



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
November 22, 2005**

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

NOVEMBER 22, 2005

A regular meeting of the Merit System Board was held on Tuesday November 22, 2005, in Trenton, New Jersey.

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

In accordance with L.1975, c.231, Chairman Rolando Torres Jr., opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on November 14, 2005, and posted at the Department of Personnel, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

WITHDRAWAL OF APPEALS

The following appeals were withdrawn and removed from the hearing calendar:

Anthony Adamo, Senior Environmental Specialist, Water Resources, Department of Environmental Protection, return to formerly held permanent title at the end of the working test period.

Louis Bernstein, Correction Sergeant, South Woods State Prison, Department of Corrections, suspension.

Walter Christian, Senior Correction Officer, New Jersey State Prison, Department of Corrections, removal.

Kenneth Connolly, Director Agency Operations, State Parole Board, suspension.

Louis Dota, Construction and Maintenance Technician 5, Department of Transportation, removal.

Terry Marable, Police Aide, City of East Orange, removal and resignation not in good standing.

Gail Phillips-Veal, Custodial Worker, Newark School District, suspension.

Scott Purnell, County Correction Officer Burlington County, suspension.

Alice Shariff, Hospital Attendant, Hudson County, resignation not in good standing.

Vicki Sutton, Senior Correction Officer, South Woods State Prison, Department of Corrections, removal.

Cherie Varra, Administrative Assistant 3, Department of Environmental Protection, release at the end of the working test period.

Karen Venditti, Program Coordinator, Special Events, Burlington County, release at the end of the working test period.

Rockean Sanders, Police Officer, City of Newark, removal.

Cheryl Saracino, Principal Clerk Typist, Department of Labor, resignation not in good standing.

DISMISSAL OF APPEALS – FAILURE TO APPEAR

The Merit System Board dismissed the following cases without prejudice for failure to appear at the scheduled hearing before the Office of Administrative Law:

Shawnita Blake, Human Services Assistant, Vineland Developmental Center, release at the end of the working test period.

Ruben Cruz, Sanitation Worker, City of Perth Amboy, removal.

Moyah Dabla, Sr., Field Representative, Disease Control, Burlington County, removal.

Joseph D'Alessandro, Custodial Worker, Jersey City School District, suspension.

Lizette Irizarry, County Correction Officer, Hudson County, suspension.

Lizette Laboy, Laundry Service Worker, Woodbine Developmental Center, Department of Human Services, removal.

Victor Morales, Residential Services Worker, Vineland Developmental Center, Department of Human Services, removal.

Olugbenga Joseph Ogun, Human Services Specialist 1, Union County, release at the end of the working test period.

Sharon Peterson, Senior Correction Officer, East Jersey State Prison, Department of Corrections, suspension.

David Puerto, Correction Officer Recruit, Central Reception and Assignment Facility, Department of Corrections, removal.

Ramon Quinones, Senior Therapy Program Assistant, New Lisbon Developmental Center, Department of Human Services.

Anthony Smith, Senior Building Maintenance Worker, The College of New Jersey, resignation not in good standing.

John Smith, Senior Correction Officer, Albert C. Wagner Youth Correctional Facility, Department of Corrections, indefinite suspension pending the disposition of criminal charges.

Katureath Tape, Correction Officer, Mercer County, removal.

Langston Tisdale, Senior Correction Office, Mountainview Youth Correctional Facility, Department of Corrections, suspension.

Ethelbert Ufomba, Senior Building Maintenance Worker, Rowan University, removals.

Daniel Vaccaro, Public Safety Telecommunicator, Borough of Lodi, suspension.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Joseph Austin
Jersey City School District
Layoff

In the Matter of Larry Blount
Newark School District
Removal

In the Matter of John A. Dipane
City of Plainfield
Department of Administration and Finance
Layoff

In the Matter of Jacqueline Hatcher
South Woods State Prison
Department of Corrections
Suspension

In the Matter of Earl Johnson
New Jersey Department of Law and Public Safety
Suspension

In the Matter of Michael Kramarz
City of Trenton
Fire Department
Removals (2)

In the Matter of Peter Kristensen
Borough of Fairlawn
Police Department
Suspension

