



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 11, 2008**

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

JUNE 11, 2008

A regular meeting of the Merit System Board was held on Wednesday June 11, 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.

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: May 28, 2008

TO: Hope Cooper, Acting Commissioner *He*
Department of Personnel

FROM: Elizabeth Van Marter, Director *James Mason*
Classification and Compensation *for*

SUBJECT: Change in the State Classification Plan

DEPARTMENT OF THE TREASURY

The Department of the Treasury requests a new, department-specific title series to accurately classify employees assigned to the Office of Management and Budget (OMB). The series will replace the Program Analyst, Budget and Accounting title series.

The titles will be established in the competitive service. However, to avoid interruption of business operations during peak budget season, it is requested that these titles be designated as interim non-competitive for one pay period, on a one time basis, to allow the permanent appointment, on a one time basis only, of only the affected incumbents shown on the attached crosswalk.

The budget process is both resource intensive and time sensitive. OMB has a critical need to retain seasoned staff to identify and analyze alternatives to requisite budget cuts. Interim assignment to the non-competitive service will facilitate the retention of assigned staff.

The Program Analyst Budget and Accounting series will be made archaic until the incumbents are moved or the titles are vacated.

ESTABLISHMENT OF TITLES

Effective: 04-12-08

State Budget Specialist 1
Y31-____ Competitive D NL/12

State Budget Specialist 2
Y28-____ Competitive D NL/12

State Budget Specialist 3
Y25-____ Competitive D NL/12

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State Budget Specialist 4
Y22-____ Competitive D NL/12

State Budget Specialist Trainee
Y20-____ Competitive D NL/12

CHANGE IN CLASS OF SERVICE

Effective: 04-12-08

FROM:

State Budget Specialist 1
Y31-____ Non-Competitive D NL/12

State Budget Specialist 2
Y28-____ Non-Competitive D NL/12

State Budget Specialist 3
Y25-____ Non-Competitive D NL/12

State Budget Specialist 4
Y22-____ Non-Competitive D NL/12

State Budget Specialist Trainee
Y20-____ Non-Competitive D NL/12

TO:

State Budget Specialist 1
Y31-____ Competitive D NL/12

State Budget Specialist 2
Y28-____ Competitive D NL/12

State Budget Specialist 3
Y25-____ Competitive D NL/12

State Budget Specialist 4
Y22-____ Competitive D NL/12

State Budget Specialist Trainee
Y20-____ Competitive D NL/12

TITLES TO BE MADE ARCHAIC

Effective: 04-26-08

Program Analyst 1 Budget and Accounting
Y29 – 50114 Competitive D NL/12

Program Analyst 2 Budget and Accounting
Y26 – 50113 Competitive D NL/12

Program Analyst 3 Budget and Accounting
Y22 – 50112 Competitive D NL/12

Program Analyst 4 Budget and Accounting
Y20 – 50111 Competitive D NL/12

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Program Analyst Trainee Budget and Accounting
Y95 - 50110 Competitive D NE/12

EVM/JMM/RMD

attachment

STATE BUDGET SPECIALIST CROSSWALK

Current Title			Proposed Title		
Salary Range	Title	Title Name	Incumbent Name	Salary Range	Title Name
Y29	50114	Prog Anlt I Bdgt & Acctg	Chris Czornyek Jaibala Patel	Y31	State Bdgt Spclst 1
Y29	50114	Prog Anlt I Bdgt & Acctg	Michael Greco	Y28	State Bdgt Spclst 2 (with retention of salary)
Y26	50113	Prog Anlt 2Bdgt & Acctg	Felicia Wu	Y25	State Bdgt Spclst 3 (with retention of salary)
Y22	50112	Prog Anlt 3 Bdgt & Acctg	Holly Palmer Jessica Lau	Y25	State Bdgt Spclst 3
Y20	50111	Prog Anlt 4 Bdgt & Acctg	Amanda Schultz Jackeline Egan Hannah Good Steven Watson Donna Vanderploeg	Y22	State Bdgt Spclst 4
Y20	50111	Prog Anlt 4 Bdgt & Acctg	Sonia Rivera-Perez	Y25	State Bdgt Spclst 3
Y95	50110	Prog Anlt Trne Bdgt & Acctg	Kyle Brownlie Beth Mancke	Y95	State Bdgt Spclst Trainee

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

Vanessa Allen, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, removals (2)

Allen G. Ansley, Sanitation Inspector, City of Trenton, Department of Public Works, removal.

