



STATE OF NEW JERSEY  
DEPARTMENT OF PERSONNEL

RICHARD J. CODEY  
ACTING GOVERNOR

ROLANDO TORRES, JR.  
COMMISSIONER

Merit System Board

MINUTES OF REGULAR MEETING OF  
THE MERIT SYSTEM BOARD  
June 8, 2005

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

JUNE 8, 2005

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A regular meeting of the Merit System Board was held on Wednesday, June 8, 2005, in Trenton, New Jersey.

PRESENT: Chairman Rolando Torres Jr., Merit System Board Members, Flavella Branham, John Currie Margaret E.L. Howard and Robert J. Long; Pamela Ullman, Deputy Attorney General; and Elizabeth Napolitano, Deputy 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 3, 2004, 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: May 12, 2005

TO: Rolando Torres, Jr., Commissioner  
Department of Personnel

FROM: Elizabeth Van Marter, Director  
Human Resource Management

SUBJECT: Change in the State Classification Plan

DEPARTMENT OF AGRICULTURE

The Department of Agriculture requests a new title responsible for the oversight of the New Jersey Organic Certification Program

The New Jersey Organic Certification Program was established by Bill in the New Jersey Department of Agriculture. The Bill authorizes the Secretary of Agriculture to establish certification procedures, design an organic label, charge fees, and adopt any rules and regulations necessary to implement this program.

The New Jersey Organic Certification Program will serve the emerging market of organic farming by offering reasonably priced certification services and provide local enforcement to ensure the integrity of the organic label.

The Department of Agriculture requests a retroactive effective date and a N4 workweek to coincide with the workweek of staff the title will supervise.

The appropriate negotiations representatives have been notified. The Office of Employee Relations has established the bargaining unit.

ESTABLISHMENT OF NEW TITLE

Effective: 07/24/04

Supervisor Organic Certification Program  
R26-\_\_\_\_\_ Career H N4/12

DATE: May 18, 2005

TO: Rolando Torres, Jr., Commissioner  
Department of Personnel

FROM: Elizabeth Van Marter, Director  
Human Resource Management

SUBJECT: Change in the State Classification Plan

GENERAL TITLE

A new Trainee title is requested to address salary issues. This new Trainee title is intended to replace an existing Trainee title (15840) to correct a salary issue. We will take action to prohibit future use of the existing Trainee title upon approval of this request. Further, it will be inactivated once all incumbents are promoted to their respective primary titles.

ADDITION OF TITLE

Effective: 07/09/05

Environmental Services Trainee  
P95-\_\_\_\_\_ Non-Competitive \* NE/12

DATE: May 20, 2005  
TO: Rolando Torres, Jr., Commissioner  
Department of Personnel  
FROM: Elizabeth Van Marter, Director  
Human Resource Management  
SUBJECT: Change in the Classification Plan

GENERAL TITLES

On June 01, 2003, the State of New Jersey and the Communication Workers of America, AFL-CIO, agreed to upgrade some titles by two ranges – the first range to be effective July 01, 2004, and the second range to be effective the following year. The agreement stated that the second up grade will occur on or about July 01, 2005.

CHANGE IN SALARY RANGE

Effective: 06/25/05

FROM:

Chief of Dental Services  
S37 - 01074 Unclassified \* NL/12

Technical Library Assistant  
S16 - 74135 Competitive \* 35/12

Physician 1  
P39 - 00098 Unclassified \* NL/12

Physician Specialist 1  
P40 - 00088 Unclassified \* NL/12

Dentist1  
R36 - 01058 Unclassified \* NL/12

Library Assistant  
A08 -74132 Non-Competitive \* 35/12

Library Assistant Typing

TO:

