



STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

JON S. CORZINE
GOVERNOR

ROLANDO TORRES, JR.
COMMISSIONER

Merit System Board

**MINUTES OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
JANUARY 25, 2006**

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

JANUARY 25, 2006

A regular meeting of the Merit System Board was held on Wednesday January 25, 2006, in Trenton, New Jersey.

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

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

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on December 12, 2005, and posted at the Department of Personnel, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

STATE

The Merit System Board recorded the recommended changes in the State Classification Plan, copies of which are attached hereto and made a part hereof.

DATE: January 12, 2006

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 THE PUBLIC ADVOCATE

Assembly Bill #1424 restores the Department of the Public Advocate as a Principal Department in the Executive Branch. The Bill requires the re-establishment of the Public Advocate and Assistant Public Advocate titles, effective January 17, 2006.

We request an earlier effective date to coincide with the commencement of a pay cycle.

REACTIVATION OF TITLES

Effective: 01/07/06

Public Advocate

M98-30759 Unclassified T NL/12

Assistant Public Advocate

X43-30748 Unclassified T NL/12

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Linda P. Bacon
Division of Youth and Family Services
Department of Human Services
Release at the end of the working test period

In the Matter of Wayne Bishop
City of Newark
Department of Neighborhood Services
Resignation not in good standing

In the Matter of Christopher Briggs
County of Burlington
County Jail
Suspension

In the Matter of Christopher Ebanks
Motor Vehicle Commission
Release at the end of the working test period

In the Matter of Franklin Frierson
Newark School District
Removal

In the Matter of Cyrus Hardy
Kean University
Termination from Employment

In the Matter of James McIntyre
County of Camden
Department of Corrections Juvenile and Justice
Services
Suspension

In the Matter of James O'Brien
County of Hudson
Department of Public Resources
Suspension

In the Matter of Patricia M. Pagnani
County of Mercer
Department of Human Services
Suspension

In the Matter of Martin Perez
City of Jersey City
Police Department
Suspension

In the Matter of Steven Stankovits
County of Middlesex
Department of Public Health
Suspensions (2)

In the Matter of Michael Zelanko
Township of Clark
Department of Public Safety
Suspension

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 JOANN BELLINI

Joann Bellini, Assistant District Parole Supervisor, New Jersey State Parole Board, Department of Corrections appeals the return to her previously held permanent title of Senior Parole Officer, effective August 6, 2001.

Recommendation of the Administrative Law Judge – Reverse the return to previously held permanent title.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge and granted a new working test period.

A-3 KENYATTA BRANT

Kenyatta Brant, Residential Living Specialist Mental Health, Greystone Psychiatric Hospital, Department of Human Services, resignation not in good standing effective December 14, 2004, on the charge of job abandonment.

Recommendation of the Administrative Law Judge – Modify the resignation not in good standing to a resignation in good standing.

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

A-4 SEAN EASTLACK

Sean Eastlack, Truck Driver, County of Salem, Department of Roads and Bridges and Engineer, 120-day suspension on the charge of conduct unbecoming a public employee for a violation of the County's Drug and Alcohol Policy.

Recommendation of the Administrative Law Judge – Modify the 120-day suspension to a 90-day suspension.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to uphold the 120-day suspension.

A-5 RONALD HAYES

Ronald Hayes, Custodial Worker, Newark School District, 20-day suspension on charges of insubordination, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the 20-day suspension to a ten-day suspension.

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

A-6 ROBERT LASKO

Robert Lasko, Senior Correction Officer, Southern State Correctional Facility, Department, of Corrections, 15-day suspension on charges of violation of rules regarding performance and neglect of duty, loafing, idleness or willful failure to devote attention to tasks which could result in danger to persons or property.

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

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

A-7 MICHELE WILLIAMS-KLINE

Michele Williams-Kline, Family Service Supervisor, County of Essex, Department, of Citizen Services, return to formerly held permanent title of Family Service Worker at the end of the working test period effective September 22, 2003.

Recommendation of the Administrative Law Judge – Uphold the return to formerly held permanent title of Family Service Worker.

ACTION: The Merit System Board reversed the recommendation of the Administrative Law Judge and granted a new working test period.