Andrew Bailey, Senior Correction Officer, Mountainview Youth Correctional Facility, Department of Corrections, removals (2).

Clarence Barnes, Senior Correction Officer, Northern State Prison, Department of Corrections, removal.

Marshall Berry, County Correction Sergeant, Morris County, Office of the Sheriff, suspension.

Christopher Bowles, Police Officer, City of Newark, Police Department, suspension.

Matthew Cannarozzi, Police Officer, Jefferson Township, Police Department, suspension.

Sean P. Chinsoon, County Correction Officer, Monmouth County, Department of Corrections and Youth Services, indefinite suspension.

Desiree Clark, Clerk, County of Union, Department of Public Safety, suspension.

Donald Cotner, Senior Correction Officer, Edna Mahan Correctional Facility, Department of Corrections, suspension.

Caren Cunningham, Animal Control Officer, City of Asbury Park, Police Department, removal.

Ralph D'Aries, Chief Sanitary Inspector, County of Sussex, Department of Health and Human Services, suspension.

Shelly Dixon, Safety Specialist 2, Motor Vehicle Commission, suspension

Donte Evans, Institutional Trade Instructor 2-Cooking, New Jersey State Prison, Department Corrections, removal.

Mark Fernandes, Police Officer, City of Clifton, Police Department, removal.

Corri Ford, Laborer, Heavy, City of Trenton, Department of Public Works, suspension.

Patricia Giacalone, School Bus Driver, Vineland Public Schools, removal.

Scott Haemmerle, County Correction Sergeant, Ocean County, Department of Corrections, suspension.

Valerie Hicks, Technical Assistant Construction Official, City of Newark, Department of Engineering, return to formerly held permanent title at the end of the working test period.

George Heim, Maintenance Repairer, Ocean County Library, removal.

Andrzej Hein, Police Officer, Borough of Rutherford, removal.

Shirley Johnson-Russell, Clerk Typist, Winslow Township Police Department, removal.

Denise Jordan, County Correction Officer, Mercer County Department of Public Safety, suspension.

Crystal Leys, County Correction Officer Recruit, South Woods State Prison, Department of Corrections, removal and indefinite suspension.

Robert Mencor, Sanitation Driver, Woodbridge Township, Department of Public Works, indefinite suspension.

Bruce Miller, Police Officer, Township of Lower, Police Department, removal.

Joseph Miller, Animal Control Officer, City of Trenton, Department of Health and Human Services, removal.

Jose Montalvo, Police Officer, City of Newark, Police Department, removal and suspension.

Reginald Myrick, Security Officer, II, Newark Housing Authority, suspension.

Emilio Nazario, Sheriff's Officer, Mercer County Sheriff's Office, release at the end of the working test period.

David Otto, Equipment Operator, City of Trenton, Department of Recreation, suspension.

Joe Perry, Community Youth Worker, Hudson County, Department of Corrections, 3 suspensions and removal.

Angela Puzyski, Messenger, Ocean County Board of Social Services, release at the end of the working test period.

Roberto Rivera, School Bus Driver, Vineland Public Schools, removal.

Elizabeth Rodriguez, Dietitian, County of Morris, Department of Senior Disability and Veteran Services, good faith layoff.

Milagros, P. Rodriguez, Human Services Specialist 2, Passaic County Board of Social Services, return to formerly held permanent title at the end of the working test period.

Leonidas Rogers, Building Maintenance Worker/Groundskeeper, Glassboro Housing Authority, good faith layoff.

Clayton Russell, Human Services Assistant, Woodbine Developmental Center, Department of Human Services, indefinite suspension.