In the Matter of Dawn O'Hara
County of Union
Sheriff's Department
Suspension

In the Matter of Priscilla Rosa
County of Hudson
Board of Elections
Suspension

In the Matter of Philip Smith
City of Newark
Police Department
Suspensions (2)

In the Matter of Frederick Taylor
Department of Transportation
Release at the end of the working test period

In the Matter of Joyce Waters
New Lisbon Developmental Center
Department of Human Services
Resignation not in good standing

In the Matter of Raymond Williams
County of Burlington
County Jail
Suspension and Demotion

In the Matter of Nicholas Zubenko
Borough of Carteret
Police Department
Bypass

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 KARIM ABDELRAHIM

Karim Abdelrahim, Nurse Aide, County of Monmouth, Health Care Facilities, release at the end of the working test period effective October 25, 2004.

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

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

A-3 NICOLE BALDWIN

Nicole Baldwin, County Correction Officer, County of Mercer, Department of Public Safety, ten-day suspension on charges of unsatisfactory attendance, chronic and excessive absenteeism and conduct unbecoming a public employee.

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

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

A-4 KHADIHHA BLACKSON, ET AL (CONSOLIDATION)

Khadihha Blackson, various titles, City of Camden Housing Authority, appeal the good faith of their layoffs effective October 8, 1998, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge – Reverse the layoffs.

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

A-5 KATHERINE CACIA

Katherine Cacia, Police Officer, Township of Burlington, Police Department, ten-day suspension on charges of violation of Department rules regarding responsibilities of assigned members at crime scenes, criminal investigations and accident investigations.

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

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

A-6 FRANK CURRIER, JR.

Frank Currier, Jr., County Correction Officer, County of Monmouth, Department of Corrections and Youth Services, 15-day suspension on charges of negligence and careless handling of county property, violation of Department rules and regulations and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Modify the 15-day suspension to a five-day suspension.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge, but dismissed the charge of conduct unbecoming a public employee.

A-7 LISA EASLEY

Lisa Easley, a Senior Correction Officer with the Edna Mahan Correctional Facility for Women, Department of Corrections, appeals the determination of the Director, Equal Employment Division, with the Department of Corrections, stating that she 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.

Recommendation of the Administrative Law Judge – Dismiss the appeal.

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

A-8 JOHN HUNT

John Hunt, Laborer, City of Newark, Department of Neighborhood Services, resignation not in good standing effective June 1, 2004, on charges of chronic or excessive absenteeism or lateness, neglect of duty and resignation not in good standing.

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

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

A-9 CARMINE RUSSO

Carmine Russo a Police Captain with the City of Newark, Police Department, appeals his entitlement to back pay from March 6, 1997 to July 22, 2001.

Recommendation of the Administrative Law Judge – Grant back pay in the amount of \$168,954, for the period of March 7, 1997 to July 22, 2001.

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

A-10 TEMARA WILLIAMS

Temara Williams, County Correction Officer, County of Burlington, County Jail, 15-day suspension on charges of incompetency, inefficiency or failure to perform duties, conduct unbecoming a public employee, and violation of Department policy and procedures.

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

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

A-11 WILLIAM WILSON

William Wilson, Building Maintenance Worker, County of Camden, Department of Building and Operations, ten-day suspension on charges of insubordination, neglect of duty, conduct unbecoming a public employee and violation of Department policy.

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

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

A-12 DAVID BENNETT

David Bennett, Principal Payroll Clerk, Greystone Park Psychiatric Hospital, Department of Human Services, removal effective January 6, 2004, on charges of verbal abuse of an employee and mistreatment of an employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-13 VITO CAMMISA

Vito Cammisa, Project Coordinator, Construction, City of Trenton, Department of Housing and Economic Development, removal effective March 29, 2004, on charges of failure to perform duties and submitting false reports.

Recommendation of the Administrative Law Judge – Modify the removal to a six-month suspension.

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

A-14 SALVATORE MATZA

Salvatore Matza, County Correction Sergeant, County of Warren, Detention Department, immediate suspension effective October 19, 1999 and removal effective December 21, 2000, on charges of insubordination, conduct unbecoming a public employee and neglect of duty.