Chief of Dental Services  
S38 - 01074 Unclassified \* NL/12

Technical Library Assistant  
S17 - 74135 Competitive \* 35/12

Physician 1  
P40 - 00098 Unclassified \* NL/12

Physician Specialist 1  
P41 - 00088 Unclassified \* NL/12

Dentist1  
R37 - 01058 Unclassified \* NL/12

Library Assistant  
A09 -74132 Non-Competitive \* 35/12

Library Assistant Typing

A08 -74132C Non-Competitive \*  
35/12

Senior Library Assistant  
A09- 74133 Competitive \* 35/12

Senior Library Assistant  
Typing  
A09- 74133C Competitive \* 35/12

Principal Library Assistant  
R13- 74134 Competitive \* 35/12

Principal Library Assistant Typing  
R13- 74134C Competitive \* 35/12

Library  
Technician  
P17 - 74112 Competitive \* 35/12

School Social Worker  
P20 - 73103 Unclassified \* NL/12

Learning Disability  
Specialist  
P24 - 01403 Unclassified \* NL/12

School Psychologist (12 month)  
P27 - 73104 Unclassified \* NL/12

A09 -74132C Non-Competitive \*  
35/12

Senior Library Assistant  
A10- 74133 Competitive \* 35/12

Senior Library Assistant  
Typing  
A10- 74133C Competitive \* 35/12

Principal Library Assistant  
R14- 74134 Competitive \* 35/12

Principal Library Assistant Typing  
R14- 74134C Competitive \* 35/12

Library  
Technician  
P18 - 74112 Competitive \* 35/12

School Social Worker  
P21 - 73103 Unclassified \* NL/12

Learning Disability  
Specialist  
P25 - 01403 Unclassified \* NL/12

School Psychologist (12 month)  
P28 - 73104 Unclassified \* NL/12

DATE: May 30, 2005

TO: Rolando Torres, Jr., Commissioner  
Department of Personnel

FROM: Elizabeth Van Marter, Director  
Human Resource Management

SUBJECT: Change in the State Classification Plan

DEPARTMENT OF HEALTH AND SENIOR SERVICES

A new title is requested for use by the Department of Health and Senior Services, per agreement between CWA and the State of New Jersey, through the Office of Employee Relations.

The agreement stipulated that the Department of Personnel would conduct a study of the duties assigned to the Quality Assurance Specialist positions in the Department of Health and Senior Services. A title would be established that reflects their unique duties, for which a nursing license is required. The title will be added to the list of titles covered by Special Incentive Programs, Nurses Salary Range Adjustments. Employees in encumbered positions will receive a lateral title change with retention of permanent status. One vacant position will be reclassified. The position numbers are listed.

928343      920700      908504      653689      956624      952184  
                 928290

The Department of Health and Senior Services has reviewed and approved the job description. The range, bargaining unit, workweek and effective date are in accordance with the agreement.

ESTABLISHMENT OF NEW TITLE

Effective: 06/26/04

Quality Assurance Specialist, Health Services, Nursing  
P26-\_\_\_\_\_ Career K NL/12

**SECTION A – HEARING MATTERS**

**A-1 SETTLEMENTS**

In the Matter of Claudette Edwards  
County of Cumberland  
Removal

In the Matter of George Fribott  
Township of Middletown  
Department of Public Safety  
Suspension

In the Matter of Paul Judd  
City of Burlington  
Department of Public Works  
Suspension

In the Matter of Sidney M. Leveson  
Township of Marlboro  
Department of Public Works  
Removal and Resignation not in good standing

In the Matter of Roger Mitchell  
Borough of Wanaque  
Road Department  
Suspension and Removal

In the Matter of Royal Powell  
Jersey City Free Public Library  
Removal

In the Matter of Barbara Reed-Bryant  
Jersey City Housing Authority  
Removal



In the Matter of Mark A. Saunders  
City of Camden  
Police Department  
List Removal

In the Matter of Wahkeetah Weems  
County of Essex  
Department of Public Safety  
Suspension

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

ACTION: The Merit System Board acknowledged the settlements.

A2 CRYSTAL HARLEY

Crystal Harley, County Correction Officer, County of Burlington, County Jail, six-day suspension, on charges of insubordination and violation of policy and procedure.

Recommendation of the Administrative Law Judge – Modify the six-day suspension to a verbal warning.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to an Official Written Reprimand.

A-3 LEROY COLEMAN, JR., (CONSOLIDATION)

Leroy Coleman, Jr., Family Service Worker, County of Essex, Department of Citizen Services, removal effective July 11, 2002, of charges conduct unbecoming a public employee, discrimination that affects equal employment opportunity, including sexual harassment, serious breach of discipline and violation of rules and policies of the County.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-4 EILLIOT J. FITZGERALD

Elliot J. Fitzgerald, Truck Driver, County of Cumberland, Department of Public Works, removal effective July 13, 2004, on the charge of violation of rules regarding drug and alcohol use.

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 FLAGG

James Flagg, Truck Driver, City of Newark, Department of Neighborhood Services, removal effective September 20, 1996, on charges of conduct unbecoming a public employee, criminal charge pending and misuse of public property including a motor vehicle. This matter was previously presented to the Merit System Board at its regular meeting of May 18, 2005, but was held over.

