



STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

RICHARD J. CODEY
ACTING GOVERNOR

ROLANDO TORRES, JR.
ACTING COMMISSIONER

Merit System Board

**MINUTES OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
MARCH 9, 2005**

**Margaret E.L. Howard, Presiding
John Currie
Robert Long**

MARCH 9, 2005

A regular meeting of the Merit System Board was held on Wednesday, March 9, 2005, in Trenton, New Jersey.

PRESENT: Margaret E.L. Howard Presiding Merit System Board member, Jr., Merit System Board Members, John Currie 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, Presiding Board Member Margaret E. L. Howard 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 3, 2004, and posted at the Department of Personnel, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Judith Carroll
New Jersey Veterans Memorial Home Paramus
Department of Military and Veterans Affairs
Removal

In the Matter of William Humphrey
County of Cumberland
Board of Chosen Freeholders
Resignation not in good standing

In the Matter of John Lucas
County of Morris
Department of Long Term Care Services
Suspension

In the Matter of Terry Lucas
Newark Housing Authority
Suspension

In the Matter of Thomas Pavlik
Township of Brick
Department of Public Works
Removal

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

ACTION: The Merit System Board acknowledged the settlements.

A2 JAMES BENANTI

James Benanti, Police Officer, Township of North Brunswick, Department of Public Safety, ten-day suspension on charges of violation of department rules and regulations regarding standard of conduct and use of force.

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

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

A-3 JACQUELINE MCLEAN

Jacqueline McLean, School Aide, Jersey City School District, removal effective October 30, 2003, on the charge of 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-4 KENNETH E. PARKS

Kenneth E. Parks, Program Assistant Administrative Services, Richard Stockton College of New Jersey, removal effective April 1, 2003, on charges of incompetence, inefficiency, and failure to perform duties, insubordination, 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.

A-5 JAMES K. PIGOTT – SETTLEMENT

James Pigott, Deputy Police Chief, Borough of Keansburg, Police Department, removal effective March 21, 2002 and removal effective March 24, 2002 on charges of misconduct, interference with lawful authority of Police Director, insubordination, conduct unbecoming a public employee, neglect of duty, discrimination and other sufficient cause. Submitted for the Board's review and approval is a settlement agreement between the parties entered into after the rendering of an initial decision.

Recommendation of the Administrative Law Judge – Modify the removal to a 30-day.

ACTION: The Merit System Board rejected the initial decision of the Administrative Law Judge and acknowledged the settlement.

A-6 JOSEPH A. AUER – SETTLEMENT

Joseph A. Auer, Police Inspector, Borough of Keansburg, Police Department, two removals effective April 18, 2002 on charges of misconduct, incompetency, inefficiency, failure to perform duties, conduct unbecoming a public employee, interference with lawful authority of Police Director, insubordination, neglect of duty and obstructing administration of law and other government function. Submitted for the Board's review and approval is a settlement agreement between the parties entered into after the rendering of an initial decision.

Recommendation of the Administrative Law Judge – Reverse one removal and render the other moot.

ACTION: The Merit System Board rejected the initial decision of the Administrative Law Judge and acknowledged the settlement.

SECTION B – MISCELLANEOUS MATTERS

B-1 JEFFREY KRAKOWSKI

Jeffrey Krakowski, represented by Ciro A. Spina, III, Esq., appeals his rejection as a County Correction Officer candidate by the County of Bergen 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-2 DOROTHY CONATY

Dorothy Conaty, a Network Administrator 2 with the Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

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

B-3 LISA HONRATH

Lisa Honrath, a Data Processing Programmer 2 with the Department of Human Services, appeals the denial of sick leave (SLI) benefits.

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

B-4 GWENDOLYN D. JONES

Gwendolyn D. Jones, a Judiciary Clerk 4 with the Judiciary, Vicinage 12, Union County, appeals the denial of sick leave injury (SLI) benefits.

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

B-5 MICHAEL MARELLA

Michael Marella, a former Painter with Ancora Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

B-6 SOPHIA JUDSON

Sophia Judson appeals the determination of the Division of Human Resource Information Services which found that the appointing authority had presented a sufficient basis to remove her name from the eligible list for Police Officer (S9999D), City of Irvington, on the basis that she provided false statements of material fact on her application.

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

B-7 FADY MADANI

Fady Madani appeals the determination of the Division of Human Resource Information Services (HRIS) which sustained the removal of his name from the County Correction Officer (S9999D), Passaic County Sheriff's Office eligible list on the basis of an unsatisfactory background report.

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

B-8 RISIKAT O. MARTINS

Risikat O. Martins appeals the decision of Human Resource Information Services which upheld the removal of her name from the Field Representative, Senior Citizens Program (C0467E), County of Middlesex, eligible list due to her failure to appear at an interview.

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

B-9 EDWARD POLLOCK

Edward Pollock appeals the decision of Human Resource Information Services which upheld the bypass of his name for appointment on the Police Sergeant (PM2547C), Atlantic City, eligible list.