John Sammons, Judiciary Clerk 3, Judiciary, Atlantic City, suspension.

Clifton Square, Supply Support Technician 2, Department of the Treasury, removal.

William Trainer, County Correction Officer, Camden County, Department of Corrections, suspension.

Evangeline Tutt, Claims Adjudicator, Disability Determinations, Department of Labor and Workforce Planning, release at the end of the working test period.

Paul Van Praag, Social Worker, Monmouth County, Department of Human Services, return to formerly held permanent title at the end of the working test period.

William Weidman, Plumber, Cumberland County, Department of Buildings and Grounds, removal.

Michael Walsh, Claims Adjudicator, Disability Determinations, Department of Labor and Workforce Planning, release at the end of the working test period.

Louis Wohltmann, Police Officer, City of Newark, Police Department, 3 suspensions.

Kenneth Wolfe, Maintenance Repairer, Newark Housing Authority, good faith layoff.

Scott Zielinski, Human Services Specialist 1, release at the end of the working test period.

DISMISSAL OF APPEALS – FAILURE TO APPEAR

The Merit System Board dismissed the following cases without prejudice for failure to appear at the scheduled hearing before the Office of Administrative Law:

Mahmoud Amer, Department of Corrections, Discrimination appeal.

Jeffrey Benson, Supervising Maintenance Repairer, City of Trenton, Department of Recreation, demotion.

Renita Brown, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, resignation not in good standing.

Denise Campbell, Institutional Attendant, Atlantic County, Department of Human Services, removal.

Julio Garcia, Senior Food Service Handler, Ancora Psychiatric Hospital, Department of Human Services, removal.

Michael Grainger, Police Officer, City of Newark, Police Department, suspension.

Rachelle Harper, Residential Services Worker, Vineland Developmental Center, Department of Human Services, suspension.

Karen Lackey, Institutional Attendant, Atlantic County, Department of Human Services, release at the end of the working test period.

Ernest Lasczo, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, removal.

Linda Lewis, Senior Clerk, City of Camden, Department of Code Enforcement, suspension.

Carol Lowery, Human Services Technician, Greystone Park Psychiatric Hospital, Department of Human Services, removal and suspension.

Blane Milton, Laborer, City of Newark, Department of Neighborhood and Recreational Services, removal and suspension.

Yolanda Mirandai, Building Maintenance Worker, Hudson County, Department of Buildings and Grounds, suspensions (2).

Cynthia Myrick, Practical Nurse, Ancora Psychiatric Hospital, Department of Human Services, resignation not in good standing.

Gregory Nelson, County Correction Officer, Hudson County, Department of Corrections, resignation not in good standing.

Afrah Nyatome, Clerk, Hudson County, Department of Corrections, removal.

Bernadette Odom, Custodial Worker, Newark School District, removal.

John Peranteau, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, resignation not in good standing.

Benjamin Perez, Food Service Worker, Passaic County, Preakness Hospital, resignation not in good standing.

Keith Rogers, Water Repairer, City of Trenton, Water Department, suspension.

Daniel Turner, Compactor, Truck Driver, Monmouth County, Reclamation Center, suspension.

Wyman Williams, Laborer, City of Garfield, Department of Public Works, suspension and removal.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Timothy Bethea
County of Mercer
Department of Public Safety
Suspensions (2) and Removals (2)

In the Matter of Deneen Felder
County of Hudson
Department of Corrections
Suspensions (3) and Resignation not in good standing

In the Matter of Luther T. Gregg
Northern State Prison
Department of Corrections
Suspension

In the Matter of John Inzinna
County of Hudson
Department of Corrections
Suspensions (3)

In the Matter of Barbara J. Lombardo
Woodbridge Public Library
Release at the end of the working test period

In the Matter of Latisha Mann
County of Salem
Nursing and Convalescent Home
Removal

In the Matter of Gemma Mathews
Hunterdon Developmental Center
Department of Human Services
Removal (2)

In the Matter of Constance O'Shea
County of Union
Department of Human Services
Suspension