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

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

A-15 WILLIAM MORRIS

William Morris, County Correction Officer, County of Hudson, Department of Corrections, removal effective April 27, 2004, on charges of insubordination, conduct unbecoming a public employee, neglect of duty, incompetency, inefficiency or failure to perform duties and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the removal to a six-month suspension.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to uphold the removal.

SECTION B – MISCELLANEOUS MATTERS

B-1 BRUNHILDA BONET

Brunhilda Bonet, represented by Otto J. Scerbo, Esq., appeals her rejection as a Police Officer candidate by the City of Jersey City 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 granted.

B-2 COREY D. CALDWELL

Corey D. Caldwell, represented by Benjamin Benson, Esq., appeals his rejection as a Police Officer candidate by the City of Elizabeth and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-3 MICHAEL CARR

Michael Carr appeals his rejection as a Parole Officer Recruit candidate by the State Parole Board and its request to remove his name from the eligible list for Parole Officer Recruit (S2035E) 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-4 MICHAEL J. DEJIANNE

Michael J. DeJianne, represented by James Addis, 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 granted.

B-5 CHRISTIAN MARTINEZ

Christian Martinez, represented by Otto J. Scerbo, Esq., appeals his rejection as a Police Officer candidate by the City of Jersey City and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-6 RAYMOND FERNANDEZ

Raymond Fernandez, represented by Kathleen M. Theurer, Esq., appeals his rejection as a Police Officer candidate by the City of Jersey City and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-7 JASON D. GOULD

Jason D. Gould, represented by Sydney H. Lehmann, Esq., appeals his rejection as a Police Officer candidate by the Township of Berkeley and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-8 ALBERINO GUERRIERO

Alberino Guerriero appeals his rejection as a County Correction Officer candidate by the County of Morris 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 granted.

B-9 VASHONNA HASSETT

Vashonna Hassett appeals her rejection as a Parole Officer Recruit candidate by the State Parole Board and its request to remove her name from the eligible list for Parole Officer Recruit (S2035E) 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 MICHAEL S. REID

Michael S. Reid, represented by Caroline S. Kalson, Esq., appeals his rejection as a County Correction Officer candidate by the County of Ocean 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-11 ROBIN PEARCE

Robin Pearce, represented by Benjamin Benson, Esq., requests reconsideration of the decision rendered on June 8, 2005 by the Merit System Board which found her to be psychologically unfit for a position as a Police Officer (S9999D), Township of Irvington.

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

B-12 KAREN ARMENTI

Karen Armenti, a Supervisor of Fiscal Accounts with the Department of the Treasury, appeals the denial of sick leave injury (SLI) benefits.

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

B-13 ROY BROOKS

Roy Brooks, 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 in part.

B-14 JAMES COWLING

James Cowling, a Crew Supervisor, Building Maintenance Workers at Hunterdon 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-15 KENNETH MCKEEL

Kenneth McKeel, a Senior Correction Officer with Northern State Prison, Department of Corrections, represented by Henry J. Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this matter be referred to the Medical Examiners Panel.

B-16 LAUGHFIEL NICHOLSON

Laughfiel Nicholson, a Senior Correction Officer with the New Jersey State Prison, Department of Corrections, represented by Robert C. Wolf, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-17 CHERYL PINTO

Cheryl Pinto, a Secretarial Assistant 3 with Ancora Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

B-18 LYNNE PISANO

Lynne Pisano, a Technical Assistant 2, 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-19 THOMAS WALKER

Thomas Walker, a Certified Financial Examiner with the Department of Banking and Insurance, appeals the denial of sick leave injury (SLI) benefits.

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

B-20 JASON BLACKMAN

Jason Blackman appeals the decision of Human Resource Information Services, which found that Jersey City had presented a sufficient basis to remove the appellant's name from the Police Officer (S9999D) eligible list due to an unsatisfactory background report.

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

B-21 SPENCER HARRIS AND SHEY SPARKS

Spencer Harris and Shey Sparks appeal the decisions of the Department of Corrections to remove their names from the Correction Officer Recruit (S9999D), Department of Corrections, eligible list due to unsatisfactory criminal records.