Recommendation of the Administrative Law Judge – Modify the removal to a six-month suspension and award back pay for the period of March 6, 1997 to May 13, 1998.

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

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

A-6 ALLISON HAMES

Allison Hames, Cottage Training Technician, New Lisbon Developmental Center, Department of Human Services, removal effective December 26, 2003, on charges of conduct unbecoming a public employee, creating a disturbance on state property, threatening, intimidating, coercing and interfering with fellow employees on state property.

Recommendation of the Administrative Law Judge – Dismiss the appeal as moot.

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

A-7 ANN W. THOMPSON

Ann W. Thompson, appeals the good faith of her layoff effective February 4, 2002, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Dismiss the appeal.

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

A-8 MARK S. LEINHEISER – SETTLEMENT (CONSOLIDATION)

Mark S. Leinheiser, County Correction Officer, Burlington County Jail, 10-day and 15-day suspensions on the charge of other sufficient cause and a 10-day suspension and removal effective January 7, 2004 on charges of chronic or excessive absenteeism or lateness.

Recommendation of the Administrative Law Judge – Modify the 10-day and 15-day suspensions to a 30-day suspension and modify the 10-day suspension and removal to a 10-day suspension.

Subsequent to presenting the initial decision to the Board, the parties reached a settlement agreement modifying the 10-day and 15-day suspensions to a 30-day suspension and modifying the 10-day suspension and removal to a 10-day suspension and back pay in the amount of \$10,000. The proposed settlement is also presented to the Board for consideration.

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

**SECTION B – MISCELLANEOUS MATTERS**

**B-1 JOSEPH S. CARTER, JR.**

Joseph S. Carter, Jr., represented by Michael L. Brigoff, Esq., appeals his rejection as a Fire Fighter candidate by the City of Jersey City and its request to remove his name from the eligible list for Fire Fighter (M2054A) on the basis of psychological unfitness to perform effectively the duties of the position.

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

**B-2 DELORFETTE E. CLARK**

Delorfette E. Clark appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

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

**B-3 JESSICA A. COCO**

Jessica A. Coco appeals her rejection as a Sheriff's Officer candidate by the County of Hudson and its request to remove her name from the eligible list for Sheriff's Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

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

**B-4 THOMAS R. COOKE, III**

Thomas R. Cooke, III, represented by Stephen B. Hunter, Esq., appeals his rejection as a Fire Fighter candidate by the City of Elizabeth and its request to remove his name from the eligible list for Fire Fighter (M2026A) on the basis of psychological unfitness to perform effectively the duties of the position.

**ACTION:** The Merit System Board referred the matter for independent psychological evaluation.

**B-5 BRIAN DERR**

Brian Derr appeals his rejection as a Juvenile Detention Officer candidate by the County of Ocean and its request to remove his name from the eligible list for Juvenile Detention Officer (C2078E) on the basis of psychological unfitness to perform effectively the duties of the position.

**ACTION:** The Merit System Board referred the matter for independent psychological evaluation.

**B-6 CHRISTIAN M. FINK**

Christian M. Fink, represented by Michael L. Prigoff, Esq., appeals his rejection as a Fire Fighter candidate by the City of Jersey City and its request to remove his name from the eligible list for Fire Fighter (M2054A) on the basis of psychological unfitness to perform effectively the duties of the position.

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

**B-7 HARRY M. KAWOCZKA**

Harry M. Kawoczka, represented by Michael L. Prigoff, Esq., appeals his rejection as a Fire Fighter candidate by the City of Jersey City and its request to remove his name from the eligible list for Fire Fighter (M2054A) on the basis of psychological unfitness to perform effectively the duties of the position.

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

**B-8 ROBIN PEARCE**

Robin Pearce, represented by Benjamin Benson, Esq., appeals her rejection as a Police Officer candidate by the Township of Irvington and its request to remove her name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

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

**B-9 WILFREDO RODRIGUEZ**

Wilfredo Rodriguez, represented by Benjamin Benson, Esq., appeals his rejection as a Fire Fighter candidate by the City of Jersey City and its request to remove his name from the eligible list for Fire Fighter (M2054A) on the basis of psychological unfitness to perform effectively the duties of the position.

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

**B-10 VICTORIA BULLOCK**

Victoria Bullock, a Human Services Technician 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 denied.