In the Matter of Roger Pemberton
New Lisbon Developmental Center
Department of Human Services
Removal

In the Matter of Maxine Pyles
City of Plainfield
Department of Administration and Finance
Suspension

In the Matter of Jerrell Robinson
Newark School District
Suspension and Removal

In the Matter of Djenebou T. Soumah
New Lisbon Developmental Center
Department of Human Services
Removal

In the Matter of Lenny Tellado
Middlesex County Board of Social Services
Removal

In the Matter of Thomas Tucker
City of Plainfield
Department of Public Affairs and Safety
Suspension

In the Matter of Paul Usine
Newark Housing Authority
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.

This matter was held over from the May 21, 2008 Merit System Board meeting for the receipt of additional cross exceptions.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to award back pay in the amount of \$148,732.94 plus interest from April 13, 2000 to February 25, 2002.

A-3 JAMES BRADLEY

James Bradley, Police Sergeant, Borough of Wildwood Crest, Department of Public Safety, eight-day suspension (64 hours) on charges of failure to comply with a Chief's orders, oral or written, and those of a superior and unauthorized absence from duty.

Recommendation of the Administrative Law Judge – Modify the eight-day suspension to a 30-day suspension (240 hours).

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

A-4 TAHISHA COLLINS

Tahisha Collins, Senior Correction Officer, Juvenile Justice Commission, Department of Law and Public Safety, 15-day suspension on charges of insubordination, conduct unbecoming a public employee, and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the 15-day suspension to a five-day suspension.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to uphold the 15-day suspension.

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

A-5 KARL HOWERTON

Karl Howerton, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, resignation not in good standing effective March 9, 2007, on the charge of being absent from duty for five or more consecutive business days without the approval of his supervisor.

Recommendation of the Administrative Law Judge – Dismiss the appeal for lack of prosecution.

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

A-6 BABINGTON ANYAELE, ET AL.

Babington Anyaele *et al.*, Newark Housing Authority, appeal the good faith of their layoffs effective December 18, 2006, for reason of economy and efficiency.

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

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

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

A-7 ASA PARIS

Asa Paris, County Correction Officer, County of Mercer, Department of Public Safety, indefinite suspension, on charges of conduct unbecoming a public employee, and other sufficient cause: violation of a rule, regulation, policy, procedure, order or administrative decision.

Recommendation of the Administrative Law Judge – Grant appointing authority’s motion for summary decision and award back pay from June 14, 2006 to July 30, 2006.

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

A-8 JOHN DARAKLIS

John Daraklis, Heavy Laborer, Township of Monroe, Department of Public Works, removal effective July 13, 2007, on charges of conduct unbecoming a public employee and 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 State and local policies.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a 4-month suspension.

A-9 NILES BENNETT AND DAYSHINE DENNY (CONSOLIDATION)

Niles Bennett and Dayshine Denny, Human Services Assistants, Ancora Psychiatric Hospital, Department of Human Services, removals effective January 11, 2006, on charges of physical abuse of a patient, falsification, violation of administrative procedures and/or regulations regarding safety and security and failure to report injury, abuse or accident involving patient.

Recommendation of the Administrative Law Judge – Reverse the removals.

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

A-10 JENNIFER PAOLELLA

Jennifer Paoella, Human Services Assistant, Hunterdon Developmental Center, Department of Human Services, removal effective December 9, 2007, on the charge of chronic or excessive absenteeism from work without pay.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-11 STANTON WASHINGTON

Stanton Washington, Senior Correction Officer, Northern State Prison, Department of Corrections, removal on charges of incompetency, inefficiency or failure to perform duties, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

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

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

SECTION B – MISCELLANEOUS MATTERS

B-1 DERRICK FERRER

Derrick Ferrer, represented by Vincent J. Pancari, Esq., 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 (S9999F) 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 JERARD J. INGENITO

Jerard J. Ingenito, represented by James P. Swift, Esq., appeals his rejection as a Police Officer candidate by the City of Atlantic City and its request to remove his name from the eligible list for Police Officer (S9999F) 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 JOHN WOLTMANN, JR.

