



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  
JANUARY 17, 2007**

**Rolando Torres, Jr., Chairman  
Flavella Branham  
John Currie  
Robert Long**

JANUARY 17, 2007

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A regular meeting of the Merit System Board was held on Wednesday January 17, 2007, in Trenton, New Jersey.

**PRESENT:** Chairman Rolando Torres, Jr., Merit System Board Members, John Currie, Flavella Branham 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 8, 2006, and posted at the Department of Personnel, 3 Station Plaza, Trenton, New Jersey. All actions were by unanimous vote unless otherwise specified.

It is noted that items A-7 and B-66 were heard and considered out of order at the conclusion of the agenda. It is further noted that the Board conducted a public hearing in accordance with N.J.S.A. 11A:3-6 with regard to item B-66.

STATE



**A-1 SETTLEMENTS**

In the Matter of Robert Malakuskie  
Elizabeth Housing Authority  
Removal

In the Matter of Akaim Parsons  
County of Hudson  
Department of Public Resources  
Suspensions (4)

In the Matter of Ida Robinson  
County of Monmouth  
Department of Health Care Facilities  
Resignation not in good standing

In the Matter of Abdul Salaam  
City of Trenton  
Department of Recreation Natural, Resources and Culture  
Removals (3)

In the Matter of Wayne Sanderson  
New Jersey State Prison  
Department of Corrections  
Suspension

In the Matter of Sherri Scott  
North Jersey Developmental Center  
Department of Human Services  
Removal

In the Matter of Dorothy Sullivan  
City of Jersey City  
Police Department  
Suspension

In the Matter of Shonda Williams  
County of Hudson  
Department of Corrections  
Suspension

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

**ACTION:** The Merit System Board acknowledged the settlements.

**A-2 GLEN BALLON**

Glen Ballon, County Correction Officer, County of Hudson, Department of Corrections, 90-day suspension (75 days to be served, 15 days held in abeyance) on charges of insubordination, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the suspension.

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

**A-3 FRED FISCHBACH (REMAND)**

Fred Fischbach, Senior Recycling Operator, County of Ocean, Solid Waste Management Department, demotion to the position of Recycling Operator effective January 27, 2005, on the charge of inability to perform duties.

Recommendation of the Administrative Law Judge – Uphold the demotion.

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

**A-4 MARK HINGSTON**

Mark Hingston, County Correction Officer, County of Monmouth, Department of Corrections and Youth Services, 10-day suspension, on charges of chronic or excessive absenteeism or lateness, other sufficient cause, abuse of sick leave and unauthorized absence.

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

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

**A-5 JAMES REID**

James Reid, Senior Planner, County of Burlington, Department of Economic Development and Regional Planning, 10-day suspension on charges of conduct unbecoming a public employee, misuse of public property and other sufficient cause. This matter was held over from the December 20, 2006 Merit System Board meeting for receipt of cross exceptions.

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

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

**A-6 NORBERTO REYES, JR.**

Norberto Reyes, Jr., County Correction Officer, County of Burlington, County Jail, 30-working day suspension (10 working days served and 20 days held in abeyance, that were later dismissed) 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 – Uphold the 10-working day suspension.

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

**A motion was made and seconded that the open session be recessed and that, pursuant to Section 12(b) of the Open Public Meetings Act, the Merit System Board entered into Executive Session for the purpose of legal advice on the matter of A-7 R.J. Shumny.**

**A-7 R.J. SHUMNY**

R.J. Shumny, County Correction Officer, County of Monmouth, Department of Corrections and Youth Services, 30-working day suspension on charges of violation of Sheriff's Office rules and regulations regarding failure to report serious incidents, failure to have supervisor on scene, standard of conduct, inmate's rights, use of force and safety and security procedures.

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 increase the 30-day suspension to a 45-day suspension.

**A-8 AVANTIKA J. TRIVEDI**

Avantika J. Trivedi, Human Services Specialist 1, Monmouth County Board of Social Services, release at the end of the working test period effective June 23, 2006.

Recommendation of the Administrative Law Judge – Dismiss the appeal.