**B-11 TYREE BUNCH**

Tyree Bunch, a Maintenance Worker 1 with the Department of Transportation (DOT), appeals the denial of sick leave injury (SLI) benefits.

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

**B-12 MARCIA CAPODICI**

Marcia Capodici, a Secretarial Assistant 3 (Non-Stenographic) with the Albert C. Wagner Correctional Facility, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

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

**B-13 STEVEN GASKILL**

Steven Gaskill, a Special Staff Officer 3 with the Department of Military and Veterans Affairs, appeals the denial of sick leave injury (SLI) benefits.

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

**B-14 CARMELA GREEN**

Carmela Green, a former Cottage Training Technician with the Woodbridge Developmental Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

**B-15 MARY HOLMES**

Mary Holmes, a Maintenance Worker 1 Transportation, with the Department of Transportation, appeals the denial of sick leave injury (SLI) benefits.

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

**B-16 ANGELA JEFFERSON**

Angela Jefferson, a Senior Correction Officer 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-17 AUNDREA MASON**

Aundrea Mason, a Senior Correction Officer with the New Jersey State Prison, Department of Corrections, appeals the denials of sick leave injury (SLI) benefits.

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

**B-18 MARGARET MURRAY**

Margaret Murray, an Agricultural Products Agent 1, appeals the denial of sick leave injury (SLI) benefits.

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

**B-19 DEBBIE MUSTO**

Debbie Musto, a Head Clerk at East Jersey State Prison, Department of Corrections, (DOC), appeals the denial of sick leave injury (SLI) benefits.

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

B-20 PATRICIA MYERS

Patricia Myers, a Cottage Training Technician with the Vineland 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-21 ROBERT NOLAN

Robert Nolan, a Senior Correction Officer with the New 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-22 MARINO ORTEGA

Marino Ortega, a Senior Correction Officer with East Jersey State Prison, Department of Corrections (DOC), represented by Joseph A. Carmen, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-23 SEAN SIRIGNANO

Sean Sirignano, a Senior Correction Officer with the Mountainview Youth Correctional Facility, Department of Corrections, represented by Craig Livingston, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-24 DENICE STOJ

Denice Stoj, a Technical Assistant 1 Treasury, with the Department of the Treasury, appeals the denial of sick leave injury (SLI) benefits.

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



**B-25 THOMAS THOMPSON**

Thomas Thompson, a Senior Parole Officer with the New Jersey State Parole Board, appeals the denial of sick leave injury (SLI) benefits.

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

**B-26 ANTHONY TIRELLI**

Anthony Tirelli, an Automotive Mechanic 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.

**B-27 MARIANN UBRY**

Mariann Ubray, an Administrative Analyst 1 with the Department of the Treasury, appeals the denial of sick leave injury (SLI) benefits.

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

**B-28 STEVEN WERENSLY**

Steven Werensly, a Highway Marker with the Department of Transportation, appeals the denial of sick leave injury (SLI) benefits.

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

**B-29 KENNETH WILLIAMS**

Kenneth Williams, a Senior Correction Officer at Northern State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

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

**B-30 WENDY BIRBANO**

Wendy Birbano appeals the decision of Human Resource Information Services which removed her name from the eligible list for Public Information Assistant (C0678F), Bergen County Sheriff's Office, due to the appellant's failure to appear for her interview.

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

B-31 CHRISTINE BLAKE

The Jersey City School District appeals the decision of Human Resource Information Services (HRIS) which restored Christine Blake's name to the list for Graphic Artist 2 (M6664F), Jersey City School District, after it had requested the removal of her name for not responding to the certification.

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

B-32 LILLIAN FOSTER

Lillian Foster appeals the bypass of her name on the January 25, 2005 certification of the eligible list for Highway Safety Specialist (S0201E), Department of Law and Public Safety.

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

B-33 GREGORY MCELROY

Gregory McElroy appeals the decision 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 Correction Officer Recruit (S9999D), Department of Corrections, on the basis of an unsatisfactory driving record.

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

B-34 FERNANDO TREJO

The Juvenile Justice Commission appeals the decision of Human Resources Information Services, which found that it did not present a sufficient basis to remove Fernando Trejo's name from the eligible list for Correction Officer Recruit, Juvenile Justice (S9999D), Juvenile Justice Commission, on the basis of falsification of his preemployment application.

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

**B-35 TERESA (VELEZ) MEYERS**

Teresa (Velez) Meyers appeals the decision of Human Resource Information Services which upheld the removal of the appellant's name from the Sheriff's Officer (S9999D), County of Hudson, eligible list on the basis of making false statements of material facts on her preemployment application and for and unsatisfactory background report.

