire Prevention Specialist (M9052J), City of Newark, while provisionals are serving in the title, has been referred to the Merit System Board for enforcement.

ACTION: The Merit System Board ordered the appointing authority to dispose of the outstanding certification, remove the persons against whom a salary disapproval has been issued and pay compliance costs.

B-20 INCOME MAINTENANCE TECHNICIAN (M1426H), CITY OF NEWARK

The City of Newark requests permission not to make an appointment from the December 29, 2006 certification for Income Maintenance Technician (M1426H).

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

B-21 PAINTER (M6639H), CITY OF NEWARK

The appointing authority's failure to dispose of the certification for Painter (M6639H), City of Newark, while provisionals are serving in the title, has been referred to the Merit System Board for enforcement.

ACTION: The Merit System Board ordered the appointing authority to remove the provisional appointees, make an appointment from the certification and pay compliance costs.

B-22 PRINCIPAL CLERK (M1124H) AND (M1504H), CITY OF NEWARK

The appointing authority's failure to dispose of the certification for Principal Clerk (M1124H) and (M1504H), City of Newark, while a provisional is serving in the title, has been referred to the Merit System Board for enforcement.

ACTION: The Merit System Board ordered the appointing authority to dispose of the certification, remove the person against whom a salary disapproval has been issued, and pay compliance costs.

B-23 RECREATION SUPERVISOR (M1272H), CITY OF ATLANTIC CITY

The appointing authority's failure to dispose of the certification for Recreation Supervisor (M1272H), City of Atlantic City, while provisional appointees are serving in the title, has been referred to the Merit System Board for enforcement.

ACTION: The Merit System Board ordered the appointing authority to remove the provisional appointees, make an appointment from the certification, and pay compliance costs.

B-24 SUPERVISOR 1, MOTOR VEHICLES (PS3685T), MOTOR VEHICLE COMMISSION

The Motor Vehicle Commission requests permission not to make an appointment from the November 9, 2007 certification for Supervisor 1, Motor Vehicles (PS3685T), Motor Vehicle Commission.

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

B-25 TRUCK DRIVER (M9099J), JERSEY CITY SCHOOL DISTRICT

The Jersey City School District requests permission not to make an appointment from the October 9, 2007 certification for Truck Driver (M9099J), Jersey City School District.

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

B-26 TRUCK DRIVER (M9930H), CITY OF NEWARK

The City of Newark requests permission not to make an appointment from the December 26, 2006 certification for Truck Driver (M9930H).

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

B-27 WATER METER READER (M6332H), CITY OF NEWARK

The City of Newark requests permission not to make an appointment from the April 27, 2007 certification for Water Meter Reader (M6332H).

ACTION: The Merit System Board granted the request for appointment waiver but assessed partial selection costs in the amount of \$500.

B-28 ERNEST BRUCE

Ernest Bruce, a Benefits Manager with the Richard Stockton College of New Jersey (College), appeals the determination of the President of the College stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

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

B-29 MARIA PALMERO

Maria Palmero, a Public Health Representative 2, Communicable Disease (Bilingual in Spanish and English), with the Department of Health and Senior Services, represented by Dan Solomon Smith, Esq., appeals the determination of the Commissioner of Health and Senior Services, 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 granted a hearing.

B-30 JEFFREY ALAI

Middlesex County requests that it be permitted to permanently appoint Jeffrey Alai, a Weights and Measures Apprentice, to the title of Assistant Superintendent of Weights and Measures.

ACTION: The Merit System Board denied the request.

B-31 JAMES W. DAVIES

The Director, Division of Local Human Resource Management, on behalf of the Borough of Wildwood Crest, requests relief for James W. Davies.

ACTION: The Merit System Board granted the request.

B-32 DEBRA FREDO AND BARBARA WILKER

The appointing authority requests relief on behalf of Debra Fredo and Barbara Wilker, Clerk Typists with Salem County.

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

B-33 RAQUEL MORTON

Raquel Morton, a former Police Officer with the City of Camden, represented by Shannon Garrahan, Esq., seeks enforcement of the Merit System Board decision rendered on February 23, 2005 granting her back pay, benefits and seniority.

ACTION: The Merit System Board awarded gross back pay in the amount of \$71,513.06 but denied the request for counsel fees.

B-34 CHRISTINE LOCKE

Christine Locke, a Police Officer with the City of Newark, represented by Bette R. Grayson, Esq., requests reconsideration of the final decision of the Merit System Board, rendered on April 25, 2007, dismissing her request for back pay from November 1, 2005 to September 17, 2006.