John Woltmann, Jr., represented by Catherine M. Elston, Esq., appeals his rejection as a Fire Fighter candidate by North Hudson Regional Fire and Rescue and its request to remove his name from the eligible list for Fire Fighter (M2244D) 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-4 BEATRICE BLIDI

Beatrice Blidi, a Human Services Assistant at New Lisbon Developmental Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

B-5 EVELYN M. CONTI

Evelyn M. Conti, an Education Program Assistant 1 with the Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

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

B-6 CARLA DICKERSON

Carla Dickerson, a Therapy Program 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 denied.

B-7 GARY KEEN

Gary Keen, a Senior Correction Officer with Bayside 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 JEANETTE LEE

Jeanette Lee, a Senior Correction Officer with Southern State Correctional Facility, Department of Corrections, represented by Robert S. Greenberg, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board referred the matter to the Medical Examiners Panel.

B-9 MICHAEL SICKELS

Michael Sickels, a Regional Supervisor Emergency Service Patrol with the Department of Transportation, appeals the denial of sick leave injury (SLI) benefits.

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

B-10 LINDA STRING

Linda String, a Staff Nurse (12 Months) 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-11 MARTIN V. CARLUCCIO

Martin V. Carluccio appeals the appointing authority's request to remove his name from the eligible list for Code Enforcement Officer Trainee (M6869G), Borough of Rutherford, on the basis that he falsified his application.

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

B-12 ANTHONY L. PARKER

Anthony L. Parker, represented by Samuel J. Halpern, 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 his name from the Police Officer (S9999F) Teaneck, eligible list on the basis of an unsatisfactory background report.

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

B-13 LOUISE ANN STEWART

Louise Ann Stewart, represented by Paula Dillon, Esq., appeals the decision of the Division of Local Human Resource Management (LHRM) which upheld the bypass of her name on the October 17, 2006 certification of the County Correction Sergeant (PC2629D), Hudson County eligible list. The appellant also appeals the bypass of her name on the April 27, 2007 certification for County Correction Sergeant (PC2629D), Hudson County List.

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

B-14 BUILDING INSPECTOR (M9110E), CITY OF JERSEY CITY

The appointing authority's failure to dispose of the certification for Building Inspector (M9110E), City of Jersey City, 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 remove the provisional appointee, make an appointment from the certification and pay compliance costs.

B-15 CODE ENFORCEMENT OFFICER (M6222J), BOROUGH OF SEASIDE HEIGHTS

The Borough of Seaside Heights requests permission not to make an appointment from the January 15, 2008 certification for Code Enforcement Officer (M6222J).

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

B-16 TRAINING COORDINATOR (M1666J), CITY OF NEWARK

The City of Newark requests permission not to make an appointment from the July 9, 2007 certification for Training Coordinator (M1666J).

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

B-17 MARY GARRISON

Mary Garrison, a Clerk Typist at Thomas Edison State College (College), appeals the determination of the President of the College stating that she had not 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 granted and remanded the matter to the College for reevaluation of the penalty imposed.

B-18 INVESTIGATOR, COUNTY WELFARE AGENCY

The Acting Director, Division of Local Human Resource Management (LHRM), on behalf of Ocean County Board of Social Services, requests that the movement of incumbents in the Human Services Specialist title series Investigator, County Welfare Agency, be considered a promotion.

ACTION: The Merit System Board granted the request.

B-19 EUGENE DIGIACOMO AND WILLIAM ROBINSON

Eugene DiGiacomo and William Robinson, Police Captains with the City of East Orange, represented by Colin M. Lynch, Esq., petition the Merit System Board for retroactive dates of appointment and a stay of the promotional examination for Deputy Police Chief (PM3510K), City of East Orange.

ACTION: The Merit System Board granted the petitioners' requests for retroactive appointment dates to February 16, 2007 and the conditional status of their examination admission be lifted but denied the request for a stay.