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

**B-36 CHARLES STILLITANO**

Charles Stillitano, represented by Timothy R. Smith, Esq., petitions the Merit System Board for reconsideration of its decision rendered November 4, 2004, upholding the removal of his name from the eligible list for Sheriff's Officer Sergeant (PC3020C), Union County, based on his unsatisfactory employment record.

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

**B-37 THOMAS NUGENT, ET AL.**

The Borough of Roselle requests that the appointments of Thomas Nugent, Kenneth Hagemann, and Michael Cyktor from the eligible list for Police Sergeant (PM2564B), Borough of Roselle, be recorded effective August 1, 2003, December 8, 2003, and August 1, 2003, respectively.

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

**B-38 COMMUNITY RELATIONS SPECIALIST (C6271F) COUNTY OF UNION**

The appointing authority requests permission not to make an appointment from the certification for Community Relations Specialist (C6271F), County of Union.

**ACTION:** The Merit System Board granted the request for an appointment waiver but assessed costs.

B-39 COORDINATOR OF VOLUNTEERS (C6262F), COUNTY OF UNION

The appointing authority requests permission not to make an appointment from the certification for Coordinator of Volunteers (C6262F), County of Union.

ACTION: The Merit System Board granted the request for an appointment waiver but assessed costs.

B-40 MARK BLAIR

Mark Blair, a Correction Sergeant with Bayside State Prison, Department of Corrections, appeals the determination of the former Acting Commissioner of the Department of Personnel, 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.

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

B-41 AUNDREA MASON

Aundrea Mason, a Senior Correction Officer with the New Jersey State Prison, Department of Corrections (DOC) appeals the determination of the Acting Director of the Equal Employment Division with the DOC, stating that the appellant failed to present sufficient evidence to support a finding that she had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment, or Hostile Environments in the Workplace.

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

B-42 DEBBIE MUSTO

Debbie Musto, a Head Clerk at East Jersey State Prison, Department of Corrections (DOC), appeals the determination of the Acting Director, Equal Employment Division of 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-43 ROXANNE RIANO

Roxanne Riano, a Secretarial Assistant 3 at East Jersey State Prison, Department of Corrections (DOC), appeals the determination of the Acting Director, Equal Employment Division of 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-44 ANDREW TRIANDAFLOU

Andrea Triandafloou, a Crew Supervisor, Locksmiths, with Kean University, appeals the determination of the President, Kean University, stating that he failed to present sufficient evidence to support a finding that the appellant 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 found no violation of the State Policy based on race or age, but remanded the matter to the appointing authority in order to consider the appellant's veteran's status in the selection process.

B-45 CLAUDIA GRANT

Claudia Grant, a former Family Service Specialist 2 with the Division of Youth and Family Services, represented by M. Catherine Danatos, CWA Local 1037, appeals her resignation in good standing effective November 16, 2004.

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

**B-46 JUANA ROGERS**

Juana Rogers, represented by Benjamin Spivack, CWA Local 1040, and the Department of Corrections, represented by Debra Kradjian Stephans, Deputy Attorney General, seek acknowledgement of a settlement agreement.

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

**B-47 ALONZO RICE**

The Newark Public Schools, represented by Adam S. Herman, Esq., Associate Counsel, petitions the Merit System Board for a determination with regard to back pay, benefits, seniority and counsel fees awarded to Alonzo Rice in the Board decision rendered on July 14, 2004.

**ACTION:** The Merit System Board granted back pay in the amount of \$32,652.40 and counsel fees in the amount of \$3,060.00.

**B-48 LILLIAN FOSTER**

The Superior Court, of New Jersey, Appellate Division, has remanded the matter of the bypass of Lillian Foster's name on the October 20, 2003 certification of the eligible list for Highway Safety Specialist (S0201E), Department of Law and Public Safety, to the Merit System Board for a determination.

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

**B-49 ROBERT E. FARRELL**

Robert E. Farrell, represented by Michael L. Prigoff, Esq., and the City of Jersey City petitions the Merit System Board for acknowledgement of the settlement agreement reached by the parties, which provides for the appointment of Farrell as a Fire Fighter.

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

B-50 JASON HOWE

Jason Howe, represented by Daniel Zirrith, Esq., and the City of Jersey City petition the Merit System Board for acknowledgement of the settlement agreement reached by the parties, which provides for the appointment of Howe as a Fire Fighter.

