



STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

JON S. CORZINE
GOVERNOR

ROLANDO TORRES, JR.
COMMISSIONER

Merit System Board

**MINUTES OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
DECEMBER 6, 2006**

**Rolando Torres, Jr., Chairman
Flavella Branham
John Currie
Margaret E. L. Howard
Robert Long**

DECEMBER 6, 2006

A regular meeting of the Merit System Board was held on Wednesday December 6, 2006, in Trenton, New Jersey.

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

In accordance with L.1975, c.231, Chairman Rolando Torres Jr., 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 12, 2005, 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: November 8, 2006

TO: Rolando Torres, Jr. Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the Classification Plan

ESTABLISHMENT OF COMMON TITLE

We request the title, Supervisor Information Technology (61454), be made common for local government use.

The Division of Human Resource Management conducted a classification audit of the current duties performed by an incumbent in Monmouth County in order to determine an appropriate title. The audit determined that the title of Supervisor Information Technology best reflects the duties performed by the incumbent.

ESTABLISHMENT OF COMMON TITLE

Effective: 03/19/2005

FROM:	TO:
Supervisor Information Technology	Supervisor Information Technology
R31-61454 Career * NL12	61454 Career <u>C</u> N/A
State Title	Local Government Use/ State Title

DATE: November 29, 2006

TO: Rolando Torres Jr., Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in Classification Plan

NEW TITLE- OFFICE OF HOMELAND SECURITY & PREPAREDNESS

Governor Corzine's Executive Order # 5 (March 16, 2006) authorizes the creation of a new title, Director, Office of Homeland Security and Preparedness.

The Director, who will serve as a member of the Cabinet, is the Governor's principal advisor on homeland security issues. The primary function of this position is to administer, coordinate, lead, and supervise New Jersey's counter terrorism and preparedness efforts as head of the Office of Homeland Security and Preparedness. As such, it is appropriate that this title be allocated to the unclassified service.

Since the Office of Homeland Security and Preparedness is in, but not of, the Department of Law and Public Safety, the new title will be assigned exclusively to the Department of Law and Public Safety.

ESTABLISHMENT OF NEW TITLE

Effective: 03/18/2006

Director, Office of Homeland Security and Preparedness
M-98____ Unclassified C NL/12

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Garrett Alderman
New Jersey Developmental Center
Department of Human Services
Removal

In the Matter of Sandra Heyward
Township of Woodbridge
Police Department
Removal

In the Matter of Brian K. Jones
Township of Lakewood
Police Department
Removal

In the Matter of Andrea Lemens
Albert Wagner Youth Correctional Facility
Department of Corrections
Removal

In the Matter of Kenneth Milk
County of Hudson
Department of Public Resources
Removal

In the Matter of Jeanette Montalvo
City of Newark
Police Department
Removals (3)

In the Matter of Leoney Outram
New Jersey Veteran's Memorial Home
Department of Military and Veterans Affairs
Removal

In the Matter of Rita I. Pardo
County of Middlesex
Department of Public Health
Removal

In the Matter of Jean Peterson
Trenton Psychiatric Hospital
Department of Human Services
Removal

In the Matter of Robert Pierce
Cumberland County Board of Social Services
Removal

In the Matter of Daniel D. Rivera
City of Vineland
Department of Health
Removal

In the Matter of Matthew Sweeney
County of Burlington
County Jail
Removal

In the Matter of Nicole Trautman
County of Gloucester
Department of Correctional Services
Removal

In the Matter of Dholea Wheaton
New Lisbon Developmental Center
Department of Human Services
Removal

In the Matter of Hilton B. Whitehurst
County of Monmouth
Department of Corrections and Youth Services
Removal

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 PHILLIP FORTSON

Phillip Fortson, Human Services Technician, Trenton Psychiatric Hospital, Department of Human Services, 15-working day suspension on charges of falsification, failure to report injury, abuse or accident involving a patient and violation of rule, regulation, policy, procedure, order or administrative decision.

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

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

A-3 ELMORE GAINES (CONSOLIDATION)

Elmore Gaines, Code Enforcement Officer, City of Newark, Department of Neighborhood and Recreational Services, 62-day, 10-day, 20-day and 90-day suspensions on charges of inability to perform duties, conduct unbecoming a public employee, and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss with prejudice the appeal of the 62-day suspension and uphold the 10-day, 20-day and 90-day suspensions.