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

**A-9 DEVON MARSHALL**

Devon Marshall, County Correction Officer, County of Essex, Department of Public Safety, removal effective November 5, 2002, on charges of incompetence, inefficiency, insubordination, inability to perform duties, chronic or excessive absenteeism or lateness, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

**VOTE:**

<b>Rolando Torres, Jr.</b>	<b>(Yes)</b>
<b>Flavella Branham</b>	<b>(Abstained)</b>
<b>John Currie</b>	<b>(Yes)</b>
<b>Robert J. Long</b>	<b>(Yes)</b>

#### **A-10 DEBORAH PAYTON**

Deborah Payton, Clerk, City of Jersey City, Tax Office, removal effective April 11, 2005, on charges of conduct unbecoming a public employee and neglect of duty.

Recommendation of the Administrative Law Judge – Uphold the removal.

**ACTION:** The Merit System Board modified the recommendation of the Administrative Law Judge to a 5-day suspension.

#### **A-11 JANET SMALL**

Janet Small, County Correction Officer, County of Hudson, Department of Corrections, removal effective October 26, 2001, on charges of incompetency, inefficiency or failure to perform duties, insubordination, conduct unbecoming a public employee, neglect of duty and other sufficient cause. (It is noted that the ALJ also allowed a 60-day suspension that was not transmitted by the Merit System Board to be considered at the hearing.)

Recommendation of the Administrative Law Judge – Uphold the removal and the 60-day suspension.

**ACTION:** The Merit System Board affirmed the recommendation of the Administrative Law Judge to uphold the removal but dismissed the appeal of the 60-day suspension for lack of jurisdiction.

#### **A-12 KEITH STOUCH**

Keith Stouch, Police Officer, Township of Irvington, Police Department, removal effective December 31, 2003, on charges of inability to perform duties and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

**A-13 MICHAEL VIDAL**

Michael Vidal, Campus Police Officer, Kean University, removal effective June 28, 2004, on charges of insubordination, conduct unbecoming a public employee and neglect of duty.

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

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

**SECTION B – MISCELLANEOUS MATTERS**

**B-1 NICHOLAS CASTELLANO**

Nicholas Castellano, a Senior Correction Officer with Southern State Correctional Facility, 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-2 LARRY CYPRESS**

Larry Cypress, a Senior Correction Officer with the Edna Mahan Correctional Facility for Women, Department of Corrections, represented by Justin M. Murphy, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

**B-3 YEYVONNE ISOM**

Yevonne Isom, a Senior Medical Security Officer at Ann Klein Forensic Center, Department of Human Services, represented by Ronald Brown, President, AFSCME Local 2222, appeals the denial of sick leave injury (SLI) benefits.

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

**B-4 WILFRED MARRERO**

Wilfred Marrero, a Senior Correction Officer with Mid-State Correctional Facility, 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 in part.

**B-5 MARK P. NASCA**

Mark P. Nasca, a Senior Correction Officer with the 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-6 KEISHA BOYD**

Keisha Boyd appeals the determination of the Division of Human Resource Information Services (HRIS), which upheld the removal of her name from the Police Officer (S9999F), City of Newark, eligible list on the basis of an unsatisfactory employment record.

**ACTION:** The Merit System Board directed that this appeal be granted but directed that her name be reflected as bypassed on the certification.

**B-7 TIMOTHY HART**

Timothy Hart, represented by Benjamin Benson, Esq., requests additional relief regarding his restoration to the Police Officer (S9999F), City of Newark, eligible list.

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

**B-8 RANDOLPH YOUNG**

Randolph Young, a former Maintenance Supervisor with the Irvington Housing Authority, represented by Albert Van-Lare, Esq., appeals his non-appointment from the Maintenance Supervisor (M3504F), Irvington Housing Authority, eligible list.

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

**B-9 DEPUTY MUNICIPAL COURT ADMINISTRATOR (M6400H), CITY OF CLIFTON**

The Division of Human Resource Information Services requests that the names of non-resident eligibles be removed from the eligible list for Deputy Municipal Court Administrator (M6400H), City of Clifton, due to an incorrect residency announcement.

**ACTION:** The Merit System Board granted the request.

**B-10 FIRE FIGHTER (M2013A) AND (M2271E), CITY OF CAMDEN**

The Division of Human Resource Information Services requests that the Merit System Board order the City of Camden to properly dispose of the October 3, 2005 certification (OL052133) of the eligible lists for Fire Fighter (M2013A) and (M2271E), City of Camden.