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

B-10 EMILIA VAZQUEZ

Emilia Vazquez appeals the decision of Human Resource Information Services, which upheld the removal of her name from the County Correction Officer (S9999D), Mercer County, eligible list, on the basis of an unsatisfactory criminal record.

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

B-11 BOILER OPERATOR (M9625B), JERSEY CITY SCHOOL DISTRICT

The appointing authority's failure to dispose of the certification for Boiler Operator (M9625B), while provisionals are serving in the title, has been referred to the Merit System Board for enforcement.

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

B-12 BUILDING MAINTENANCE WORKER/SECURITY GUARD (M6244E), CITY OF EAST ORANGE WATER DEPARTMENT

The appointing authority's failure to dispose of the certification for Building Maintenance Worker/Security Guard (M6244E), while a provisional is serving in the title, has been referred to the Merit System Board for enforcement.

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

B-13 ELECTRICIAN, ELECTRIC UTILITY (M6527E), BOROUGH OF SEASIDE HEIGHTS

The appointing authority's failure to properly dispose of the certification for Electrician, Electric Utility 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 appointees, make an appointment from the certification and pay compliance costs.

B-14 SECURITY GUARD (C0145E), ESSEX COUNTY SHERIFF'S OFFICE

The appointing authority's failure to properly dispose of the certification for Security Guard while four provisional appointees are serving in the title, has been referred to the Merit System Board for enforcement.

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

B-15 SANDRA ALEXANDER

Sandra Alexander, a Senior Unemployment Clerk with the Department of Labor and Workforce Development, requests a hearing regarding her release at the end of her working test period from the title of Claims Examiner Unemployment/Disability Insurance and her return to her permanent title.

ACTION: The Merit System Board denied the request.

B-16 ROCCO NOVELLINO

Rocco Novellino requests that he be assigned a retroactive appointment date for record purposes.

ACTION: The Merit System Board denied the request.

B-17 ALEXIS ORTIZ

Alexis Ortiz, a Police Officer with the City of Passaic, represented by Anthony J. Iacullo, Esq., appeals his immediate suspension, effective January 21, 2005.

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

B-18 ANDREW GROSS

The Department of Corrections petitions the Merit System Board for reconsideration of the final administrative decision, rendered on April 7, 2004, in which the Board granted, in part, Andrew Gross' request for sick leave injury (SLI) benefits.

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

B-19 NEIL FAGAN

The appeal of Neil Fagan, a Computer Service Technician with the Jersey City School District, of his release at the end of the working test period effective July 21, 2003, was before Administrative Law Judge Maria Mancini La Fiandra (ALJ), who rendered her initial decision on January 14, 2005, dismissing the appeal. At its meeting on February 23, 2005, the Merit System Board ordered that this matter be remanded to the Office of Administrative Law. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-20 ERIC WOODS

The appeal of Eric Woods, a Police Officer with the Township of Willingboro, concerning his removal effective July 11, 2003, on charges was heard by Administrative Law Judge Anthony T. Bruno (ALJ), who rendered his initial decision on January 12, 2005. At its meeting on February 23, 2005, the Merit System Board (Board) did not adopt the ALJ's recommendation to dismiss the charges. Rather, the Board remanded the matter to the ALJ for an initial decision on the merits of the disciplinary charges. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-21 ROSE MARIE D'ARCANGELO

Rose Marie D'Arcangelo 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 management Assistant (PC1331E), Atlantic County promotional examination.

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

B-22 MARGARET ELLIOTT

Margaret Elliott 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 Quality Assurance Specialist, Health Services (PC0054F), Monmouth County.

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

B-23 MARGARET GARDINER

Margaret Gardiner appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the Supervisor of Data Entry Machine Operations (PC1256E), Union County promotional examination.

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

B-24 EDWARD M. HARRISON

Edward M. Harrison 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 Public Information Officer (M0657F), City of Trenton.

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

B-25 JEANETTE M. INCORVAIA

Jeanette M. Incorvaia appeals the determination of the Division of Selection Services which found that she was below the experience requirement for the promotional examination for Computer Operator 3 (PS0790N), Department of Labor.

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

B-26 JOSEPH LENAHAN

Joseph Lenahan appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the open competitive examination for Supervising Planner, Emergency Management (S3026F), Statewide.

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

B-27 TRICIA LEONARDI

Tricia Leonardi 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 3 (PS1875K), Division of Developmental Disabilities.

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

B-28 WILLIAM MCDUGALL

William McDougall appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the open competitive examination for Supervising Planner, Emergency Management (S3026F), Statewide.

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

B-29 RICK PAGNANI

Rick Pagnani 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 Storekeeper 2 (S0321F), State of New Jersey

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

B-30 RICK PAGNANI

Rick Pagnani 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 Assistant Housekeeping Supervisor 2 (S0324F), State of New Jersey.