ACTION: The Merit System Board acknowledged the settlement.

B-51 MICHAEL RUGGIERI

Michael Ruggieri, represented by Charles J. Sciarra, Esq., and the City of Jersey City petition the Merit System Board for acknowledgement of the settlement reached by the parties, which provides for the appointment of Ruggieri as a Fire Fighter.

ACTION: The Merit System Board acknowledged the settlement.

B-52 JOSEPH HETZEL

Administrative Law Judge (ALJ) Bruce M. Gorman issued an Order of Consolidation and Predominant Interest in the matter of Joseph Hetzel v. County of Gloucester. In that order, the ALJ determined that the matters be consolidated and that the Merit System Board had the predominant interest. Based on the ALJ's Order, the Merit System Board and PERC developed a joint order adopting the ALJ's Order with clarification. The Joint Order is now submitted for the Board's review.

ACTION: The Merit System Board adopted the joint order.

B-53 DAVID WRIGHT

The appeals of David Wright, a Firefighter with the City of Trenton, of his 10-day and 60-day suspensions and removal effective April 8, 2002 on charges, were considered by Administrative Law Judge John Schuster, III (ALJ), who rendered his initial decision on December 28, 2004, recommending acknowledgement of the settlement of the parties.

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

## B-54 JOHN SULLIVAN

The appeal of John Sullivan, a Senior Police Officer, Human Services at Greystone Park Psychiatric Hospital, Department of Human Services, of his 120-working day suspension, on charges, was heard by Chief Administrative Law Judge Laura Sanders (ALJ), who rendered her initial decision on April 15, 2005. At its meeting on May 18, 2005, the Merit System Board did not adopt the ALJ's recommendation to modify the 120-working day suspension to a 45-working day suspension. Rather, the Board imposed a 120-calendar day suspension and ordered the appellant to undergo further training covering the topic areas of sensitivity, anger management, and diversity. The proposed decision is now submitted for the Board's review.

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

<b>VOTE:</b>	Rolando Torres, Jr.	(Yes)
	Flavella Branhan	(Yes)
	John Currie	(Yes)
	Margaret E. L. Howard	(Abstained)
	Robert J. Long	(Yes)

## B-55 RICHARD BAGGS

Richard Baggs appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Technical Assistant Classification (PS3535I), Southern State Correctional Facility.

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

## B-56 MARY BOXLER

Mary Boxler appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the education and experience requirements for the promotional examination for Management Assistant (PS2115H), Department of Health and Senior Services.

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



**B-57 NICOLE BROADNAX AND HANCEY DAVIS**

Nicole Broadnax and Hancey Davis 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 Program Development Specialist (Community Services) (PC1576F), Essex County.

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

**B-58 CYNTHIA DREW**

Cynthia Drew 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 Claims Examiner, Unemployment and Disability Insurance (PS2345N), Department of Labor and Workforce Development.

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

**B-59 CHRISTOPHER SCHWARTZ**

Christopher Schwartz appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Analyst 2, Health Care Facilities (Mental Health Services) (PS2958K), Division of Mental Health Services.

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

**B-60 YVONNE FONT**

Yvonne Font 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 Claims Examiner, Unemployment and Disability Insurance (PS2345N), Department of Labor and Workforce Development.

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

**B-61 SHONA FATTA AND JOANNE MCWILLIAMS**

Shona Fatta and Joanne McWilliams, represented by Bruce D. Leder, Esq., appeal the determination of the Division of Selection Services that they were not eligible for the promotional examination for Human Services Specialist 3 (PC1314F), County of Monmouth Board of Social Services, because they were not permanent in a title to which the examination was open.

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

**B-62 JOHN J. FRANKOWSKI, ET AL.**

John J. Frankowski, Bryan S. Hubert, Vincent Schreiber, Chris Sparany, Vincent Volinski and Matthew Wolansky appeal the determination of the Division of Selection Service which found that they did not meet the requirements for the promotional examination for Custodian (PM0789F), Brick Township Board of Education.

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

**B-63 ROSS FRIEDMAN, ET AL.**

Ross Friedman, Bertha Goldberry, William Hubbard, Carrie Hylton, Linda Howell, Jeanette Petty and Darryl Fullman appeal the determinations of the Division of Selection Services which found that they did not meet the requirements for the promotional examination for Program Coordinator, Mental Health (PS2971K), Department of Human Services.