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

**B-11 ROBERT DEPEOLA**

Robert DePeola, an Investigator 2 with the Department of the Treasury, appeals the determination of the Affirmative Action Officer for Treasury that the appellant failed to present sufficient evidence to support a finding of 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-12 DEAN LAMPE**

Dean Lampe, a Channel Marker/Boat Attendant with the Department of Environmental Protection (DEP), appeals the determination of the Assistant Commissioner, Management and Budget, with the DEP, stating that the appellant failed to present sufficient evidence to support a finding that he 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-13 DORIAN COOPER**

Dorian Cooper, a former Security Officer with the Newark Housing Authority, represented by Benjamin A. Spivack, Esq., requests counsel fees in accordance with the Merit System Board decision rendered on March 8, 2006, which reversed his 30-day suspension and upheld his removal.

**ACTION:** The Merit System Board awarded \$1,750 in counsel fees.

**B-14 THOMAS LYLES, JR.**

Thomas Lyles, Jr., a Supervising Maintenance Repairer with the County of Burlington, Buttonwood Hospital, seeks enforcement of the Merit System Board decision rendered on September 22, 2004, granting him back pay, benefits, and seniority.

**ACTION:** The Merit System Board denied the request.

**B-15 CARLOS DOMINGUEZ, ET AL.**

Carlos Dominguez, Vincent McDuffie, Yusef Williams, and Nicole Rapuano, represented by Anthony J. Fusco, Jr., Esq., appeal their terminations from employment as Juvenile Detention Officers with the County of Passaic.

**ACTION:** The Merit System Board directed that the appeal of Vincent McDuffie be granted and the appeals of Carlos Dominguez, Yusef Williams, and Nicole Rapuano be dismissed for the Merit System Board's lack of jurisdiction.

**B-16 JERRY FISHER**

Jerry Fisher, a former Police Officer with the Township of Irvington, represented by Samuel J. Halpern, Esq., requests that the Merit System Board reinstate him to his position after a determination by the Police and Fireman's Retirement System that he is no longer disabled and is fit for duty.

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

**B-17 KYLE LEACH**

Kyle Leach, a Sheriff's Officer with the Cumberland County Sheriff's Department, represented by John P. Rowland, Esq., petitions the Merit System Board for interim relief of his immediate suspension.

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

**B-18 HARRY WILLIAMS**

Harry Williams, a Senior Correction Officer at Northern State Prison, Department of Corrections, represented by Joseph A. Carmen, Esq., requests a hearing regarding his removal, effective August 12, 2005.

**ACTION:** The Merit System Board denied the request.

**B-19 KATHLEEN KELLY**

The Department of the Treasury appeals the determination to place Kathleen Kelly on step eight of salary range R29, rather than step nine, upon her demotion to the title of Administrative Analyst 1, Data Processing.

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

**B-20 JESSICA MOORE**

The Department of Human Services request that the provisions of N.J.A.C. 4A:4-7.6(c) be relaxed in order to allow Jessica Moore's title to be laterally changed from the non-competitive Youth Worker title to the competitive Cottage Training Technician title.

**ACTION:** The Merit System Board granted the request.

**B-21 DEBORAH PRESTON**

Deborah Preston, a Senior Clerk Typist with the City of Atlantic City, appeals the return to her permanent title, effective January 18, 2006.

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

**B-22 LEWIS SPRINGER, Jr.**

Lewis Springer, Jr., an Inspector with the Casino Control Commission, requests Merit System Board review of the evaluation of his performance by the Commission in accordance with N.J.A.C. 4A:6-5.1 through N.J.A.C. 4A:6-5.3.

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

**B-23 DEBORAH PALOMBI**

Deborah Palombi, a Human Resource Consultant 1 with the Department of Personnel, represented by Michael D. Brottman, Esq., appeals her reassignment.

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

<b>VOTE:</b>	<b>Rolando Torres, Jr.</b>	<b>(Abstained)</b>
	<b>Flavella Branham</b>	<b>(Yes)</b>
	<b>John Currie</b>	<b>(Yes)</b>
	<b>Robert J. Long</b>	<b>(Yes)</b>

**B-24 RONALD DORN**

Ronald Dorn, a former Park Maintenance Worker with the Township of Pemberton, represented by William B. Hildebrand, Esq., requests reconsideration of that part of the Merit System Board decision rendered on December 21, 2005 which calculated his mitigated back pay in the amount of \$9,330.94.