B-20 THOMAS MCDONOUGH AND RICHARD NICHOLSON

Thomas McDonough and Richard Nicholson, Police Sergeants with the City of Trenton, represented by George T. Dougherty, Esq., request that the police Lieutenant (PM2604F), City of Trenton, eligible list be revived in order to effectuate their appointments.

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

B-21 KAREN WELLS

The Department of Corrections, on behalf of Karen Wells, requests relaxation of N.J.A.C. 4A:3-4.10(c) in order to address pay inequities as a result of the misclassification of her position.

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

B-22 MICHAEL LETCHKO

Michael Letchko, a School Bus Driver with the Brick Township School District, represented by Christopher W. Mikkelson, President, Transport Workers Union of America, Local 225, Branch 4, appeals his resignation in good standing.

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

B-23 CHARLES DOMINGUEZ AND DANIELLE VALIANTE-LUNA

Union County, on behalf of Charles Dominguez and Danielle Valiante-Luna, petitions 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.

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

B-24 MARY E. LEONARD

Mary E. Leonard, a former Charge Nurse (12 Months) with Ancora Psychiatric Hospital, Department of Human Services, requests reconsideration of the Merit System Board decision rendered on January 16, 2008, denying her sick leave injury (SLI) benefits.

ACTION: The Merit System Board granted reconsideration but affirmed its prior decision denying SLI benefits.

B-25 JUSTO DELGADO

The appeal of Justo Delgado, a Laborer with the Union City, of his removal, effective July 11, 2005, on charges, was heard by Administrative Law Judge Imre Karaszegi (ALJ), who rendered his initial decision on March 27, 2008. At its meeting on May 21, 2008, the Merit System Board adopted the ALJ's recommendation to uphold the appellant's removal. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-26 LEON LINTHICUM

The appeal of Leon Linthicum, a Police Officer with the Middle Township, of his removal effective June 4, 2007, on charges, was heard by Administrative Law Judge W. Todd Miller (ALJ), who rendered his initial decision on April 11, 2008. At its meeting on May 21, 2008, the Merit System Board did not adopt the ALJ's recommendation to modify the removal to a 90-day suspension. Rather, the Board modified the removal to a 120 working day suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-27 DARRYL MIDDLETON

The appeal of Darryl Middleton, a Printing Machine Operator with the Department of Finance and Administration, Hudson County, of his 25-day and 45-day suspensions and removal, effective April 27, 2006, on charges, was heard by Administrative Law Judge Irene Jones (ALJ), who rendered her initial decision on January 17, 2008. At its meeting on May 21, 2008, the Merit System Board did not adopt the ALJ's recommendation to modify the 25-day suspension to a 10-day suspension, the 45-day suspension to a 15-day suspension and the removal to a 25-day suspension. Rather, the Board upheld the 25-day and 45-day suspensions and modified the removal to a 90-day suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-28 KENNETH PETTIFORD

The appeal of Kenneth Pettiford, a Senior Correction Officer with the Central Reception and Assignment Facility, Department of Corrections, of his removal effective September 25, 2007, on charges, was heard by Administrative Law Judge (ALJ) Donald J. Stein, who rendered his initial decision on March 13, 2008. At its meeting on May 21, 2008, the Merit System Board adopted the ALJ's recommendation to modify the removal to a 60-day suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-29 WALDEMER STRYZ

The appeal of Waldemer Stryz, a County Correction Officer with Hudson County, concerning his 30-day suspension, on charges, was heard by Administrative Law Judge Maria Mancini La Fiandra (ALJ), who rendered her initial decision on April 17, 2008. At its meeting on May 21, 2008, the Merit System Board did not adopt the ALJ's recommendation to reverse the 30-day suspension. 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-30 THOMAS E. BULWITH

Thomas E. Bulwith appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the open competitive examination for Chief Clerk (C8023J), Hudson County.

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

B-31 EDWARD CIER

On behalf of Edward Cier, the Department of Agriculture's Manager, Human Resources, 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 Program Development Specialist 1 (Assistance Programs) (PS5778A), Department of Agriculture.