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

**B-64 NICOLA NAUMOV**

Nicola Naumov appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the open competitive examination for Material Management Coordinator (C0782F), Passaic County.

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

B-65 MONICA SCHOLTENMEIER AND BINA THAKKAR

Monica Scholttenmeier and Bina Thakkar appeal the determinations of the Division of Selection Services that, per the substitution clause for education, they did not meet the experience requirement for the open competitive examination for Auditor 3 (S6758F), Statewide.

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

B-66 JULIA TIRADO

Julia Tirado appeals the decision of the Division of Selection Services that found that she did not meet the experience requirement for the promotional examination for Secretarial Assistant 3 (PS2964K), Division of Mental Health Services.

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

B-67 ANTHONY BELENSKI, ET AL.

Anthony Belenski, Daniel McNaughton, Edward O'Hara and Thomas Savonarola appeal their scores on the promotional examination for Correction Sergeant (PS0138P), Juvenile Justice Commission.

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

B-68 GREG COLLIER

Greg Collier appeals his seniority score and his score on the oral portion of the promotional examination for Battalion Fire Chief (PM3620E), Mount Laurel Fire District #1.

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

B-69 PRIMITIVO CRUZ

Primitivo Cruz appeals his score on the promotional examination for Manager 2 Procurement (PS0951T), Department of Transportation.

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

**B-70 MICHAEL LANGE**

Michael Lange appeals his score on the open competitive Entry Level Law Enforcement Examination (LEE) (S9999F).

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

**B-71 GEORGE VASQUEZ**

George Vasquez appeals the decision of the Division of Selection Services denying his request for a make-up examination for Police Sergeant (PM2559F), Newark.

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

**B-72 GARY AURELIEN**

Gary Aurelien appeals the administration of the Entry Level Law Enforcement Examination (S9999F).

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

**B-73 RICHARD GROTH**

Richard Groth appeals the administration of the open competitive Entry Level Law Enforcement Examination (LEE) (S9999F).

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

**B-74 KYLEEN MARTIN**

Kyleen Martin appeals the administration of the open competitive Entry Level Law Enforcement Examination (LEE) (S9999F).

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

**B-75 ALLEN MORRIS**

Allen Morris, represented by Robert Pancari, Esq., appeals the amount of time permitted to complete the open competitive Entry Level Law Enforcement Examination (LEE) (S9999F).

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

B-76 POLICE SERGEANT (PM2616F), MOORESTOWN

Peter Parker and William Hagmaier appeal the timeliness of the announcement for the promotional examination for Police Sergeant (PM2616F) Morrestown.

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

B-77 POLICE LIEUTENANT AND POLICE CAPTAIN, JERSEY CITY

Jersey City appeals the decision of the Division of Human Resource Management which denied its request for a waiver of the one-year time-in-grade requirement for the upcoming examinations for Police Lieutenant and Police Captain, Jersey City.

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

B-78 MICHELLE LIEGGI

The appointing authority requests relief on behalf of Michelle Lieggi, a Computer Operator Assistant.

ACTION: The Merit System Board authorized the provisional appointment of Michelle Lieggi to the competitive title of Principal Clerk Typist, pending promotional examination procedures.

B-79 PATRICIA LIGHTSEY

Patricia Lightsey appeals the decision of the Division of Human Resource Management that her position is properly classified as Human Resource Consultant 5.

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

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

## B-80 SCOTT DUPONT, ET AL.

Scott Dupont, Timothy Buckley, Michael McGreevy and John Olivieri, Fire Lieutenant (PM2625F), Belleville; James Kirsch, Fire Lieutenant (PM2626E), Bergenfield; Robert Barra and John Katinsky, Fire Lieutenant (PM2627F), Bloomfield; Christopher Botta, Kevin Danielson, Craig Hopkins, William Ricci and Patrick Tansy, Fire Lieutenant (PM2631F), Clifton; Michael Christensen, Spero Leakas, John McMorrow and Keith Rosazza, Fire Lieutenant (PM2632F), Hackensack; Daniel Connors, Fire Lieutenant (PM2639F), Union Township; Brady Middlesworth, Fire Lieutenant (PM2640F), Ventnor City; Charles Vanselous, Fire Lieutenant (PM2644F), Mount Laurel Township; and,