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

B-22 BEULAH MITCHELL

Beulah Mitchell appeals her non-selection from a certification of the Secretarial Assistant 2 (Non-Stenographic) (PS6196U), Department of the Treasury, eligible list.

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

B-23 WILLIAM MOYLE

William Moyle, a Police Officer with the Township of Sparta, represented by Gary D. Tomasella, Esq., appeals the decision of Human Resource Information Services which upheld the bypass of his name on the promotional list for Police Sergeant (PM2567D), Township of Sparta.

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

B-24 GREGORY YURCHAK

Gregory Yurchak, represented by Anthony Fusco, Esq., appeals the decision of the Division of Human Resource Information Services which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for Police Officer (S9999D), City of Bayonne, on the basis of falsification of a material fact.

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

B-25 STEVEN VAN MATER

Seven Van Mater, represented by Benjamin Benson, Esq., appeals the removal of his name from the Fire Fighter (M2297E), Township of Teaneck, eligible list due to his failure to meet the residency requirement.

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

B-26 ACCOUNTANT (C0785F), COUNTY OF UNION

The appointing authority requests permission not to make an appointment from the certification for Accountant (C0785F), County of Union.

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

B-27 CLAIMS EXAMINER WORKERS COMPENSATION TYPING (M0625F), CITY OF NEWARK

The appointing authority's failure to dispose of the certification for Claims Examiner Workers Compensation Typing (M0625F), City of Newark, 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 appointee, make an appointment from the certification and pay compliance costs.

B-28 DATA CONTROL CLERK (SPECIAL REEMPLOYMENT LIST), CITY OF EAST ORANGE

The appointing authority's failure to dispose of the certification for Data Control Clerk (Special Reemployment List), 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 appointee, make an appointment from the certification and pay compliance costs

B-29 PRINCIPAL CLERK TYPIST (PC0042E) AND SENIOR CLERK TYPIST (PC0183E), MONMOUTH COUNTY

Monmouth County petitions the Merit System Board for retroactive permanent appointment dates for employees appointed from the April 11, 2005 certifications of the Principal Clerk Typist (PC0042E) and Senior Clerk Typist (PC0183E), Monmouth County, eligible lists.

ACTION: The Merit System Board granted the petition.

B-30 IRAIDA AFANADOR

Iraida Afanador, a Government Representative 2 with the Department of Labor and Workforce Development, represented by William B. Hildebrand, Esq., appeals the determination of the Commissioner of Labor and Work Force Development, 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 granted a hearing.

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

B-31 JEFFREY BELL

Jeffrey Bell, an Assistant Superintendent 1, Corrections, with the Juvenile Justice Commission, Department of Law and Public Safety, appeals the determination of the Executive Assistant Attorney General, stating that there was probable cause to substantiate a finding that he violated 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-32 PAUL GROTZ

Paul Grotz, a Maintenance Worker 1, Transportation, with the Department of Transportation (DOT), appeals the determination of the Executive Director, Division of Civil Rights and Affirmative Action, DOT, 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-33 TERRY JACOBS

Terry Jacobs, a Senior Correction Officer at the Adult Diagnostic and Treatment Center, Department of Corrections (DOC), appeals the determination of the Acting Director, Equal Employment Division (EED, with the DOC 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-34 SHELA MEIERDIERCKS

Shela Meierdiercks, a Secretarial Assistant 1 (Non-Stenographic), with the Department of Corrections, appeals the determination of the Acting Director, Equal Employment Division, 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-35 TIMOTHY BRADLEY

The City of East Orange, represented by Tracey L. Hackett, Assistant Corporation Counsel, requests interlocutory review of the oral order of Administrative Law Judge (ALJ) Barry Frank in *Timothy Bradley v. City of East Orange*, DOP Dkt. No. 2001-6220, OAL Dkt. No. CSV5387-02, pursuant to N.J.A.C. 1:1-14.10(a).

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

B-36 GEORGE AYAD

George Ayad requests reconsideration of the final decision of the Merit System Board, rendered on June 22, 2005, which determined that he failed to present a *prima facie* case of reprisal.

