



JAMES E. MCGREEVEY
GOVERNOR

STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

MARJORIE A. SCHWARTZ
ACTING COMMISSIONER

Merit System Board

**MINUTES OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
OCTOBER 20, 2004**

**Marjorie A. Schwartz, Acting Chairwoman
Flavella Branham
John Currie
Margaret E.L. Howard
Robert J. Long**

OCTOBER 20, 2004

A regular meeting of the Merit System Board was held on Wednesday, October 20, 2004, in Trenton, New Jersey.

PRESENT: Acting Chairwoman Marjorie A. Schwartz, 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, Acting Chairwoman Marjorie A. Schwartz 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 December 11, 2003, 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.

DATE: October 8, 2004

TO: Marjorie Schwartz, Acting Commissioner

FROM: Elizabeth Van Marter, Director
Division of Human Resources Management

SUBJECT: Change in State Classification Plan

JUVENILE JUSTICE COMMISSION

The Juvenile Justice Commission has requested that the newly established position #098652 be reallocated from the Career Service to the Senior Executive Service.

The Juvenile Justice Commission is de-privatizing the medical services operations for its Secured Facilities. The operation will consist of 35 new positions and will impact upon all juveniles entering the system. Position #098652 reports to Mr. Howard L. Beyer, Executive Director (M98) of the Juvenile Justice Commission. The position will function as the administrator of the new medical services operation for the Juvenile Justice Commission Secure Facilities. The position will be responsible for planning, establishing policy and overseeing the implementation thereof, as well as, directing and controlling the operations of this unit.

All positions in this new Unit have been established with an effective date of 12/01/2004 by the Office of Management and Budget.

A review of the assigned job functions has been conducted and the position meets the standards established for inclusion in the Senior Executive Service.

Reallocation of Service

Position # 098652

Effective 12/01/2004

From: Tentative Title, Management
(X98)-60015C

To: Senior Executive Service
(M98)-90752

CONFIDENTIAL APPOINTMENTS

The Merit System Board recorded the following Confidential Appointments under N.J.S.A. 11A:3-4(h):

Valerie Bailey appointed as a Confidential Assistant, Department of Human Services, effective June 26, 2004, salary of \$81,500.00 per annum.

WITHDRAWAL OF APPEALS

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

Samuel Clark, Police Sergeant, Newark Police Department, three suspensions and removal.

John DiPane, Telecommunication Systems Analyst, Department of Administration and Finance, City of Plainfield, good faith layoff.

Carlton Dobbins, County Correction Officer, Sheriff's Office, County of Gloucester, removal.

Stephanie Carter-Green, Senior Correction Officer, Garden State Reception and Youth Correctional Facility, Department of Corrections, Discrimination, Harassment or Hostile Environments in the Workplace.

Brett Hauser, Senior Correction Officer, South Woods State Prison, Department of Corrections, suspension.

William Hauswirth, Sheriff's Officer Sergeant, Sheriff's Office, County of Ocean, suspension and demotion.

Alan Kozuhowski, Supervising Mechanic Fire Apparatus, Department of Administration, indefinite suspension pending disposition of criminal charges.

Socorro Ruiz, Principal Clerk Typist, Division of Youth and Family Services, Department of Human Services, indefinite suspension pending disposition of criminal charges.

Cathy Rylowicz, County Correction Officer, County Jail, County of Burlington, suspension.

Zolton Tisza, Senior Mechanic, Department of Public Works, Borough of Lakehurst, good faith layoff.

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:

Keith Busby, Heavy Equipment Operator Sanitary Landfill, Reclamation Center, County of Monmouth, suspension.

Niquette Jones, Clerk Typist, Division of Youth and Family Services, Department of Human Services, release at the end of the working test period.