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

#### **B-25 STEPHEN FORNAROTTO**

The Department of Corrections requests reconsideration of that part of the Merit System Board (Board) decision rendered on June 7, 2006, granting Stephen Fornarotto, a Senior Correction Officer with the Albert C. Wagner Youth Correctional Facility, Department of Corrections, sick leave injury (SLI) benefits for an injury which occurred on September 8, 2004.

**ACTION:** The Merit System Board granted the request for reconsideration but affirmed the prior Board decision.

#### **B-26 LILLIAN FOSTER**

Lillian Foster requests reconsideration of the final decision of the Merit System Board rendered on July 19, 2006, which upheld the bypass of her name on the Investigator (S0209E), Judiciary, Vicinage 7, Mercer County, eligible list.

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

#### **B-27 LILLIAN FOSTER**

Lillian Foster requests reconsideration of the final decision of the Merit System Board rendered on April 26, 2006, which upheld her non-appointment from the Judiciary Clerk 3 (S7159F), Judiciary, Vicinage 8, Middlesex County, eligible list.

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

#### **B-28 LILLIAN FOSTER**

Lillian Foster requests reconsideration of the final decision of the Merit System Board rendered on July 19, 2006 which upheld the bypass of her name on the Analyst Trainee (S0362F), Department of Health and Senior Services, eligible list.

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

#### **B-29 ALLEN PICKERING**

Allen Pickering, a Senior Building Maintenance Worker with the Woodbridge Developmental Center, Department of Human Services, represented by Ronald C. McCray, Chapter President, IFPTE Local 195, petitions the Merit System Board for reconsideration of the final administrative decision rendered on August 16, 2006, in which the Director of the Division Merit System Practices and Labor Relations, Department of Personnel denied his request for a hearing with respect to his 10-day suspension.

**ACTION:** The Merit System Board denied the request.

#### **B-30 LAMONT WILLIAMS**

Lamont Williams, a Storekeeper 2 at Garden State Reception and Youth Correctional Facility, Department of Corrections, petitions the Merit System Board for reconsideration of the final decision rendered on September 20, 2006, which denied his request for sick leave injury (SLI) benefits.

**ACTION:** The Merit System Board denied the request.

#### **B-31 BRIAN ANDERSON**

The appeal of Brian Anderson, a County Correction Officer with the County of Monmouth, concerning his removal, effective October 17, 2001, on charges, was heard by Administrative Law Judge Richard F. Wells (ALJ), who rendered his initial decision on November 15, 2006. At its meeting on December 20, 2006, the Merit System Board (Board) did not adopt the ALJ's recommendation to dismiss the charges and reverse the removal. 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-32 KEITH BETHEA**

The appeal of Keith Bethea, a Senior Medical Security Officer with the Ann Klein Forensic Center, Department of Human Services, of his removal, effective January 5, 2005, on charges, was heard by Administrative Law Judge James W. Faison, III (ALJ), who rendered his initial decision on August 17, 2006. At its meeting on December 20, 2006, the Merit System Board (Board) adopted the ALJ's recommendation to reverse the appellant's removal. The proposed decision is now submitted for the Board's review.

**ACTION:** The Merit System Board adopted the decision.

### **B-33 FREDDIE GREEN AND ELIJAH MUSE**

The appeals of Freddie Green and Elijah Muse, Human Services Assistants with Trenton Psychiatric Hospital, Department of Human Services, of their removals, effective April 14 and 15, 2004, respectively, on charges, were heard by Administrative Law Judge Joseph F. Martone (ALJ), who rendered his initial decision on August 30, 2006. At its meeting on December 20, 2006, the Merit System Board (Board) adopted the ALJ's recommendation to uphold the removal of Freddie Green. However, the Board did not adopt the ALJ's recommendation to uphold the removal of Elijah Muse. Rather, the Board dismissed the charges and reversed the removal of Elijah Muse. The proposed decision is now submitted for the Board's review.