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

B-37 NATHAN CRAWFORD

Nathan Crawford, a former County Correction Sergeant with Hudson County, represented by Herbert J. Tan, Esq., petitions the Merit System Board for reconsideration of the administrative determination, rendered August 31, 2005, by the Director of Merit System Practices and Labor Relations, denying his request for a hearing concerning the appeal of his removal from employment effective June 23, 2005, due to the untimely filing of his appeal pursuant to N.J.S.A. 11A:2-15 and N.J.A.C. 4A:2-2.8.

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

B-38 ANTHONY HEARN

The Department of Education, represented by Yolanda C. Rodriguez, Deputy Attorney General, petitions the Merit System Board for reconsideration of the final administrative decision rendered July 13, 2005, transmitting the matter to the Office of Administrative Law (OAL) for a hearing as a contested case.

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

B-39 PATRICIA LIGHTSEY

Patricia Lightsey requests reconsideration of the final administrative decision rendered on June 8, 2005, which upheld the determination of the Division of Human Resource Management that her position is properly classified as Human Resource Consultant 5.

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

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

B-40 BOBBY SALTER

The appointing authority petitions the Merit System Board for reconsideration of the final decision rendered on July 13, 2005, which granted sick leave injury (SLI) benefits to Bobby Salter, an Electrician at South Woods State Prison, Department of Corrections.

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

B-41 JANICE SANFORD

Janice Sanford, a former Cottage Training Technician with the New Lisbon Developmental Center, Department of Human Services, requests reconsideration of the decision of the Merit System Board rendered on May 4, 2005, upholding her removal, effective November 9, 1999.

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

B-42 LORNA J. ABDULLAH AND BETTY A. SMALLWOOD

Lorna J. Abdullah and Betty A. Smallwood appeal the determination of the Division of Selection Services that they did not meet the requirements for the promotional examination for Training Technician (PS5635T), Motor Vehicle Commission.

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

B-43 DONNA AGABITI

Donna Agabiti 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 Supervisor of Patient Accounts 1 (PS5362K), Department of Human Services.

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

B-44 ASHOK BRAHMBHATT

Ashok Brahmhatt appeals the determinations of the Division of Selection Services which found that he did not meet the education and experience requirements for the promotional examinations for Assistant Engineer, Mechanical (PS4815T) and Assistant Engineer, Transportation (PS4827T), Department of Transportation.

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

B-45 NOAH CENCETTI

The Director, Human Resources Services, Department of Health and Senior Services, on behalf of Noah Cencetti, appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the qualifying examination for Contract Administrator 2, Department of Health and Senior Services.

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

B-46 WOJCIECH CZAJKOWSKI

Wojciech Czajkowski appeals the determination of the Division of Selection Services which found that he was not eligible for the promotional examination for Construction and Maintenance Technician 2 (PS6329T), Department of Transportation, because his application was received after the closing date of the examination announcement.

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

B-47 JOE DEVLIN AND SHELLEY SMITH

Joe Devlin and Shelly Smith appeal the decisions of the Division of Selection Services that found that, per the substitution clause for education, they were below the minimum requirements in experience for the promotional examination for Field Monitor 1, Division of Motor Vehicles (PS5637T).

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

B-48 TERRI ELBERTSON

The Manager, Human Resources, Woodbine Developmental Center, on behalf of Terri Elbertson, appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the qualifying examination for Assistant Supervisor of Recreation, Woodbine Developmental Center.

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

B-49 LISA FISHER JAMES, ET AL.

Lisa Fisher James, Yasmin Oppenheimer, and Wiata Weeks appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirements for the promotional examination for Program Development Specialist 1 Mental Health Services (PS3268K), Division of Mental Health Services.

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

B-50 HEATHER FRANK

Heather Frank appeals the decision of the Division of Selection Services that found that she was below the experience requirements for the promotional examination for Administrative Analyst 4 (Data Processing) (PS4572U), Department of the Treasury.

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

B-51 CHRISTIAN E. GONZALES

Christian E. Gonzales appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the open-competitive examination for Administrative Analyst 4 (S6803G).

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

B-52 MARIA HOUGH

Maria Hough appeals the determination of the Division of Selection Services that she did not meet the requirements for the promotional examination for Principal Clerk Typist (PS5847K), Department of Human Services.