Brian Middleton, County Correction Officer, Department of Corrections, County of Camden, suspension.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Scott Connolly
Borough of Bergenfield
Department of Public Works
Removal

In the Matter of Satram Dabydeen
Jersey City School District
Removal

In the Matter of Larry Davis, Jr.
Juvenile Justice Commission
Removal

In the Matter of Lewis Harvey
County of Mercer
Department of Public Safety
Release at the end of the working test period and Removal

In the Matter of Michael Kladzan
Newark School District
Suspension

In the Matter of Steven Manton
Jersey City Housing Authority
Removal

In the Matter of Michael Marvel
County of Union
Department of Human Services
Removal

In the Matter of Jeanette McLeod
County of Monmouth
Department of Health Care Facilities
Suspension

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

ACTION: The Merit System Board acknowledged the settlements.

A2 JAMES ANDERSON

James Anderson, Security Guard, Paterson Housing Authority, appeals the good faith of his layoff effective May 23, 2003, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Uphold the layoff.

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

A-3 CARLOS BARNES

Carlos Barnes, Senior Youth Worker, Juvenile Justice Commission, Department of Law and Public Safety, 30-day suspension on charges of neglect of duty, and failure to follow Department operating procedures, security and control supervision.

Recommendation of the Administrative Law Judge – Uphold the 30-day suspension.

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

A-4 PAUL CARRERA

Paul Carrera appeals the decision of the Human Resource Information Services, which upheld the removal of his name from the eligible list for Electrician (S0055D) on the basis of an unsatisfactory employment record.

Recommendation of the Administrative Law Judge – Uphold the list removal.

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

A-5 KENDALL ALEXANDER

Kendall Alexander, Human Service Assistant, Trenton Psychiatric Hospital, Department of Human Services, removal effective October 17, 2002, on the charge of sleeping while on duty.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-6 LOUIS BARBER

Louis Barber, Mechanic, Township of Deptford, Department of Public Works, removal effective October 23, 2001, on charges of failure to perform duties and absent without 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-7 JANEEN CHAMBERS

Janeen Chambers, Cottage Training Technician, Woodbridge Developmental Center, Department of Human Services, removal effective October 16, 2003, on charges of threatening and intimidating a fellow employee on state property and removal effective October 17, 2003, on charges of verbal abuse of a client and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-8 TARA HOLLOWELL AND KEYONA FOREMAN

Tara Hollowell, Medical Security Officer Recruit and Keyona Foreman Medical Security Officer, Ann Klein Forensic Center, Department of Human Services, removals effective June 22, 2001 and July 23, 2001, on the charge of neglect of duty which could result in danger to persons or property.

Recommendation of the Administrative Law Judge – Uphold the removals.

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

SECTION B – MISCELLANEOUS MATTERS

B-1 SHYRAZ ARMOGAN

Shyraz Armogan, represented by Steven D. Brown, Esq., appeals his rejection as a Police Officer candidate by East Orange and its request to remove his name from the eligible list for Police Officer (S9999D) 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 TONY A. BROWN

Tony A. Brown represented by Stephen D. Brown, Esq., appeals his rejection as a Police Officer candidate by East Orange and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-3 MARC T. MIDDLETON

Marc T. Middleton appeals his rejection as a Sheriff's Officer candidate by the County of Ocean and its request to remove his name from the eligible list for Sheriff's Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board directed that this matter be referred for independent psychological evaluation.

B-4 SANDRA RAWLS-MOSLEY

Sandra Rawls-Mosley appeals the rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove her name from the eligible list for Correction Officer Recruit (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-5 KEITH SALVAGGIO

Keith Salvaggio 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 (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-6 CLARENCE S. WHITE

Clarence S. White, represented by William W. Frieman, Esq., appeals his rejection as a County Correction Officer candidate by the County of Essex and its request to remove his name from the eligible list for County Correction Officer (S9999D) 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-7 MINNIE BARKER

Minnie Barker, a Senior Data Entry Machine Operator (Terminal) 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 in part.

B-8 THOMAS L. LUMPKIN

Thomas L. Lumpkin, a Youth Work Supervisor with the Arthur Brisbane Child Treatment Center, Department of Human Services, represented by John Marut, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board granted a hearing.