ACTION: The Merit System Board denied the request.

B-35 FRANCISCO MELRO

The appointing authority petitions the Merit System Board for reconsideration of the final decision rendered on January 16, 2008, which granted sick leave injury (SLI) benefits to Francisco Melro, a Senior Correction Officer at East Jersey State Prison, Department of Corrections.

ACTION: The Merit System Board denied the request.

B-36 ANTON PESKENS

Anton Peskens petitions the Merit System Board for reconsideration of the decision rendered on October 24, 2007 which denied his appeal regarding his essay and oral examination scores, as well as his seniority score, on the promotional examination for Battalion Fire Chief (PM3594G), Hoboken. This matter was held over from the Board's March 26, 2008 meeting.

ACTION: The Merit System Board denied the request.

B-37 RACHEL WAGNER

Rachel Wagner, a Human Services Assistant with Ancora Psychiatric Hospital, Department of Human Services, represented by Stephen Siegel, Esq., petitions the Merit System Board for reconsideration of its decision, *In the Matter of Rachel Wagner* (MSB, decided June 20, 2007), which modified her removal to a 30-day suspension.

ACTION: The Merit System Board granted reconsideration but affirmed the 30-day suspension.

B-38 ANTHONY AFOLO

The appeal of Anthony Afolo, a Supervising Family Service Specialist 2 with the Department of Children and Families, concerning his return to his formerly held permanent title of Family Service Specialist 2 at the end of this working test period, effective March 14, 2007, was heard by Administrative Law Judge Barry N. Frank (ALJ), who rendered his initial decision on March 31, 2008. At its meeting on May 7, 2008, the Merit System Board adopted the ALJ's recommendation that the appellant's return to his formerly held permanent title at the end of this working test period be reversed and he receive a new working test period. 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** **(Abstained)**
 Flavella Branham **(Yes)**
 John Currie **(Yes)**
 Margaret E. L. Howard **(Yes)**
 Robert J. Long **(Yes)**

B-39 ROBERT DAUGHTRY

The appeal of Robert Daughtry, a Senior Community Library Assistant with the City of Jersey City Library, of his 15-day suspension on charges, was heard by Administrative Law Judge Caridad F. Rigo (ALJ), who rendered his initial decision on March 27, 2008. At its meeting on May 7, 2008, the Merit System Board did not adopt the ALJ's recommendation to uphold the 15-day suspension. Rather, the Board increased the penalty to a 30-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** **(Abstained)**
 Flavella Branham **(Yes)**
 John Currie **(Yes)**
 Margaret E. L. Howard **(Yes)**
 Robert J. Long **(Yes)**

B-40 DEVON DEBIAS

The appeal of Devon Debias, an Institutional Trade Instructor 2, Cooking, with the Edna Mahan Correctional Facility for Women, of her 15 working day suspension and two removals, effective April 13, 2007, on charges, was heard by Administrative Law Judge Joseph Lavery (ALJ), who rendered his initial decision on January 28, 2008. At its meeting on May 7, 2008, the Merit System Board did not adopt the ALJ's recommendation to modify the appellant's removal to a six-month suspension. Rather, the Board modified the penalty to a 45 working day suspension. Additionally, the Board reversed the appellant's 15 working day suspension and her other removal. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

VOTE:

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

B-41 FERNANDO GARCIA

The appeal of Fernando Garcia, a Human Services Specialist 1 with Union County, of his removal effective September 26, 2007, was heard by Administrative Law Judge James A. Geraghty (ALJ), who rendered his initial decision on March 31, 2008. At its meeting on May 7, 2008, the Merit System Board did not adopt the ALJ's recommendation to grant the appointing authority's motion for summary decision and uphold the removal. Rather, the Board upheld the termination of the appellant's provisional appointment but ordered his return to his prior permanent title. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

VOTE:

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

B-42 LUIS D. BARRAGAN

Luis D. Barragan appeals the determination of the Division of Selection Services which found that he was ineligible for the promotional examination for Identification Clerk (PC0050K), County of Bergen, because the announced title did not represent a promotion.

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

B-43 JOHN BUCZYNSKI, ET AL.

John Buczynski, Joseph Dean and Louis LoPrimo, appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirements fore the open competitive examination for Public Works Repairer.

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

B-44 ALEX DAVIS

Alex Davis appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he was below the minimum requirements in experience for the open competitive examination for Inmate Advocate, Penal Institution (C06894H), Essex County.

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

B-45 SUKETA DESAI

Suketa Desai appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in education for the promotional examination for Network Administrator 1 (PC0930J), Passaic County.