**ACTION:** The Merit System Board adopted the decision.

### **B-34 WENDELL HARPER**

The appeal of Wendell Harper, a Police Officer with the City of Newark Police Department, of his removal effective February 27, 2002, on charges, was heard by Administrative Law Judge Barry N. Frank (ALJ), who rendered his initial decision on November 21, 2006. At its meeting on December 20, 2006, the Merit System Board (Board) adopted the ALJ's recommendation to reverse the removal. The proposed decision is now submitted for the Board's review.

**ACTION:** The Merit System Board adopted the decision.

**B-35 BETTY MOORE**

The appeals of Betty Moore, a Senior Timekeeper with the Hudson County Department of Corrections, of her five-day, 10-day, 15-day and 20-day suspensions on charges, was heard by Administrative Law Judge Edith Klinger (ALJ), who rendered her initial decision on November 9, 2006. At its meeting on December 20, 2006, the Board adopted the recommendations to uphold the five-day, 10-day and 15-day suspensions. However, the Board did not adopt the recommendation to increase the 20-day suspension to a 60-day suspension. Rather, the Board increased the 20-day suspension to a 45-day suspension. The proposed final decision is now submitted for the Board's review.

**ACTION:** The Merit System Board adopted the final decision.

**B-36 MAWULI AHIEKPOR, ET AL.**

Mawuli Ahiekpor, Laurie Babbitt and Nicole Dixon 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 Graphic Artist I (S6864G), Statewide. Marci Logan appeals the determination of the Division of Selection Services, which found that she did not meet the education requirements for the open competitive examination for Graphic Artist I (S6864G), Statewide.

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

**B-37 REVA BETHEA**

Reva Bethea 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 4 (PS0177K), Department of Human Services.

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

**B-38 ELISA BILLUPS AND ALFONSO RENNA**

Elisa Billups and Alfonso Renna appeal the determinations of the Division of Selection Services which found that they were below the minimum requirements in experience for the promotional examination for Investigator 3, Child Protection (PS0174K0, Department of Children and Families.

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

**B-39 ELISA BILLUPS, ET AL.**

Elisa Billups, Ann Dailey, and Robert Moore 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 Supervisor of Investigations, Child Protection (PS9065K), Department of Children and Families.

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

**B-40 NANCY BLACKWOOD**

Nancy Blackwood appeals the determination of the Division of Selection Services, which found that she did not meet the requirements for the promotional examination for Social Work Supervisor (PC1666G), Warren County Department of Human Services.

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

**B-41 EUGENE BRENYCZ**

Eugene Brenycz 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 Program Specialist, Health Facilities Evaluation and Licensing (PS9139H), Department of Health and Senior Services.

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

**B-42 CRAIG BUCKLEY, ET AL.**

Craig Buckley and Trina Patten appeal the determinations of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the experience requirements for the open competitive examination for Investigator 3, Labor (S0523H), Department of Labor and Workforce Development. Richard Farrera and Douglas Martucci 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 Investigator 3, Labor (S0523H), Department of Labor and Workforce Development.

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

**B-43 ANDREA DANISKAS**

Andrea Daniskas appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Investigator Consumer Protection (PC1413G), County of Middlesex.

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

**B-44 MICHELLE DEFRANCIS**

Michelle DeFrancis appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Purchasing Assistant (PM0869H), Jackson Township.

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

**B-45 MILDRED FRINK**

Mildred Frink appeals the determination of the Division of Selection Services which found that she did not meet the education and experience requirements for the promotional examination for Management Assistant (PS8996S), Department of State.

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

**B-46 KEVIN M. HALL**

Kevin M. Hall 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 Geographic Information Systems Specialist 3 (PS8061T), Division of Information Technology, Department of Transportation.

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

**B-47 LOUISE HARGROVE, ET AL.**

Louise Hargrove, Elizabeth Legenza, Barbara McLaughlin and Justin Pope appeal the determinations of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Administrative Analyst 4 (PS1077K), Department of Human Services.

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

**B-48 CORI HARRINGTON, ET AL.**

Cori Harrington, Ama Johnson, Colleen McGann, Dennis Simon, and Murray Williams appeal the determination of the Division of Selection Services which found that they did not meet the experience requirements for the open competitive examination for Field Representative, Wage and Hour Compliance (S0534H), Department of Labor and Workforce Development. Douglas Martucci 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 open competitive examination for Field Representative, Wage and Hour Compliance (S0534H), Department of Labor and Workforce Development.