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

A-4 TIMOTHY LAPINSKI

Timothy Lapinski, County Correction Officer, County of Monmouth, Department of Corrections and Youth Services, 10-day suspension on the charge of unauthorized absences.

Recommendation of the Administrative Law Judge – Modify the 10-day suspension to a five-day suspension.

ACTION: The Merit System Board reversed the recommendation of the Administrative Law Judge to uphold the 10-day suspension.

A-5 LUIS MANGUAL

Luis Mangual, Senior Correction Officer, Riverfront State Prison, Department of Corrections, indefinite suspension on charges of conduct unbecoming a public employee, other sufficient cause and actions involving criminal matters.

Recommendation of the Administrative Law Judge – Uphold the indefinite suspension.

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

A-6 JENNIFER L. MCCABE

Jennifer L. McCabe, County Correction Officer, County of Monmouth, Department of Corrections and Youth Services, 10-day suspension on charges of violation of Sheriff's Office rules and regulations.

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-7 RENE M. MEJIA

Rene M. Mejia, Computer Service Technician, Jersey City School District, release at the end of the working test period effective December 15, 2005.

Recommendation of the Administrative Law Judge – Uphold the release at the end of the working test period.

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

A-8 DARNELL PARKS

Darnell Parks, Human Services Assistant, Trenton Psychiatric Hospital, Department of Human Services, 60-working day suspension on the charge of inappropriate physical contact or mistreatment of a patient.

Recommendation of the Administrative Law Judge – Modify the 60-day suspension to a 10-day suspension.

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

A-9 WILLIAM PEARN

William Pearn, Institutional Attendant, County of Sussex, Department of Health, resignation not in good standing effective January 18, 2005, on the charge of job abandonment. This matter was held over from the November 1, 2006 Merit System Board meeting for further review.

Recommendation of the Administrative Law Judge – Reverse the resignation not in good standing.

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

A-10 RUSSELL STROTHER

Russell Strother, Firefighter, City of East Orange, Fire Department, 90-working day suspension, on charges of conduct unbecoming a public employee, other sufficient cause and violation of rules and regulations regarding the drug and alcohol policy.

Recommendation of the Administrative Law Judge – Modify the 90-working day suspension to a 60-working day suspension.

ACTION: The Merit System Board reversed the recommendation of the Administrative Law Judge to uphold the 90-working day suspension.

A-11 MICHAEL C. BROWN

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

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-12 TONY MACK

Tony Mack, Municipal Recycling Coordinator, City of Trenton, Department of Public Works, appeals the good faith of his layoff effective December 8, 2004, for reasons of economy and efficiency. This matter was held over from the July 19, 2006 Merit System Board meeting for summary of testimony.

Recommendation of the Administrative Law Judge – Reverse the layoff.

ACTION: The Merit System Board reversed the recommendation of the Administrative Law Judge to uphold the layoff.

SECTION B – MISCELLANEOUS MATTERS

B-1 PAUL M. DISSLER

Paul M. Dissler appeals his rejection as a County Correction Officer by Bergen County and its request to remove his name from the eligible list for County Correction Officer (S9999F) on the basis of medical unfitness to perform effectively the duties of the position.

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

B-2 SUNDAY BRACALE

Sunday Bracale, a Customer Service Representative 3 with the Motor Vehicle Commission, appeals the denial of sick leave injury (SLI) benefits.

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

B-3 LIZZIE CHISLUM

Lizzie Chislum, a former Senior Correction Officer with Northern State Prison, Department of Corrections, represented by Robert C. Wolf, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-4 GEORGIA DANIEL

Georgia Daniel, a Director 2, State Colleges, at William Paterson University, appeals the denial of sick leave injury (SLI) benefits.

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

B-5 JOSE DIAZ

Jose Dias, a Senior Correction Officer at East Jersey State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

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

B-6 MICHAEL EDWARDS

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

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

B-7 WILHELMINA HOWARD

Wilhelmina Howard, a Therapy Aide at Ancora Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

B-8 PAUL LAMBERT

Paul Lambert, a former Correction Lieutenant with Mid-Sate Correctional Facility, Department of Corrections, represented by Mario Iavicoli, Esq., appeals the denial of sick leave (SLI) injury benefits.