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

B-32 MARK DUNLAP

Mark Dunlap appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Data Processing Programmer 2 (PS1214T), Motor Vehicle Commission.

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

B-33 STEVEN FOSTEK, JR.

Steven Fostek, Jr. appeals the decision of the Division of Selection Services which found that he lacked the required amount of permanent status in a title to which the examination was open for Fire Captain (PM3593J), Harrison.

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

B-34 LAURA HANKIN

On behalf of Laura Hankin, the Warren County Personnel Director appeals the determination of the Division of Selection Services which found that Ms. Hankin did not meet the experience requirements for the promotional examination for Senior Library Assistant (PC0838J), Warren County.

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

B-35 JEFFREY HOLMES AND ROBERT THOMPSON

Jeffrey Holmes and Robert Thompson appeal the determinations of the Division of Selection Services which found that they were ineligible for the promotional examination for County Correction Captain (PC3608H), Ocean County.

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

B-36 TINA HOVINGTON, ET AL.

Tina Hovington, Scott Pezzano, and Frank Schofield appeal the decision of the Division of Selection Services that they did not meet the experience requirements for the open competitive examination for Interviewer, Courts (M1713J), City of Camden.

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

B-37 ROBERT KELLY

Robert Kelly appeals the determination for the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Operating Engineer Heating and Air Conditioning (PS5262J), Richard Stockton College of New Jersey.

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

B-38 BRIAN MCCONAGHY

Brian McConaghy 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 Program Monitor (PC1819H), Ocean County.

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

B-39 LORRAINE NIETOS

Lorraine Nietos appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the open competitive examination for Contract Administrator 1 (C6951J), statewide.

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

B-40 BRIANNA D. PERSICHETTI, ET AL.

Brianna D. Persichetti, Felix E. Perez, and Anna Piekarewicz appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirement for the open competitive examination for Social Worker 2, Corrections (S0611J), Department of Corrections.

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

B-41 MICHAEL PONZI

Michael Ponzi appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the open competitive examination for Truck Driver/Welder (C0026K), County of Warren.

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

B-42 JOANNE C. TAYLOR

Joanne C. Taylor appeals the determination of the Division of State Human Resource Management (SHRM) which found that her name was properly bypassed on the promotional list for Supervising Family Service Specialist 1 (PS5464K), Department of Children and Families.

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

B-43 ALICE TOZZI

Alice Tozzi appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Senior Payroll Clerk (PS5208K), Department of Children and Families.

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

B-44 VINCENT BRUNETTI, ET AL.

Vincent Brunetti, Wayne Deal, Jay Johnson and Leonard Tilley appeal the rank and score of another candidate, Ron Saia, for the promotional examination for Supervisor, Roads (PC0864J), Atlantic County.

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

B-45 VIKKI CANONICO AND JANE WHITE

Vikki Canonico and Jane White appeal their ranks and scores for the promotional examination for Principal Clerk Typist (PS3696T), Department of Transportation.

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

B-46 RICHARD CANTZ

Richard Cantz appeals his score for the oral portion of the examination for Police Captain (PM3543H), Egg Harbor City. It is noted that the appellant failed the examination.

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

B-47 VALENTINA STOKES-POWELL

Valentina Stokes-Powell appeals her rank and score for the promotional examination for Secretarial Assistant 2 (Non-Stenographic) (PS3976P), Department of Law and Public Safety.

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

B-48 JUAN RODRIGUEZ

Juan Rodriguez appeals the scoring and test administration of the open competitive examination for Human Services Specialist 1 (Bilingual in Spanish and English) (C1473H), Cumberland County.

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

B-49 ANTHONY BROOKS, ET AL.

Anthony Brooks, Robert Strain and Jody Weiner appeal the test administration for the promotional examination for Fire Captain (PM3607J), Vineland.

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

B-50 RALPH CHIMENTO AND WILLIAM FISCHER

Ralph Chimento and William Fischer appeal the denial of their requests for make-up examination for Fire Lieutenant (PM2631J), Belleville and Fire Lieutenant (PM2644J), Teaneck, respectively.