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

B-53 JOSEPH KLINKO

June Levy, Assistant Director, Division of Consumer Affairs, Department of Law and Public Safety, on behalf of Joseph Klinko, 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 Library Technician (PS6282P), Division of Consumer Affairs.

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

B-54 WALTER KOEGEL, ET AL.

Walter Koegel (PM2529G), Lake Como; Brian Razzi (PM2560G), Camden; and Joseph DeLaurentis (PM2570G), Winslow Township; appeal the determinations of the Division of Selection Services, which found them ineligible for the promotional examination for Police Sergeant (various jurisdictions) due to untimely applications.

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

B-55 MINDY KOLCZYNSKI, ET AL.

Mindy Kolczynski, Susan Leach, Caryl Scherer, and William VanSchoick appeal the determinations of the Division of Selection Services that they did not meet the experience requirements for the promotional examination for Administrative Analyst 1 (PS3341K), Division of Youth and Family Services.

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

B-56 CHRISTIN LONG

Christin Long appeals the decision of the Division of Selection Services that found that, per the substitution clause for education, she was below the experience requirements for the promotional examination for Administrative Analyst 2 Data Processing (PS4318H), Department of Health and Senior Services.

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

B-57 JULIUS MALLEPALLE

Julius Mallepalle appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the qualifying examination for Network Administrator 1, Department of Environmental Protection.

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

B-58 BENNIE MOORE, ET AL.

Bennie Moore (PM2617G), Orange; Robert Wise (PM2622G), Camden; and Jeffrey Briel (PM2631G), Scotch Plains; appeal the determinations of the Division of Selection Services which found them ineligible for the promotional examination for Police Lieutenant (various jurisdictions) due to untimely applications.

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

B-59 FLORENCE RACINE, ET AL.

Florence Racine, Collette Tobias, and Debora Torres appeal the determinations of the Division of Selection Services that they did not meet the experience requirements for the promotional examination for Administrative Analyst 1 (PS3341K), Division of Youth and Family Services.

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

B-60 THOMAS SAVAGE

Thomas Savage appeals the determination of the Division of Selection Services which found that he did not meet the experience requirement for the open competitive examination for Community Service Officer 3, Addictions (S6838G), Department of Human Services.

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

B-61 DONALD SCHLACHTER

Donald Schlachter appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the open competitive examination for Zoning Officer (M6987G), White Township.

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

B-62 NITA SHAH

Nita Shah 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 Data Entry Machine Operator (PS6464I), State Parole Board.

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

B-63 GARY E. SUHR

Gary E. Suhr appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Assistant Supervisor of Building Repairs (PS4040J), The Richard Stockton College of New Jersey.

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

B-64 JOHN WARREN

John Warren appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the open competitive examination for Field Representative, Property Improvement (M0882G), Hammonton.

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

B-65 GREGORY GIBERNA

Gregory Giberna appeals the denial of his request for a make-up examination for the open competitive examination for Investigator Aide, Public Defender (S6809G).

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

B-66 SANDRA DAUNNO, ET AL.

Sandra Daunno, Carolyn Hall, Renee Kendricks, Donna Nelson, Odalys Leon, Lois Rothenberg and Carmen Silva appeal the test content of the promotional examinations for Claims Examiner Unemployment/Disability Insurance (PS2346N) and Claims Examiner Unemployment Disability Insurance Bilingual Spanish/English (PS2348N), Department of Labor.

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

B-67 CYNTHIA MCSWEENEY AND JOSEPH MESSANA

Cynthia McSweeney and Joseph Messana appeal the administration and validity of, and their scores on, the promotional examination for Assistant Chief Forensic Scientist, Department of Law and Public Safety (PS1706P), Division of State Police.

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

B-68 TERESA BURTON AND LEASA FARQUHARSON

Teresa Burton and Leasa Farquharson appeal their scores on the promotional examination for Principal Clerk Typist (PS5578P), Division of State Police.

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

B-69 THOMAS STOKES

Thomas Stokes appeals the scoring of the Telecommunications Systems Analyst 1 (PS3937U), Office of Information Technology promotional examination.