A-8 STEVEN ALLEN

Steven Allen, Laborer, City of Newark, Department of Neighborhood Services, removal March 15, 2004, on charges of chronic or excessive absenteeism or lateness other sufficient cause and resignation not in good standing.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-9 G.H.

G.H., a Senior Youth Worker with the Arthur Brisbane Child Treatment Center, Department of Human Services, was removed from his position, effective September 3, 2003, on charges of physical or mental abuse of a patient, client, resident or employee, and violation of a rule, regulation, policy, procedure, order or administrative decision.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-10 IAN HAYNES (CONSOLIDATION)

Ian Haynes, Police Officer, City of East Orange, Police Department, 20-day suspension on the charge of conduct unbecoming public employee and a removal effective May 11, 2004, on charges of, *inter alia*, inability to perform duties, conduct unbecoming a public employee and violation of rules and regulations.

Recommendation of the Administrative Law Judge – Uphold the 20-day suspension and uphold the removal.

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

A-11 SHIRLEY STATON

Shirley Staton, Human Services Technician, New Jersey Veterans' Memorial Home at Paramus, Department of Military and Veterans' Affairs, removal effective February 23, 2005, on charges of physical or mental abuse of a patient, client, resident or employee and other sufficient cause.

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

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a six-month suspension. The Board also ordered that the appellant undergo additional training in the care and handling of residents.

A-12 WENDELL HARPER

Wendell Harper, Police Officer, City of Newark, Police Department, removal effective February 27, 2002, on charges of violation of Police Department rules regarding the Drug Screening Policy and intoxication or illegal use of drugs. This matter was previously presented to the Merit System Board at its regular meeting of December 21, 2005, but was held over for testimony summary.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

SECTION B – MISCELLANEOUS MATTERS

B-1 WILLIAM R. GALOP

William R. Galop appeals the request by the Morris County Sheriff's Office to remove his name from the County Correction Officer (S9999F) eligible list for medical unfitness to perform effectively the duties of the position.

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

B-2 KEITH CONLEY

Keith Conley, a Senior Repairer at Rowan University, represented by Laura J. Glenn, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-3 THOMAS SATZ

Thomas Satz, a Senior Youth Worker with the Arthur Brisbane Child Treatment 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-4 KEISHA BOYD

Keisha Boyd, a former Police Aide with the City of Newark, appeals her resignation in good standing, effective April 1, 2005. In addition, she appeals the removal of her name from the Police Officer (S9999F), City of Newark, eligible list on the basis of an unsatisfactory employment record.

ACTION: The Merit System Board directed that the appeal of her resignation be denied. The Board also directed that the appeal of the removal of her name from the subject eligible list be granted but that her name be reflected on the certification as being bypassed.

B-5 LILLIAN FOSTER

Lillian Foster appeals the decision of Human Resource Information Services, which upheld the bypass of her name for appointment on the eligible list for Investigator Trainee, Labor (S0200E).

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

B-6 MARK LEONARD

Mark Leonard, a Police Captain with the Township of Bloomfield, represented by Robert C. Scrivo, Esq., appeals the cancellation of the February 28, 2005 certification of the eligible list for Deputy Police Chief (PM3619F), Township of Bloomfield.

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

B-7 ABDUL-HADI A. MUHAMMAD

Abdul-Hadi A. Muhammad, a Senior Correction Officer with Northern State Prison, Department of Corrections, appeals the determinations of the Acting Director of Equal Employment Division with the Department of Corrections, stating that the appellant failed to present sufficient evidence to support a finding that he 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 remanded to the Department of Corrections.

B-8 KAREN KRITZ

Karen Kritz, a Small Business Development Representative 1 with the Department of Agriculture, appeals the determination of the Chief of Operations with the appointing authority, 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 granted in part.

B-9 DEBRA ROBINSON

Debra Robinson, an Assistant Deputy Ratepayer Advocate 1, with the Division of Ratepayer Advocate, Department of the Treasury, represented by Ronald C. Hunt, Esq., appeals the determination of the Director, Division of Equal Employment Opportunity and Affirmative Action of the Department of Personnel, 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-10 MILLICENT WILLIAMS

Millicent Williams, a Senior Correction Officer with the Department of Corrections (DOC), appeals the determination of the Acting Director, Equal Employment Division (EED), with the DOC, stating that the appellant failed to present sufficient evidence to support a finding that she had been subject 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-11 PAULETTE PIERRE-LOUIS

Paulette Pierre-Louis, an Institutional Attendant with Runnells Hospital, Union County, represented by Michael A. Bukosky, Esq., petitions the Merit System Board for a stay and interim relief of her removal.