Michael Crossan, Eugene D'Alessandro, Robert DAntonio, Kevin Jackson, Frederick Leaycraft, Dominic Lorenzo, Daniel McEldowney, Gary Mureo, Robert Pisani, Dominic Sico, Moises Valdes and Brent Ventura, Fire Officer 1, (PM2641F), North Hudson Regional Fire and Rescue; and,

Bernard Fox, Kevin Munn, William Rodgers, Shannon Stinsman and Norman Wilson, Fire Captain (PM3508F), Atlantic City; Kevin Folkman, Ralph Schneeman and Danial Stratton, Fire Captain (PM3509F), Camden City; Ricardo Carter, Bruce Davis, Jr., and Harold Delon, Jr., Fire Captain (PM3510F), East Orange; Salvatore Barraco, Santo Barraco, Austin Bauer, Gary Haszko, Gregg Hennings, James Kuhn, William Lavin, Christian Lysy, Steve McConlogue, Juan Moreno, Troy O'Brien, Michael Rapp, Michael Remelgado, Michael Shuflat, Jose Torres, Sean Wasacz and Russell Zadlock, Fire Captain (PM3511F), Elizabeth; Jason Cassesa, Fire Captain (PM3512F), Hoboken; Michael Cleary, Joseph DiTommaso, Gregory Giove, John Johnson, Thomas Jones, Ronald Kascic, Dennis Kroll, Kevin Kulnis, Brian Lowery, William McClintock, David Murray, James Nickerson, John Noesges, Sean Verdi, Joseph W. Verdon, John Yanick, Glenn Youncofski, John O'Keefe, Gilberto Rolon and Howard Simone, Fire Captain (PM3513F), Jersey City; Alfonse Carlucci, Mario Ciottariello, Timothy Gay, Guido Giovanni, Ramon Irizarry, Manuel Jorge, Ronald Lucas, Felipe Martinez, Steve Ostertag, John Perdisatt, James Pierson, Scott Richardson, Jose Rodriguez, Thomas Szigeti and Sean Williams, Fire Captain (PM3514F), Newark; Alejandro Alicea-Lopez, William Bucher, Jr., Craig Lauten, Ryan Murray, Andrew Ricciardi and Orlando Rodriguez, Fire Captain (PM3515F), Paterson; Louis Bainbridge, Terence Jackson, David Jobes, Terrence Mulryne and Micheal Welsh, Fire Captain (PM3517F), Trenton; John Cleary, Christopher Czuba, Kevin Fitzhenry, Robert Kleczynski, Jason O'Donnell, Stephen Peterson, Thomas Schork, Bryan Stanislawski and Theodore Wolf, Fire Captain (PM3582F), Bayonne; Stanley Yagiello, Fire Captain (PM3591F), Harrison; John Pienciak, Fire Captain (PM3592F), Hillside; Arthur Bloomer, Kenneth

**B-80 SCOTT DUPONT, ET AL. CONTINUED**

Bulger, John DeGiovanni, Harry Fearson, Bruce Kauffmann, Joseph Mastandrea and Michel Richardson, Fire Captain (PM3595F), Kearny; David Hamilton, Fire Captain (PM3599F), Nutley; and Francisco Saltar and Luigi Tramontano, Jr., Fire Captain (PM3605F), Vineland City appeal the correct responses to various questions on their respective promotional examinations.

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

**B-81 DAPHNE BALL**

Daphne Ball appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirements for the promotional examination for Management Specialist (PC0976F), Burlington County Board of Social Services.

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

**B-82 MERIT SYSTEM BOARD MINUTES**

The Merit System Board minutes of its meeting of May 18, 2005 are submitted for adoption.

**ACTION:** The Merit System Board adopted the minutes of its meeting of May 18, 2005.

**B-83 SENIOR TECHNICIAN, MIS, HUNTERDON COUNTY**

The appointing authority's failure to properly dispose of the certification for Senior Technician, MIS, while a provisional appointee is serving in the title, has been referred to the Merit System Board for enforcement.

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

B-84 CLINTON J. GRIGGS

Clinton J. Griggs appeals the determination of the Division of Selection Services which found that he did not meet the educational requirements for the promotional examination for Supervising Engineer, Construction and Maintenance (PS3758T), Department of Transportation.

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

B-85 EARLY SETTLEMENTS

Gwen Busch  
County of Camden  
Department of Corrections  
Removal

Janet Broughton  
Vineland Developmental Center  
Department of Human Services  
Release at the end of 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, June 22, 2005 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

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ROLANDO TORRES, JR.  
COMMISSIONER  
MERIT SYSTEM BOARD