B-9 GABRIEL MALDONADO

Gabriel Maldonado, a Senior Correction Officer at the Edna Mahan Correctional Facility for Women, Department of Corrections (DOC), 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-10 AMY QUINN

Amy Quinn, a former Family Service Specialist 2 with the Division of Youth and Family Services, 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-11 SUZANNE TAYLOR

Suzanne Taylor, a Quality Assurance Specialist Health Services 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-12 STUART WALDORF

Stuart Waldorf, a Habilitation Plan Coordinator with the Green Brook 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 AMY HARRISON

Amy Harrison, a former Social Worker 2, Corrections, at Edna Mahon Correctional Facility for Women, Department of Corrections (DOC), appeals the determination of the Director, Equal Employment Division, with the DOC, 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, Harassment or Hostile Environments in the Workplace.

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

B-14 JOHN BONAFIDE

John Bonafide, a Sheriff's Officer Sergeant with Union County, represented by James M. Mets, Esq., appeals the request of the appointing authority to remove his name from the list for Sheriff's Officer Lieutenant (PC3015C), based on his unsatisfactory employment record.

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

B-15 ALAN FRONTERA, JR.

Alan Frontera, Jr., represented by Suzanne J. Ruderman, Esq., appeals the removal of his name from the special reemployment list for Clerk Typist, Bergen County.

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

B-16 PRINCIPAL TECHNICIAN, MIS, HUNTERDON COUNTY

The appointing authority's failure to properly dispose of the certification for Principal Technician, MIS, while a provisional appointee 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-17 SENIOR LIBRARY ASSISTANT (PM0407B), TRENTON PUBLIC LIBRARY

The Trenton Public Library requests reconsideration of the decision rendered on January 15, 2003 by the Merit System Board ordering the appointing authority to properly dispose of the certification for Senior Library Assistant (PM0407B) and to pay a \$1000 fine and \$250 compliance costs.

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

B-18 KEVIN HUGHES

The Township of Irvington, represented by Gustavo G. Garcia, Second Assistant Township Attorney, requests interlocutory review of the letter order of Administrative Law Judge (ALJ) Maria Mancini LaFiandra in *Kevin Hughes v. Township of Irvington* pursuant to N.J.A.C. 1:1-14.10(a).

ACTION: The Merit System Board granted interlocutory review, reversed the ALJ and found that the ALJ's decision was issued prematurely, and remanded the matter to the Office of Administrative Law for further proceedings.

B-19 EDWARD O'NEILL

The appeal of Edward O'Neill, a Sheriff's Officer with the County of Monmouth Sheriff's Office, of his 30-day suspension on charges, was heard by Administrative Law Judge Israel D. Dubin (ALJ), who rendered his initial decision on August 31, 2004, upholding the 30-day suspension. At its meeting on October 6, 2004, the Merit System Board adopted the ALJ's recommendation. However, the Board found it necessary to correct an error by the ALJ concerning the appellant's disciplinary history, as well as to address the exceptions and the cross-exceptions file by the parties. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-20 PEARL ZYCKOWSKI

The appeal of Pearl Zyckowski, a Correction Officer Recruit at Southern State Correctional Facility, Department of Corrections, of her removal effective September 13, 2000, on charges, was heard by Administrative Law Judge John R. Futey (ALJ), who rendered his initial decision on August 31, 2004. At its meeting on October 6, 2004, the Merit System Board (Board) did not adopt the ALJ's recommendation to uphold the removal. Rather, the Board modified the removal to a resignation not in good standing. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-21 MARC ABRAMSON, ET AL.

Marc Abramson, Bernadette Anderson, Donna Brogley, Winifred Brown, Charles Karmo and Phillip Marcus appeal the determinations of the Division of Selection Services which found that they were below the minimum requirements in the experience for the open-competitive examination for Family Service Specialist 2 (S6753F), Department of Human Services.

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

B-22 LUCY BALLISTY

Lucy Ballisty appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Administrative Assistant 3 (PS6768F), Department of Education.

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

B-23 CHARLES W. BAUER

Charles W. Baurer appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirements for the examination for Code Enforcement Officer/Zoning Officer (M6390E), Beachwood Borough.

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

B-24 LINDA BOONE

Linda Boone appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Administrative Assistant 2 (PS9391L), Department of Banking and Insurance.