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

B-12 SAMUEL GIULIANO

Samuel Giuliano, a former Truck Driver, Heavy, with the Township of Lakewood, represented by Roosevelt Porter, Esq., petitions the Merit System Board for reconsideration of the administrative determination, rendered November 18, 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 July 27, 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-13 JERRY D. JONES

Jerry D. Jones petitions the Merit System Board for reconsideration of the final administrative determination, rendered September 21, 2005, which upheld his removal from the eligible lists for County Correction Officer (S9999D), Hudson County on the basis of an unsatisfactory criminal background, and Correction Officer Recruit (S9999D), Juvenile Justice Commission on the basis that his name had previously been removed from the eligible list for cause.

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

B-14 NICHOLAS NORTON

Nicholas Norton, a former Public Safety Telecommunicator with the Lodi Police Department, represented by Paul M. Uhlik, Esq., petitions the Merit System Board for reconsideration of the final administrative determination, rendered July 13, 2005, in which the Board upheld the petitioner's resignation in good standing effective September 15, 2004.

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

B-15 ETHELBERT UFOMBA

Ethelbert Ufomba, a former Senior Building Maintenance Worker with Rowan University, petitions the Merit System Board for reconsideration of the administrative determination, rendered November 22, 2005, in which the Board dismissed Ufomba's appeal of his removals, effective April 11, 2005, without prejudice based on Ufomba's failure to appear at his scheduled settlement conference.

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

B-16 DEEDRA RICHMOND

Deedra Richmond, a Senior Correction Officer with the Department of Corrections, represented by Joseph J. Fritzen, Esq., petitions the Merit System Board for a determination of back pay for the period of her immediate suspension.

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

B-17 MICHAEL MCCABE

The appeal of Michael McCabe, Police Officer, Township of Lakewood, removal effective July 7, 2003 on charges was heard by Administrative Law Judge James W. Faison, III who rendered his initial decision on March 2, 2005 recommending acknowledgement of the settlement agreement of the parties.

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

B-18 KIMBERLY ALSTON, ET AL.

Kimberly Alston, Nichelle Alston, Migdalia Gonzalez, Nancy Heinrich, Edna Hill, Marilyn LaSalle, Nadine Love, Jacqueline McLean, Madeline Ortiz, Robyn Seminerio and Kim Sykes appeal the determination of the Division of Selection Services which found that, per the substitution clause, they did not meet the experience requirements for the promotional examination for Management Assistant (PS3331K), Division of Youth and Family Services.

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

B-19 SUSAN BALDWIN, ET AL.

Susan Baldwin, Rosa DeJesus, Lavern Hayles Shabazz, Miriam Jackson, Barbara Jones, Joanne Jones, Sharice Jones, Ruby Mangan, Lille Pinckney, Lisa Pratt, Brenda Thompson, and Janice Williams appeal the determination of the Division of Selection Services which found that, per the substitution clause, they did not meet the experience requirements for the promotional examination for Management Assistant (PS3368K), Division of Youth and Family Services.

ACTION: The Merit System Board directed that the appeal of Ruby Mangan be granted and denied the remainder of the appeals.

B-20 CHERYL BURNS, ET AL.

Cheryl Burns, Debra Calu, Domenico Cataldo, Geraldine Chavis, Toni Eckhardt, Donna Huber, Donna Knoedler, Claudia Kokas, Kathleen Lamberti, Antoinette Macri, Connie Robotin, Waheed Odufuye, Julie St. John, Susan Travers, Lisa White, and Darlene Williams appeal the determination of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Driver Improvement Analyst 3 (PS5599T), Motor Vehicle Commission.

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

B-21 SANTINA COCCHIARO, ET AL.

Santina Cocchiaro, Teri Doney, Anne Dutko, Hazel Negron and Anna Onyszczuk appeal the determination of the Division of Selection Services which found that, as per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Driver Improvement Analyst 3 (PS5626T), Motor Vehicle Commission.