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

B-9 AMOS MABRY

Amos Mabry, a former Assistant Supervisor of Residential Living, Developmental Disabilities, with the 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 denied.

B-10 STEVEN SHAVER

Steven Shaver, a Truck Driver, Single Axle with the Department of Transportation, appeals the denial of sick leave injury (SLI) benefits.

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

B-11 SILITA TIDWELL

Silita Tidwell, a Senior Correction Officer at the Albert C. Wagner Correctional Facility, Department of Corrections (DOC), represented by Henry Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-12 OLUFUNSHO ADESHINA, ET AL.

Olufunsho Adeshina, Paul Atkinson, Savaughn Bailey, Joseph Bischer, Joanne Ferrier, Sharon Jones, Fatuma Moibah, and Tamika Ruffin appeal the removal of their names from the Family Service Specialist 2 (S6753F) eligible list on the basis that they did not complete preemployment processing.

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

B-13 NOEMI AVILES

Noemi Aviles, represented by Howard J. Heald, Esq., appeals the decision of Human Resource Information Services which upheld the removal of her name from the Police Officer (S9999F), Atlantic City eligible list due to her failure to meet the residency requirement.

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

B-14 MARK CAMPBELL

Mark Campbell, represented by Edmund V. McCann, Esq., appeals the decision of Human Resource Information Services which found that the appointing authority had presented a sufficient basis to remove the appellant's name from the Fire Fighter (M2297E), Township of Teaneck, eligible list due to his failure to meet the residency requirement.

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

B-15 MARK CIASTON

Mark Ciaston, a Fire Captain, City of Jersey City, represented by Benjamin Benson, Esq., appeals the decision of Human Resource Information Services which found that the appointing authority had presented a sufficient basis to bypass his name on the promotional eligible list for Chief of Fire Apparatus UFD (PM1605F), City of Jersey City.

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

B-16 GREGORY GIBERNA

Gregory Giberna appeals the decision of the Division of Human Resource Information Services which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for Principal Clerk Typist (C7928G), Hunterdon County, on the basis of his failure to complete preemployment processing.

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

B-17 INVESTIGATOR, ALCOHOLIC BEVERAGE CONTROL (M0734F), CITY OF NEWARK

The Division of Human Resource Information Services requests that the Merit System Board order the City of Newark to return the February 24, 2005 certification (OL050340) of the eligible list for Investigator, Alcoholic Beverage Control (M0734F) for proper disposition.

ACTION: The Merit System Board granted the request.

B-18 MANAGEMENT SPECIALIST (C6247F), COUNTY OF PASSAIC

The County of Passaic requests permission not to make an appointment from the November 7, 2005 certification for Management Specialist (C6247F).

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

VOTE:

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

B-19 PROGRAM DEVELOPMENT SPECIALIST 1 (PS4898D), DEPARTMENT OF COMMUNITY AFFAIRS

The Department of Community Affairs requests permission not to make an appointment from the February 15, 2006 certification for Program Development Specialist 1 (PS4898D), Department of Community Affairs.

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

B-20 QUALITY ASSURANCE COORDINATOR (PS3327K), DEPARTMENT OF HUMAN SERVICES

The Department of Children and Families requests permission not to make an appointment from the September 7, 2005 certification for Quality Assurance Coordinator (PS3327K), Department of Human Services.

ACTION: The Merit System Board directed that the September 7, 2005 certification be cancelled and that a new certification be issued to the Department of Children and Families.

B-21 ANGELA POWELL

Angela Powell, a Senior Correction Officer with the Department of Corrections (DOC), appeals the decision of the Acting Director, Equal Employment Division (EED), with the DOC, 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, Harassment or Hostile Environments in the Workplace.

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

B-22 NICOLE BALDWIN

Nicole Baldwin, a County Correction Officer with Mercer County, represented by Stuart J. Alterman, Esq., requests that the Merit System Board reinstate the appeals of her 20-day and 10-day suspensions, which were dismissed based on her failure to appear at the settlement conference.

ACTION: The Merit System Board denied the request.

B-23 MARK COMPETELLO

Mark Competello, a Police Sergeant with the City of Hoboken, represented by Catherine M. Elston, Esq., petitions the Merit System Board for interim relief of his disciplinary demotion from the title of Police Lieutenant, pending the outcome of his appeal on the merits.