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

B-25 DAVID BOYD

David Boyd 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 Executive Assistant (PC0023F), County of Essex.

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

B-26 MICHAEL BRADEIS

Michael Bradeis 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 Operations and Training Officer, Emergency Management (C6124E), Atlantic County.

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

B-27 SUSAN L. BROCKERMAN

Susan L. Brockerman appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Technical Assistant 2, Treasury (PS0194U), Department of Treasury.

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

B-28 JAMALA C. BROWN, ET AL.

Jamala C. Brown, Ruby Goyal-Carkeek, and Kimberly M. Owens appeal the determination of the Division of Selection Services which found that they did not meet the experience requirements for the promotional examination for Contract Administrator 1 (PS6614K), Department of Human Services.

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

B-29 MICHAEL CALABRESE

Michael Calabrese appeals the determination of the Division of Selection Services that, per the substitution clause for education, he did not meet the experience requirement for the promotional examination for Building Management Services Specialist 2 (PS8715T), Department of Transportation.

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

B-30 CANDICE CAMISO, ET AL.

Candice Camiso, Natalie Krueger, Linda McGinnis and Robin McLain appeal the determination of the Division of Selection Services that they did not meet the requirements for the promotional examination for Personnel Assistant 4 (PS9701I), Department of Corrections.

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

B-31 DONALD D. CARRIER

Donald D. Carrier appeals the determination of the Division of Selection Services, which found that, per the substitution clause for education, he did not meet the experience requirements for the promotional examination for Building Management Services Specialist 1 (PS0756K), Department of Human Services.

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

B-32 FRANCES CIPOT

Frances Cipot appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Assistant Municipal Tax Collector (PM1288E), North Brunswick Township.

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

B-33 MABEL COOK

Mabel Cook appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Administrative Secretary (PC1095E), Warren County.

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

B-34 JEANE COVINGTON

Jeane Covington appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Instructor of Nursing (PS9277K), Hagedorn Center for Geriatrics.

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

B-35 DAVID COX

David Cox appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Human Services Specialist 2 (PC1327E), Mercer County.

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

B-36 TANIA CREAMER AND PATTI WESTCOTT

Tania Creamer and Patti Westcott appeal the determination of the Division of Selection Services which found that, per the substitution clause for education, they were below the minimum requirements in experience for the promotional examination for Administrative Analyst 3 (PS8989K), Vineland Developmental Center.

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

B-37 PETER D. D'AMORE, ET AL.

Peter D. D'Amore, Michael S. Scardino, Atul Thaper and Joseph G. Vazquez appeal the determinations of the Division of Selection Services which found that they did not meet

the experience requirements for the open competitive examination for Sub Code Official (S9222E), State of New Jersey.

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

B-38 JAMES DAMRON

James Damron appeals the determination that, per the substitution clause for education, he did not meet the experience requirements for the open competitive examination for Director of Data Processing (M6490E), City of Trenton.

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

B-39 JASON EBERT

Jason Ebert appeals the determination of the Division of Selection Services, which found that he did not possess the required license or registration and that he was below the education requirements for the promotional examination for Principal Engineer Highway (PC1165E), Ocean County.

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

B-40 ANDREW ECKFORD

Andrew Eckford appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Therapy Program Assistant (PS9753K), North Jersey Developmental Center, Department of Human Services.

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

B-41 STEPHANIE ELSASSER, ET AL.

Stephanie Elsasser, Charles W. Jacoby, Bruno Lato, and Richard W. Pultar appeal the determinations of the Division of Selection Services, which found that they failed to indicate the required license or registration for the open competitive examination for Sub-Code Official (S9222E), State of New Jersey.

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

B-42 VERA EULER

Vera Euler appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the Assistant Administrative Analyst (PC0768E), Ocean County, promotional examination.

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

B-43 BRENDA GRIFFIN

Brenda Griffin appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Instructor Counselor (PS6718I), Department of Corrections.

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

B-44 BEVERLY HAAF

Beverly Haaf appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the open competitive examination for Zoning Officer (M6649F), Beverly City.

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

B-45 VINCENT HAFLEY, SR.