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

B-51 FAY SHAW-CAMPBELL

Fay Shaw-Campbell appeals her late arrival at the test center and requests a make up test for the promotional examination for Supervising Clerk (PC0134J), Morris County.

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

B-52 JOHN DURNEY, JR.

John Durney, Jr. requests a review of the cognitive multiple choice portion of the examination for Fire Fighter (M9999H).

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

B-53 EDMUND SKWARA

Edmund Skwara appeals the decision of the Division of Selection Services concerning the correct answers to specific questions on the promotional examination for Engineering Technician 1 (PS3698T), Department of Transportation.

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

B-54 READOPTION WITH AMENDMENTS: N.J.A.C. 4A:8, LAYOFFS

Submitted for the Board's approval for publication in the New Jersey Register, is a Notice of Proposal regarding the proposed readoption of N.J.A.C. 4A:8, Layoffs, with amendments. This rule chapter is scheduled to expire on June 30, 2008, but will be automatically extended for six months upon the filing of a proposed readoption with the Office of Administrative Law. N.J.A.C. 4A:8 is proposed for readoption with amendments deleting references to "class levels" in local service in recognition of the Department of Personnel's utilization of class codes in local as well as State service.

ACTION: The Merit System Board approved the readoption with amendments for publishing in the New Jersey Register.

B-55 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of May 21, 2008 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of May 21, 2008.

B-56 EDWIN GONZALEZ

Edwin Gonzalez, represented by Jeffrey R. Jablonski, Esq., appeals the decision of the Division of Local Human Resource Management which removed his name from the Sheriff's Officer Sergeant (PC2685G), Hudson County eligible list, because he was outside the organizational unit scope.

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

B-57 JACQUELINE GREGORY

Jacqueline Gregory, a Housing Assistance Technician with Atlantic City Housing Authority was removed and resigned not good standing from her position effective January 8, 2007 and she appealed those actions to the Merit System Board. Subsequently, Gregory filed a complaint with the Division on Civil Rights, which was also transmitted to the Office of Administrative Law. Administrative Law Judge Edgar R. Homes issued an order of consolidation and predominant interest regarding these matters. Submitted for the Board's review is a joint order of consolidation and predominant interest in *In the Matters of Jacqueline Gregory*.

ACTION: The Merit System Board adopted the joint order.

B-58 STATE BUDGET SPECIALIST ET AL.

The Director of Classification and Compensation requests the reallocation of the State Budget Specialist title series to the noncompetitive division of the career service on an interim basis for one pay period.

ACTION: The Merit System Board granted the request.

B-59 ROBERT JORDAN

Robert Jordan, Correction Sergeant with East Jersey State Prison, Department of Corrections, represented by Stuart Ball, Esq., seeks enforcement of the Merit System Board decision rendered on December 19, 2007 granting him back pay, benefits, seniority and counsel fees.

ACTION: The Merit System Board awarded gross amount of \$12,936.72 in back pay, \$36,060 in counsel fees and \$4,850.60 in costs.

B-60 EARLY SETTLEMENT

Kathy Tyson
New Lisbon Developmental Center
Department of Human Services
Suspension

ACTION: The Merit System Board acknowledged the settlement.

B-61 SALARY REGULATIONS, SUPPLEMENT 7, FY 2008

Salary Regulations, Supplement 7, Fiscal Year 2008 is submitted for the Board's review. The Supplement is an addition to Section 4, Miscellaneous Salary Regulation, concerning the movement of employees, without promotional procedures to a restructure title series.

ACTION: The Merit System Board recorded the salary regulations.

B-62 SALARY REGULATIONS, SUPPLEMENT 8, FY 2008

Salary Regulations, Supplement 8, Fiscal Year 2008 is submitted for the Board's review. The Supplement provides for hourly rates for various types of emergency services.

ACTION: The Merit System Board recorded the salary regulations.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, June 25, 2008 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

**HOPE L. COOPER
ACTING COMMISSIONER
MERIT SYSTEM BOARD**