ACTION: The Merit System Board denied the request.

B-24 CORRECTION OFFICER TRAINEES

The Department of Corrections appeals the decision of the Division of Human Resource Information Services which found that Correction Officer Trainees who attend the Correction Officer Training Academy with immediate prior State service incur a break in service for purposes of vacation accrual.

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

B-25 OMNIBUS OPERATOR (C9753G), SALEM COUNTY

The Division of Human Resource Information Services requests Merit System Board review of the matter of the Omnibus Operator (C9753G), Salem County eligible list.

ACTION: The Merit System Board directed that the non-resident portion of the eligible list for Omnibus Operator (C9753G) Salem County, be cancelled and a new examination for Omnibus Operator, Salem County be announced.

B-26 WALTER ISAAC

Walter Isaac, a former Substance Abuse Assistant with the Juvenile Justice Commission, represented by Raymond C. Staub, Esq., appeals his resignation in good standing.

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

B-27 SHARON THOMAS

Sharon Thomas, a former Senior Youth Worker with the Juvenile Justice Commission, Department of Law and Public Safety, represented by Stephan Siegel, Esq., appeals her resignation in good standing effective October 29, 2004.

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

B-28 CHARLES B. ANDERSON

Charles B. Anderson, represented by John M. Esposito, Esq., requests reconsideration of the final administrative decision, rendered on November 20, 2001, upholding the removal of his name from the special reemployment list for Carpenter's Helper, County of Essex on the basis of his failure to respond to a notice of certification.

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

B-29 RICHARD MOSCO

The Department of Corrections requests reconsideration of the final administrative decision, rendered on May 10, 2006, granting Richard Mosco's request for sick leave injury (SLI) benefits.

ACTION: The Merit System Board granted the request for reconsideration, but affirmed the prior decision granting Mosco's appeal and awarding SLI benefits.

B-30 JOSE ROSADO

Jose Rosado, a Police Officer with the City of Newark, represented by Anthony J. Fusco, Jr., Esq., requests reconsideration of the final decision of the Merit System Board, rendered July 19, 2006, which modified the petitioner's 90-day suspension, beginning October 1, 2004, to a 60-day suspension.

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

B-31 CHRISTINE WILSON

Christine Wilson petitions the Merit System Board for reconsideration of the decision rendered on December 21, 2005 which found that she did not meet the experience requirements for the promotional examination for Deputy Director of Welfare (PC0291G), Mercer County Board of Social Services.

ACTION: The Merit System Board granted the request.

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

B-32 DAVID WRIGHT

David Wright, formerly a Fire Fighter with the City of Trenton, requests reconsideration of the final decision of the Merit System Board, rendered on June 7, 2006, which modified the petitioner's removal, effective April 8, 2002, to a resignation in good standing and acknowledged the settlement agreement between the parties.

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

B-33 ANTHONY TORTORELLA

The Superior Court of New Jersey, Appellate Division, has remanded the matter of Anthony Tortorella's removal to the Merit System Board for reconsideration in light of new evidence. *See In the Matter of Anthony Tortorella*, Docket No. A-6003-03T5 (App. Div. March 8, 2006).

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

B-34 MAIZELINE DOTTS

The appeal of Maizeline Dotts, a Human Services Assistant at Trenton Psychiatric Hospital, Department of Human Services, of her removal, effective October 13, 2005, on charges, was heard by Chief Administrative Law Judge (ALJ) Laura Sanders, who rendered her initial decision on October 11, 2006. At its meeting on November 15, 2006, 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:	Rolando Torres, Jr.	(Abstained)
	Flavella Branham	(Yes)
	John Currie	(Abstained)
	Margaret E. L. Howard	(Yes)
	Robert J. Long	(Yes)

B-35 MARCELLO ONA

The appeal of Marcello Ona, a Police Officer with the City of Jersey City Police Department, of his change in rank from Detective to Police Officer effective May 13, 2005, was before Administrative Law Judge (ALJ) Diana C. Sukovich, who rendered her initial decision on June 8, 2006. At its meeting on November 15, 2006, the Merit System Board did not adopt the ALJ's recommendation to acknowledge the terms of the settlement agreement reached by the parties. Rather, the Board dismissed the appeal for lack of jurisdiction. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