Vincent Hafley, Sr., 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 Carpenter (M6650F), Newark School District.

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

B-46 CASSANDRA JEANLOR

Cassandra Jeanlor appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the open competitive examination for Assistant Mental Health Administrator (C60982E), Monmouth County.

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

B-47 JOHN KATSOUDAS

John Katsoudas appeals the determination of the Division of Selection Services, which found he was below the minimum requirements in experience for the open competitive examination for Laborer/Motor Broom Driver (M6588F), Township of Hillside.

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

B-48 VICTORIA KING

Victoria King appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Affirmative Action Officer (PM1097E), City of Camden.

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

B-49 JACOB KUNS, JR.

Jacob Kuns, Jr., 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 Code Enforcement Officer/Zoning Officer (M6653F), Clementon Borough.

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

B-50 EVELYN LANGSTON

Evelyn Langston appeals the determination of the Division of Selection Services that she did not meet the requirements for the promotional examination for Management Assistant (PS8080H), Department of Health and Senior Services.

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

B-51 ANTHONY S. MANGERI

Anthony S. Mangeri appeals the determination of the Division of Selection Services, which found that he did not meet the minimum requirements in experience for the promotional examination for Coordinator, Consultation and Development, Local Health Services (PS1267H), Department of Health and Senior Services.

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

B-52 AMALIA MCCLAIN

Amalia McCain 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 Administrative Secretary (PC1094E), Union County.

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

B-53 KRYSTYNA MOSKAL

Krystyna Moskal appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the open competitive examination for Municipal Court Administrator (M6661F), City of Garfield.

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

B-54 NNEKA NWAGBO

Nneka Nwagbo appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the open competitive examinations for Behavior Modification Program Technician (S0154E), Department of Human Services, Personnel Assistant 4 (Employee Relations) (S0136E), and Substance Abuse Counselor 2 Mental Health/Alcoholism Services (S0138E), Department of Human Services.

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

B-55 CAROL O'DONNELL-KEE

Carol O'Donnell-Kee appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Administrative Analyst 3, Data Processing (PS7720G), Department of Environmental Protection.

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

B-56 ARVIND PATEL

Arvind Patel appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirement for the open competitive examination for Program Development Specialist 1 (Aging) (S6724E).

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

B-57 MARK PIZZA

Mark Pizza 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 Records Manager (PC1365E), Monmouth County.

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

B-58 MYRNA PRIOLEAU AND NATALIE SWIATEK

Myrna Prioleau and Natalie Swiatek appeal the determinations of the Division of Selection Services, which found that they did not meet the experience requirements for the promotional examination for Contract Administrator 1 (PS6713K), Division of Developmental Disabilities, Department of Human Services.

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

B-59 THOMAS J. REILLY

Thomas J. Reilly appeals the determination of the Division of Selection Services, which determined that he was below the minimum requirements in experience for the open competitive examination for Truck Driver (M9332F), City of Garfield.

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

B-60 DANIEL ROACH

Daniel Roach 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 Housing Inspector (M6491E), City of Trenton.

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

B-61 BEVERLY ROBINSON

Beverly Robinson appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Senior Therapy Program Assistant (PS9893K), North Jersey Developmental Center, Department of Human Services.

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

B-62 DEBORAH RODRIGUEZ AND MARIA CASTILLO

Deborah Rodriguez and Maria Castillo appeal the determinations of the Division of Selection Services that they did not meet the experience requirement for the open competitive examination for Investigator, Public Defender, Bilingual in Spanish and English (S6719E), Statewide.

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

B-63 TARAS SHAFRON

Taras Shafron 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 Truck Driver, Single Axle (S9245E).

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

B-64 HELEN L. SMITH

Helen L. Smith appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum

requirements in experience for the promotional examination for Personnel Assistant 1 (PS9700I), Department of Corrections.

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

B-65 LUZ VAZQUEZ

Luz Vazquez appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Examiner, Unemployment Tax (PS5978N), Department of Labor and Workforce Development.

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

B-66 ANN WEBER-RODRIGUEZ

Ann Weber-Rodriguez 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 Administrative Analyst 1 (PS8626K), Division of Developmental Disabilities.