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

**B-49 ALBERTO HERNANDEZ, ET AL.**

Alberto Hernandez 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 Senior Training Technician (PC0589H0, Middlesex County Board of Social Services. Joan Dincuff and Henrietta Wilson 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 Senior Training Technician (PC0589H), Middlesex County Board of Social Services.

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

**B-50 KEYONNA HERRON**

Keyonna Herron appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Program Development Specialist 2 (PS9108D), Department of Community Affairs.

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

**B-51 HEATHER LITTLETON**

Heather Littleton appeals the determination of the Division of Selection Services which found that she did not meet the education requirements for the open competitive examination for Vocational Assistant, Commission for the Blind and Visually Impaired (S6897H).

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

**B-52 WANDA LOVETT**

Wanda Lovett 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 Buyer (PS9852S), Department of State.

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

**B-53 JAMES MITCHELL**

James Mitchell appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Computer Operator 3 (PS5340K), Division of Medical Assistance and Health Services, Department of Human Services.

**ACTION:** The Merit System Board directed that this appeal be denied and directed that the classification of Mr. Mitchell's position be referred to the Division of Human Resource Management for further review.

**B-54 WILLIAM OAKLEY**

William Oakley 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 Senior Juvenile Detention Officer/Senior Training Technician (PC2519H), Essex County.

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

**B-55 BEATRIZ OSPINA**

Beatriz Ospina 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 Human Services Specialist 1 (C1388H), Morris County.

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

**B-56 CHRISTOPHER SIKORSKI**

Christopher Sikorski 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 Assistant District Recycling Coordinator (PC1187G), Middlesex County.

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

**B-57 JOHN UNGER**

John Unger appeals the determination of the Division of Selection Services which found him ineligible for the promotional examination for Police Sergeant (PM2620H), Waldwick due to an untimely application.

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

**B-58 RANDY WUEST, ET AL.**

Randy Wuest, Fire Captain (PM3509H), Irvington; Ronnie Belin Sr., Fire Captain (PM3621H), Plainfield; and Michael Modrak and Gary Tyburczy, Fire Captain (PM3522H), Linden, appeal the correct responses to various questions on the written portion of their respective promotional examinations.

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

<b>VOTE:</b>	<b>Rolando Torres, Jr.</b>	<b>(Yes)</b>
	<b>Flavella Branham</b>	<b>(Yes)</b>
	<b>John Currie</b>	<b>(Yes)</b>
	<b>Robert J. Long</b>	<b>(Abstained)</b>

**B-59 JAMES BEHRE, ET AL.**

James Behre (PM2528H), Bloomfield; James Filippello (PM2529H), Bridgeton; Anthony Blackfeld (PM2534H), Garfield; Burnie Gittens and Anthony Minosse (PM2535H), Gloucester Township; Charles Campbell and Kenneth Ferrante (PM2537H), Hoboken; Sean Conrad (PM2547H), Jefferson; Craig Bahrs and Bryan McKnight (PM2547H), Middletown; Eric Davies (PM2555H), Pennsauken; David Geibel (PM2556H), Pemberton; Moises Agosto and Ronald Thomas (PM2558H), Pompton Lakes; William Amoruso and Jacqueline Luthcke (PM2559H), Ridgewood; Andrew McGurr (PM2561H), Teaneck; Sean Kelly (PM2566H), Weehawken; and Louis Valori, a make-up candidate for (PM2652G), Parsippany-Troy Hills; appeal the written examination for Police Lieutenant (various jurisdictions).

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

**B-60 RUSSELL DAVIS, ET AL.**

Russell Davis, Kevin Fowler and James Rauth appeal the written examination for District Parole Supervisor (PS0293I), State Parole Board and Mark Salamandra appeals the written examination for Assistant District Parole Supervisor (PS0310I), State Parole Board.

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

**B-61 EMILIO GONZALEZ, ET AL.**

Emilio Gonzalez (PM3507H), Union City; George Farley, Walter Rogers, Joseph Scerbo and Robert Schork (PM2523H), Bayonne; Glen Cauwels (PM3544H), Fair Lawn; John Salim (PM3548H), Hackensack; Steven Sarinelli (PM3558H), Morristown; Thomas Landers (PM3564H), Ridgewood; and Francis Bialecki (PM3571H), Voorhees; appeal the written examination for Police Captain (various jurisdictions).