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

B-22 TINA D'IMPERIO AND CHRISTINA MOORE

Tina D'Imperio and Christina Moore appeal the determinations of the Division of Selection Services that found that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Classification Officer 1 (PS5317I), Albert C. Wagner Youth Correctional Facility.

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

B-23 SYLVIA ELLIS

Sylvia Ellis appeals the determination of the Division of Selection Services which found that, as per the substitution clause for education, she did not meet the experience requirements for the promotional examinations for Driver Improvement Analyst 3 (PS5626T), Motor Vehicle Commission and Driver Improvement Analyst 2 (PS5625T), Motor Vehicle Commission.

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

B-24 JAMES FRANCIS, ET AL.

James Francis, Nicholas Lucivero, Marie Rodgers, Shirley Takacs, and Sonya Washington appeal the determination of the Division of Selection Services which found that, as per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Field Monitor 1, Division of Motor Vehicles (PS5600T), Motor Vehicle Commission.

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

B-25 APRIL FORD-SCOTT, ET AL.

April Ford-Scott, Shannon Lain, and Robert Moore appeal the determination 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, Youth and Family Services (PS4762K), Division of Youth and Family Services.

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

B-26 RACHELLE BROWNE

Rachelle Browne appeals the determination of the Division of Selection Services which found that she did not meet the experience requirement for the open-competitive examination for Deputy Municipal Court Administrator (M6905G), Park Ridge Borough.

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

B-27 MARYANN BUCCHI

Annette Lartigue, Chief of Administrative Services, on behalf of Maryann Bucchi, 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 Procedures Analyst (PC0499G), Mercer County Board of Social Services.

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

B-28 DONALD DE SAW AND PATRICIA ROSSI

Donald De Saw and Patricia Rossi appeal the determination 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, Youth and Family Services (PS4762K), Division of Youth and Family Services.

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

B-29 JOANNE L. KEELER

Joanne L. Keeler 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 Assistant Supervisor of Accounts (PC0282G), Hunterdon County.

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

B-30 ERICKA MCCOY

Annette Lartigue, Chief of Administrative Services, on behalf of Ericka McCoy, 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 Procedures Analyst (PC0499G), Mercer County Board of Social Services.

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

B-31 ROBERT MCDONALD

Robert McDonald appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he did not meet the experience requirements for the Technical Assistant 2 Treasury (PS4874U), Department of the Treasury promotional examination.

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

B-32 ROMAINE V. HENDRICKS AND DANA L. RYBA

Romaine V. Hendricks and Dana L. Ryba 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 Personnel Assistant 3 (PS6653K), Department of Human Services.

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

B-33 KEVIN O'NEILL

Kevin O'Neill appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the promotional examination for Supervisor of Bridges and Structures (PS7284T), Department of Transportation.

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

B-34 LETITIA PELLOT, ET AL.

Letitia Pellet, Jose Baldarrago, and Iris Carter appeal the determination of the Division of Selection Services that they did not meet the experience requirements for the promotional examination for Program Support Specialist 1 (Assistance Programs) (PS7216K), Department of Human Services.

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

B-35 SCOTT NANCE AND SUZANNE RODRIGUEZ

Scott Nance and Suzanne Rodriguez appeal the determination of the Division of Selection Services which found that they were below the minimum requirements in education and/or experience for the open competitive examination for Administrative Analyst 2 (Data Processing) (S6811G).

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

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

B-36 RENEE G. RIVIELLO

Renee G. Riviello appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Program Support Specialist 1 (Assistance Programs) (PS7216K), Department of Human Services.

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

B-37 ORLANDO ARCE

Orlando Arce appeals the determination of the Division of Selection Services which denied him admittance to the promotional examination for Battalion Fire Chief (PM3596G), Newark.

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

B-38 MICHAEL FILOMENO

Michael Filomeno appeals the denial of his request for a make-up examination for the promotional examination for Sheriff's Officer Sergeant (PC2663F), Middlesex County.

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

B-39 ROMANUS IHUOMA AND PAUL OKEREKE

Romanus Ihuoma and Paul Okereke appeal for a make-up for the promotional examination for Human Services Technician (PS4726K), Greystone Park Psychiatric Hospital.