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

B-31 RACHELLE PERPIGNAN

Rachelle Perpignan appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the open competitive examination for Behavior Modification Program Technician (S0278F), Statewide.

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

B-32 JULIA REARDON, ET AL.

Julia Reardon, Rosemarie Sharp and Venus White appeal the determinations of the Division of Selection Services which found that they did not meet the education and experience requirements for the promotional examination for Field Service Supervisor 2, Medical Assistance and Health Services (PS1630K), Division of Medical Assistance and Health Services.

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

B-33 ROBYN E. RICH

Robyn E. Rich appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirements for the promotional examination for Classification Officer 3 (PS1285I), Mountainview Correctional Institution.

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

B-34 STEVEN SCATTAGLIA

Steven Scattaglia appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the examination for Coordinator of Inspections, Long Term Care Facilities (PS1262H), Department of Health and Senior Services.

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

B-35 ALYSSA P. WALTERS

Alyssa P. Walters 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 Payroll Clerk (PS2700K), Department of Human Services.

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

B-36 OLGA YERO

Olga Yero appeals the determination of the Division of Selection Services which found that she was ineligible for the promotional examination for Secretarial Assistant 2 (Non-Stenographic) (PS9994J), Kean University because she did not have permanent status in a title to which the examination was open.

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

B-37 JUDE DELANE

Jude DeLane appeals his score on the examination for Deputy Fire Chief (PM3627E), Hillside Township.

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

B-38 DAVID FEITELSON

David Feitelson appeals the determination of the Division of Selection Services denying his request for a make-up examination for the open competitive examination for Supervisor of Accounts (S80001E).

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

B-39 JOHN HOGAN

John Hogan, represented by Joseph A. Carmen, Esq., requests that his seniority score for the promotional examination for Correction Sergeant (PM5613I), Department of Corrections, be adjusted.

ACTION: The Merit System Board denied the request.

B-40 CRAIG MATTHEWS JR.

Craig Matthews Jr., represented by David Fox, Esq., appeals the administration of the open competitive examination for Fire Fighter (M9999E).

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

B-41 ANAND PATEL

Anand Patel appeals the decision of the Division of Selection Services that he was not qualified for a position in the Department of the Treasury's Professional Trainee Program on the basis that he did not possess a Bachelor's degree.

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

B-42 SUPPLEMENT 1 OF THE SALARY REGULATIONS FOR FISCAL YEAR 2005

Submitted for the Board's review is Supplement 1 of the Salary Regulations for Fiscal Year 2005. Attachment A of the Salary Regulations for Fiscal Year 2005 have been updated to reflect the recently negotiated salary increases for certain Employee Relations Groups.

ACTION: The Merit System Board recorded supplement 1 of the salary regulations for fiscal year 2005.

B-43 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of February 23, 2005 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of February 23, 2005.

B-44 JANICE CLOYD

The appeal of Janice Cloyd a Human Services Technician with Trenton Psychiatric Hospital, Department of Human Services, of her removal, effective January 8, 2002, on charges, was before Administrative Law Judge Jeff S. Masin (ALJ), who rendered his initial decision on January 3, 2005. At its meeting on February 23, 2005, the Merit System Board did not adopt the ALJ's recommendation to modify the appellant's removal to a 120-day suspension. Rather, the Board modified the removal to a five-month suspension and ordered that the appellant undergo appropriate training. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-45 ANGELA BROOKS-PITTMAN

Angela Brooks-Pittman petitions the Merit System Board for reconsideration of the decision rendered on February 9, 2005 which found that she did not meet the experience requirements for the promotional examination for Social Case Worker (PM0241F), Atlantic City.

ACTION: The Merit System Board granted the request.

B-46 RICHARD DEBENEDETTO

Richard DeBenedetto petitions the Merit System Board (Board) for enforcement of the decision rendered November 17, 2004, wherein the Board determined that pursuant to *N.J.S.A. 26:3-25.1*, DeBenedetto was entitled to the maximum salary within his range, as of March 26, 2003. Additionally, the Township of Middletown (Middletown), represented by Bernard M. Reilly, Esq., petitions the Board for a stay of that decision pending Middletown's appeal to the Superior Court, Appellate Division.

ACTION: The Merit System Board denied the request for a stay but granted the request for enforcement.

B-47 DAVID KEEGAN

The City of South Amboy requests relaxation of *N.J.A.C. 4A:4-7.1A(c)* so as to permit the intergovernmental transfer of David Keegan from the title of Sheriff's Officer, Middlesex County Sheriff's Office, to the title of Police Officer, City of South Amboy.

ACTION: The Merit System Board granted the request.

B-48 EARLY SETTLEMENTS

Iwona Gotkowski
North Jersey Developmental Center
Department of Human Services
Removal

ACTION: The Merit System Board acknowledged the settlement.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, March 23, 2005 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

**MARGARET E. L. HOWARD
PRESIDING
MERIT SYSTEM BOARD**