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

**B-62 MANUEL V. ALFONSO, ET AL.**

Manuel V. Alfonso, Anthony Aversano, Brian Holtslander, Salvatore A. Leto, Jeffrey M. Poling, and Gregory Riggs appeal their rank and score on the promotional examination for Principal Investigator Secured Facilities (PS9589I), Central Office, Department of Corrections.

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

**B-63 DALTON PRICE**

Dalton Price appeals the determination of the Division of Selection Services which found him ineligible for the promotional examination for Police Sergeant (PM2604H), Paterson due to an untimely application. This matter was held over from the Board's November 11, 2006 meeting.

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

**B-64 SHAREVON THOMPSON**

Sharevon Thompson appeals the determination of the Division of Selection Services which found her ineligible for the promotional examination for County Correction Sergeant (PC2666G), Mercer County due to an untimely application.

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

**B-65 DIANA SUNARSO**

Diana Sunarso appeals her lack of notification and requests a make-up for the promotional examination for Head Clerk (PS8977N), Department of Labor and Workforce Development.

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

**B-66 ASSISTANT SECRETARY OF AGRICULTURE**

The Director, Division of Human Resource Management, requests the reallocation of the title of Assistant Secretary of Agriculture from the career to the unclassified service, pursuant to N.J.A.C. 4A:3-1.3(a)5.

Pursuant to N.J.S.A. 11A:3-6, a public hearing is required when the Merit System Board considers reallocating a title from the career to the unclassified service. To that end, the Department of Agriculture has been given notice that a public hearing will be conducted during the Board's regularly scheduled meeting on January 17, 2007. In addition, this notice is included on this agenda item for the Board's meeting and posted on the Department of Personnel's website in order to provide notice to the general public. Thus, prior to voting on this item, an opportunity for public comment will be provided.

**ACTION:** The Merit System Board directed that the title of Assistant Secretary of Agriculture be reallocated to the unclassified service.

**B-67 MERIT SYSTEM BOARD MINUTES**

The Merit System Board minutes of its meeting of December 20, 2006 are submitted for adoption.

**ACTION:** The Merit System Board adopted the minutes of its meeting of December 20, 2006.

**B-68 VITO CAMMISA**

The City of Trenton, represented by Stephen E. Trimboli, Esq., petitions the Merit System Board for reconsideration of that part of the final decision, rendered on September 20, 2006, which awarded Vito Commisa \$22,377.49 to reimburse him for payments to maintain health insurance coverage. Cammisa, represented by George T. Dougherty, Esq., petitions the Board for reconsideration of that part of the decision, which granted a hearing at the Office of Administrative Law regarding the amount of his entitlement to back pay and other benefits.

**ACTION:** The Merit System Board denied the request.

**B-69 JULIO CORDERO, JR.**

The Superior Court of New Jersey, Appellate Division, has remanded the matter of the removal of Julio Cordero, Jr., from the eligible list for Police Officer (S9999D), City of Jersey City, to the Merit System Board to consider relaxing the age requirement for Police Officer. *See In the Matter of Julio Cordero, Jr., Police Officer, City of Jersey City*, Docket No. A-3978-03T3 (App. Div. October 28, 2005).

**ACTION:** The Merit System Board directed that the appellant's name be restored to the eligible list for appointment as a Police Officer.

**B-70 JAMAAL LYNWOOD**

Jamaal Lynwood, a County Correction Officer with the County of Monmouth, represented by Jeffrey D. Catambone, Esq., petitions the Merit System Board for relief regarding his department hearing and his immediate suspension, effective August 2, 2006.

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

**B-71 EARLY SETTLEMENTS**

Brian Hodgson  
Garden State Correctional Facility  
Department of Corrections  
Suspension

Frank Nikles  
Hunterdon Developmental Center  
Department of Human Services  
Return to formerly held permanent title at the end of the working test period

Dinah Y. Olaniyan  
Department of Labor  
Release at the end of the working test period

Joseph Olugbadehan  
Judiciary  
Middlesex Vicinage  
Suspension

Paul Rene  
Trenton Psychiatric Hospital  
Department of Human Services  
Suspension

Glenn Wright  
Department of Labor  
Release at the end of the working test period

**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, January 31, 2007 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.**

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