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

B-67 GEORGE PUTYKEWYCZ

George Putykewycz petitions the Merit System Board for reconsideration of its final administrative decision in *I/M/O Miryam Fonken, et al., Assistant Administrative Supervisor of Family Services (PC0228E), Passaic County Board of Social Services* (Merit System Board, decided May 19, 2004), which found that he lacked the experience requirements for the promotional examination for the Assistant Administrative Supervisor of Family Services title.

ACTION: The Merit System Board granted reconsideration.

B-68 DENNIS HENNESSY

Dennis Hennessy appeals his score on the written examination for Project Manager Data Processing (PS1078U), Department of Treasury.

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

B-69 DONNA MAIN

Donna Main appeals her score on the promotional examination for Principal Clerk Transcriber (PS9884K), Ancora Psychiatric Hospital.

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

B-70 SCOTT MANLEY AND BARRY MCCUTCHEON, JR.

Scott Manley and Barry McCutcheon, Jr. appeal the scoring of the examination for Fire Fighter (M2243D), Mount Laurel.

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

B-71 KEVIN NASATKA

Kevin Nasatka appeals his score on the promotional examination for Assistant Engineer in Charge of Maintenance 1 (PS5843I), Department of Corrections.

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

B-72 MICHAEL J. STEWART

Michael J. Stewart appeals his score for the Truck Driver (PM1028D), Borough of Bergenfield examination.

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

B-73 CHAD BOCHENEK

Chad Bochenek appeals the validity of the open competitive examination for Human Services Specialist 1 (C0661E), Mercer County.

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

B-74 KATHLEEN BROWN

Kathleen Brown appeals the administration of the promotional examination for County Services Specialist (PS7867K), Division of Youth and Family Services.

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

B-75 EILEEN CARATZAS

Eileen Caratzas appeals the administration of the promotional examination for Investigator 1 (PS0395L), Department of Banking and Insurance.

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

B-76 DOLLY KEY

Dolly Key requests that her employment record be adjusted to reflect a resignation and new appointment pursuant to N.J.A.C. 4A:4-7.9(a).

ACTION: The Merit System Board granted the request.

B-77 EDWARD KIER AND JAMES MOTLEY

Edward Kier and James Motley appeal the validity and the administration of the promotional examination for Highway Construction and Bridge Repairer 2 (PS7557T), Department of Transportation.

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

B-78 KATHLEEN ROSS, ET AL.

Kathleen Ross, Bruce Fritzges and Carol Harrison with the Department of Human Services, petition the Merit System Board (Board) for a determination of the appropriateness of certain management reassignments within the Division of Medical Assistance and Health Services (Division).

ACTION: The Merit System Board granted the request.

B-79 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 matters of *Craig Davis (Appellate Division, decided 8/2/04)*, *Jeffrey Baylor v. Ann Klein Forensic Center (Appellate Division, decided 8/3/04)*, *Lawrence Bennett (Appellate Division, decided 8/3/04)*, *John Kowaluk (Appellate Division, decided 8/6/04)*, and *City of Elizabeth v. Department of Personnel, Merit System Board, and Sergeant John Guslavage (Appellate Division, decided 8/24/04)*.

ACTION: The Merit System Board noted the decisions.

B-80 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of October 6, 2004 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of October 6, 2004.

B-81 JOSEPH KLETT

Joseph Klett petitions the Merit System Board for reconsideration of its prior decision rendered on March 10, 2004 that denied his request to change his appointment date as Chief, Bureau of Archives and Records Preservation, Department of State.

ACTION: The Merit System Board denied the request for reconsideration. Another motion was made and seconded to rescind the previous decision and ordered that the matter be held over for further review.

B-82 EARLY SETTLEMENTS

Robin Foster
Greystone Psychiatric Hospital
Department of Human Services
Removal

Paul A. Patnode, Jr.
County of Ocean
Removal

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 Thursday, November 4, 2004 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

**MARJORIE A. SCHWARTZ
ACTING COMMISSIONER
MERIT SYSTEM BOARD**