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

B-36 DEXTER SMITH

The appeal of Dexter Smith, a Youth Worker with the Juvenile Justice Commission, Department of Law and Public Safety, of this indefinite suspension, effective October 1, 2004, was before Administrative Law Judge Israel D. Dubin (ALJ), who rendered his initial decision on October 13, 2006. At its meeting on November 15, 2006, the Merit System Board (Board) adopted the ALJ's recommendation to dismiss the appellant's appeal. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

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

B-37 PHYLLIS WILLIAMS

The appeal of Phyllis Williams, a Hospital Attendant with the Hudson County Department of Health and Human Services, of her 45-day suspension on charges, was heard by Administrative Law Judge Caridad F. Rigo (ALJ), who rendered her initial decision on October 5, 2006. At its meeting on November 15, 2006, the Merit System Board (Board) adopted the ALJ's recommendation to modify the 45-day suspension to a 20-day suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

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

B-38 DOROTHY COMER, ET AL.

Dorothy Comer, Donna Ennis, and Paula Knight appeal the determinations of the Division of Selection Services which found that, as per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Technical Assistant 1, Higher Education (PS9598J), Rowan University.

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

B-39 ANGEL C. CONCEPCION

Angel C. Concepcion 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 Senior Maintenance Repairer (M6209G), Newark School District.

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

B-40 GENE DAQUILA AND ROSS FRIEDMAN

Gene Daquila and Ross Friedman appeal the determination of the Division of Selection Services which found that they were below the minimum requirements in experience for the promotional examination for Supervising Program Development Specialist (Mental Health Services) (PS0140K), Greystone Park Psychiatric Hospital.

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

B-41 JOHN DEPERSIA

John DePersia 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 Environmental Health Specialist (C6703G), Burlington County.

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

B-42 CHERYL EDISON

Cheryl Edison 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 Management Information Systems Coordinator (PC0336H), Warren County.

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

B-43 NILDA GARCIA

Nilda Garcia 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 Executive Assistant (C6544G), Mercer County.

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

B-44 SUSAN GARSIDE

Susan Garside appeals the determination of the Division of Selection Services which found that she did not meet the education requirements for the promotional examination for Classification Officer 2 (PS9158I), Department of Corrections.

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

B-45 LISA KAYE RILESH SHAH

Lisa Kaye and Rilesh Shah appeal the determinations of the Division of Selection Services, which found that they did not meet the experience requirements for the promotional examination for Administrative Analyst 4 (Data Processing) (P7279T), Department of Transportation.

ACTION: The Merit System Board directed that these appeals be denied but referred the classification matter of Ms. Kay's position to the Division of Human Resource Management.

B-46 BRIAN KELLY

Brian Kelly appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Supervisor of Accounts (PM0439H), Jersey City.

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

B-47 CHRISTINA MONGON

Christina Mongon appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Manager 1, Human Resources (PS0471K), Department of Human Services.

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

B-48 THOMAS MORGAN

Thomas Morgan 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 Violations Clerk (M1045H), City of Passaic.

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

B-49 DANAH L. PETIT

Danah L. Petit appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in education for the open competitive examination for Patient Activities Coordinator (C1379H), County of Sussex.

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

B-50 LORRAINE RUBBONE

Lorraine Rubbone 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 Contract Administrator 1 (PS7956K), Division of Youth and Family Services.

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

B-51 NANCY SAWASKY

Nancy Sawasky 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 Senior Management Assistant (PS9854S), Department of State.

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

B-52 GEORGE SERIO

George Serio appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Assistant Director Community Development Program (PC1391G), Essex County.

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

B-53 DONNA SOLDERICH

Donna Solderich 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 Accounting Assistant (PS7285T), Department of Transportation.

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

B-54 JILL VOGEL

Jill Vogel appeals the decision 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 Buyer (PS89295K), Division of Youth and Family Services, Department of Children and Families.

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

B-55 DARLENE WARDLAW

Darlene Wardlaw 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 Senior Clerk Transcriber (PS6529K), Hagedorn Center for Geriatrics, Department of Human Services.

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

B-56 JOHN C. WOOD

John C. Wood 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 Human Services Specialist 1 (C1410H), Mercer County.