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

B-70 CUSTODIAN (PM0450G), BRICK TOWNSHIP BOARD OF EDUCATION

The Brick Township Board of Education petitions the Merit System Board to accept out-of-title work experience from applicants for the promotional examination for Custodian (PM0450G).

ACTION: The Merit System Board granted the petition.

B-71 TEACHER AIDES, VINELAND SCHOOL DISTRICT

The Division of Human Resource Management has referred the matter of the layoff of five Teacher Aides with the Vineland School District to the Merit System Board for review.

ACTION: The Merit System Board ordered the appointing authority to submit a layoff plan and ordered the reinstatement of the five Teacher Aides if the layoff of the employees was improper.

B-72 STELLA SIGALUS

Stella Sigalus 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 Advocate, Victim-Witness Program (C1052G), Hunterdon County.

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

B-73 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of November 3, 2005 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of November 3, 2005.

B-74 SUPERVISING SEWAGE PLANT OPERATOR (PM2359F), HAMILTON TOWNSHIP

The Township of Hamilton, represented by Paul R. Adezio, Esq., petitions the Merit System Board for a stay of the May 9, 2005 certification of the Supervising Sewage Plant Operator (PM1359F), Hamilton Township, eligible list, pending the outcome of its appeal to the Appellate Division of the Superior Court of the Board's decision in *In the Matter of Supervising Sewage Plant Operator (PM1359F), Hamilton Township* (MSB, decided August 10, 2005).

ACTION: The Merit System Board denied the petition.

B-75 SHAKIMA BACON

The appeal of Shakima Bacon, a Clerk Typist with the Newark School District, of her 30-day suspension on charges, was heard by Administrative Law Judge Jeffrey A. Gerson (ALJ), who rendered his initial decision on September 30, 2005. At its meeting on November 3, 2005, the Merit System Board did not adopt the ALJ's recommendation to modify the 30-day suspension to a 15-day suspension. Rather, the Board determined that a 30-day suspension was warranted. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-76 ROBERT CZARNECKI

The appeal of Robert Czarnecki, a Fire Captain with the City of Trenton, of his involuntary retirement, effective October 1, 2002, on charges, was heard by Administrative Law Judge Anthony T. Bruno (ALJ), who rendered his initial decision on August 17, 2005. At its meeting on November 3, 2005, the Merit System Board adopted the ALJ's recommendation to uphold the involuntary retirement. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-77 RASHONN DRAYTON

The appeal of Rashonn Drayton, Human Services Assistant with the Hunterdon Developmental Center, Department of Human Services, of his removal, effective December 18, 2004, on charges, was before Administrative Law Judge John Schuster III (ALJ), who rendered his initial decision on September 20, 2005. At its meeting on November 3, 2005, the Merit System Board adopted the ALJ's recommendation to dismiss the appellant's appeal for his failure to appear at the hearing. However, the Board did not adopt the ALJ's recommendation to uphold the appellant's removal based on his failure to appeal subsequent charges. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-78 DAVID MORAN

The appeal of David Moran, a Police Officer with the Township of Nutley, of his removal on charges effective May 15, 2005, was heard by Administrative Law Judge Jesse H. Strauss (ALJ), who rendered his initial decision on July 22, 2005. At its meeting on November 3, 2005, the Merit System Board adopted the ALJ's recommendation to uphold the removal. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-79 JEROME ONNEMBO, JR.

The Borough of Wood-Ridge requests relaxation of *N.J.A.C. 4A:4-7.1A(c)* so as to permit the intergovernmental transfer of Jerome Onnembo, Jr., from the title of Sheriff's Officer, Bergen County Sheriff's Office, to the title of Police Officer, Borough of Wood-Ridge.

ACTION: The Merit System Board granted the request.

B-80 EARLY SETTLEMENT

Angenatta Alghali
Ancora Psychiatric Hospital
Department of Human Services
Suspension

India Bridgeforth
Trenton Psychiatric Hospital
Resignation not in good standing

Jennifer Peabody
Hunterdon Developmental Center
Department of Human Services
Suspension

ACTION: The Merit System Board acknowledged the settlements.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, December 7, 2005 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

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