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

B-46 ROBERT CAPIZZANO

Robert Capizzano, appeals the determination of the Division of Selection Services that per the substitution clause for education, he did not meet the experience requirements for the promotional examination for Administrative Analyst 2, Data Processing, Department of Children and Families.

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

B-47 PAULINE R. CIRCE

Pauline R. Circe appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Taxpayer Services Representative 1 (PS1769U), Department of the Treasury.

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

B-48 DARIUSZ SZCZESNY

Dariusz Szczesny appeals the determination of the Division of Selection Services which found him ineligible for the promotional examination for Sheriff's Officer Sergeant (PC2656J), Middlesex County due to an untimely application.

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

B-49 BRUCE YOUNG

Bruce Young appeals the determination of the Division of Selection Services which found that per the substitution clause for education, he was below the minimum requirements in experience for the promotional examination for Auditor 3 (PS0573T), Department of Transportation.

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

B-50 MARY ANN ADONA

Mary Ann Adona appeals her score on the promotional examination for Social Work Supervisor (PC0927H), Union County Department of Human Services.

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

B-51 MONDAY EKENEZAR

Monday Ekenezar appeals his score on the promotional examination for Social Work Supervisor (PC0927H), Union County Department of Human Services.

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

B-52 SIMONE NEAL

Simone Neal, represented by Sandra Schick Passaro, Esq., appeals her score on the promotional examination for Social Work Supervisor (PC0927H), Union County Department of Human Services.

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

B-53 KAREN TAYLOR

Karen Taylor appeals her score on the promotional examination for Social Work Supervisor (PC0927H), Union County Department of Human Services.

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

B-54 CHRISTOPHER OTIS AND JAYE SIMS

Christopher Otis and Jaye Sims appeal the validity of the qualifying examination for Hazardous Materials Technician 1, Monmouth County.

ACTION: The Merit System Board directed that these appeals be granted and ordered that the Division of Classification and Compensation review the job specifications for Hazardous Materials Responder title series and make the required changes.

B-55 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 *In the Matter of Deborah Payton* (Appellate Division, decided 4/22/08); and *In the Matter of Sandra Williams* (Appellate Division, decided 4/25/08).

ACTION: The Merit System Board noted the decisions.

B-56 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of May 7, 2008 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of May 7, 2008.

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

B-57 MANAGEMENT SPECIALIST (M6336H), CITY OF NEWARK

The appointing authority's failure to dispose of the certification for Management Specialist (M6336H), City of Newark, while a provisional is serving in the title, has been referred to the Merit System Board for enforcement.

ACTION: The Merit System Board ordered the appointing authority to dispose of the outstanding certification, remove the person against whom a salary disapproval has been issued and pay compliance costs.

B-58 ALLEN N. WILLIAMS

Allen N. Williams appeals the determination of the Division of Local Human Resource Management (LHRM) which found that the appointing authority had presented a sufficient basis to remove his name from the open competitive list for Police Aide (M6925G), Newark on the basis of falsification of his employment application.

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

B-59 MICHAEL BROWN

The appeal of Michael Brown, a County Correction Officer with Monmouth County of his removal, effective July 22, 2004, on charges, was heard by Administrative Law Judge (ALJ) Joseph F. Martone, who rendered his initial decision on March 31, 2008. At its meeting on May 7, 2008, the Merit System Board adopted the ALJ's recommendation to uphold the removal. 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	(Abstained)
Flavella Branham	(Yes)
John Currie	(Yes)
Margaret E. L. Howard	(Yes)
Robert J. Long	(Yes)

B-60 SHERIFF'S OFFICERS AND COUNTY CORRECTION OFFICERS II, PASSAIC COUNTY

The Director, Classification and Compensation, requests that the provisions of N.J.A.C. 4A:4-7.1A be relaxed in order to permit the Intergovernmental Transfers of incumbents in the title of Sheriff's Officer, Passaic County Sheriff's Office, to the title of Police Officer. The Policeman's Benevolent Association, Local 197 requests that the provisions of N.J.A.C. 4A:4-7.1A(a) be relaxed in order to extend the 90 day time frame in which County Correction Officers displaced by a reduction in force effective March 7, 2008 can participate in the Intergovernmental Transfer Program.

ACTION: The Merit System Board granted the requests.

B-61 EARLY SETTLEMENT

Lajuana Major
County of Essex
Suspension

ACTION: The Merit System Board acknowledged the settlement.

VOTE:

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

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, June 11, 2008 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

HOPE L. COOPER
ACTING COMMISSIONER
MERIT SYSTEM BOARD