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

B-57 DONALD ZIELINSKI

Donald Zielinski 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 2 (PS9966G), Department of Environmental Protection.

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

B-58 TOULA ARIS

Toula Aris appeals her score on the promotional examination for Secretarial Assistant 1 (Non-Stenographic) (PS6772F), Department of Education.

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

B-59 FRED BONDA

Fred Bonda, represented by Lynsey Johnson, Esq., appeals his score on the promotional examination for Fire Official, UFD (PM1094G), Elizabeth, and petitions the Merit System Board for a stay of the use of the eligible list pending this appeal.

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

B-60 KENNETH MARCELL

Kenneth Marcell appeals the determination of the Division of Selection Services which found that his application for the promotional examination for Fire Chief (PM3583H), Newark was late.

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

B-61 MATTHEW RAWDING

Matthew Rawding appeals the determination of the Division of Selection Services which found him ineligible for the promotional examination for Police Sergeant (PM2559H), Morristown due to an untimely application.

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

B-62 CATHERINE B. CUSUMANO

Catherine B. Cusumano requests a make-up for the promotional examination for Principal Clerk Typist (PS8758T), Department of Transportation.

ACTION: The Merit System Board granted the request.

B-63 JOSEPH DEFILIPPI

Joseph DeFilippi appeals the denial of his request for a make-up for the open competitive examination for Investigator 3, Labor (S0523H), Department of Labor and Workforce Development.

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

B-64 CARMINE RUSSO

Carmine Russo, represented by John J. Chrystal III, President, Newark Superior Officers' Association, appeals the determination of the Division of Selection Services which denied his request for a make-up examination for Deputy Police Chief (PM3515G), Newark.

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

B-65 JEFFREY GALANT

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

ACTION: The Merit System Board granted the request.

B-66 RECENT COURT DECISIONS

Recent court decisions involving Merit System Board and Department of Personnel determinations are submitted for the Board's review *In the Matter of Marino Ortega* (Appellate Division, decided 10/3/06); *In the Matter of Diane Ferraina and Maryann Gifford, Rowan University* (Appellate Division, decided 10/12/06); and *In the Matter of Noeling H. Miller* (Appellate Division, decided 10/18/06).

ACTION: The Merit System Board noted the decisions.

B-67 PROPOSED MERIT SYSTEM BOARD MEETING DATES FOR 2007

The proposed Merit System Board Meeting dates for 2007 are submitted for the Board's approval.

ACTION: The Merit System Board approved the meeting dates for 2007.

B-68 MERIT SYSTEM BOARD MINUTES

The Merit System Board Minutes of its meeting of November 15, 2006 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of November 15, 2006.

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

B-69 DANIEL J. KIMMEL

Daniel J. Kimmel, represented by Brendan E. Egan, Esq., appeals the request of the appointing authority to remove his name from the eligible list for Fire Fighter (M2288E), City of New Brunswick, on the basis of his age. This matter was held over from the November 15, 2006 Merit System Board meeting.

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

B-70 JANET ARMAND

The City of Newark, represented by Debra Kradjian Stephans, Esq., petitions the Merit System Board for reconsideration of the final decision, rendered on October 4, 2006, which ordered that Janet Armand be reinstated to her title of Systems Analyst and granted back pay, benefits, and seniority for the period of her separation from employment. The City also requests a stay of the Board's decision, pending a final determination regarding its request for reconsideration. Armand requests enforcement of the Board's October 4, 2006 decision. This matter was held over from the November 15, 2006 Merit System Board meeting.

ACTION: The Merit System Board denied the City's request for reconsideration and a stay, but the Board granted Armand's request for enforcement.

B-71 EARLY SETTLEMENTS

Miriam Alicea
Department of Labor
Suspension

Robert Arble
Stockton State College
Release at the end of the working test period

Curtis Asbury
County of Burlington
Suspension and demotion

Vincent Croheim
Department of Transportation
Suspension

Elizabeth Emerson
Office of Children Services
Department of Human Services
Release at the end of the working test period

Napolian Hutchinson
Greystone Psychiatric Hospital
Removal

Shirley McFarlane
North Jersey Developmental Center
Suspension

David Santalla
Ramapo College of New Jersey
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 Wednesday, December 20, 2006 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

**ROLANDO TORRES, JR.
COMMISSIONER
MERIT SYSTEM BOARD**