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

B-40 JIMMY HOFFMAN

Jimmy Hoffman appeals the denial of his being allowed to take the promotional examination for Senior Interviewer Veterans' Services (PS5537N), Department of Labor and Workforce Development.

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

B-41 BRIAN HAYECK

The Township of Scotch Plains requests relaxation of *N.J.A.C. 4A:4-7.1A(c)* so as to permit the intergovernmental transfer of Brian Hayeck from the title of Sheriff's Officer, Union County Sheriff's Office, to the title of Police Officer, Township of Scotch Plains.

ACTION: The Merit System Board granted the request.

B-42 JASON RIGBY

The Town of Hammonton requests relaxation of *N.J.A.C. 4A:4-7.1A(c)* so as to permit the intergovernmental transfer of Jason Rigby from the title of Sheriff's Officer, Middlesex County Sheriff's Office, to the title of Police Officer, Town of Hammonton.

ACTION: The Merit System Board granted the request.

B-43 DAVID MORRIS

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

ACTION: The Merit System Board granted the request.

B-44 CARLOS MANZANO

The Town of Harrison, represented by Mary Hennessy-Shotter, Esq., requests relaxation of *N.J.A.C. 4A:4-7.1A(c)* so as to permit the intergovernmental transfer of Carlos Manzano from the title of Sheriff's Officer, Hudson County Sheriff's Office, to the title of Police Officer, Town of Harrison.

ACTION: The Merit System Board granted the request.

B-45 MICHAEL PIER

The Town of Dover requests relaxation of *N.J.A.C.* 4A:4-7.1A(c) so as to permit the intergovernmental transfer of Michael Pier from the title of Sheriff's Officer, Sussex County Sheriff's Office to the title of Police Officer, Town of Dover.

ACTION: The Merit System Board granted the request.

B-46 POLICE OFFICER, PALISADES INTERSTATE PARK COMMISSION

The Palisades Interstate Park Commission requests the reallocation of the title of Police Officer, Palisades Interstate Park, from the career to the unclassified service, pursuant to *N.J.S.A.* 32:14-21.

Pursuant to *N.J.S.A.* 11A:3-6, a public hearing is required when the Merit System Board considers reallocating a title from the career to the unclassified service. To that end, the current incumbents in the title, the appointing authority, and the affected collective bargaining units were given notice that a public hearing would be conducted during the Board's regularly scheduled meeting on January 25, 2006. In addition, this notice was included on the agenda item for the Board's meeting and posted on the Department of Personnel's website in order to provide notice to the general public. Thus, prior to voting on this item, an opportunity for public comment was provided. The Board voted to hold the matter over for further review of the public comments which were presented at the meeting.

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

B-47 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of January 11, 2006 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of January 11, 2006.

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

B-48 DIANA SANTIAGO

Diana Santiago, a Family Service Specialist 1, Bilingual in Spanish and English, with the Division of Youth and Family Services, 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-49 FRED REISTER

The Division of Human Resource Management requests that the Merit System Board order the City of Trenton to comply with a classification review of Fred Reister’s position.

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

B-50 MARK COMPETELLO

Mark Competello challenges the appointments of five eligibles from the December 16, 2004 certification of the Police Captain (PM3536B), City of Hoboken, eligible list.

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

B-51 RAY RAYMOND

The appeal of Ray Raymond, a Correction Captain with the Edna Mahan Correctional Facility for Women, Department of Corrections, of his removal effective January 8, 2002, on charges, was heard by Administrative Law Judge Anthony T. Bruno, who rendered his initial decision on May 4, 2005. At its meeting on January 11, 2006, the Merit System Board adopted the ALJ’s recommendation to uphold the removal. However, the Board found it necessary to address inconsistencies in the ALJ’s initial decision. The proposed final decision is now submitted for the Board’s review.

ACTION: The Merit System Board adopted the final decision.

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

B-52 VERNON ALLEN

The appeal of Vernon Allen, a Motor Vehicle Operator 1 with the New Jersey Veterans Memorial Home at Paramus, Department of Military and Veterans Affairs, of his removal effective June 28, 2004, on charges, was heard by Administrative Law Judge Maria Mancini La Fiandra, who rendered her initial decision on November 22, 2005. At its meeting on January 11, 2006, the Merit System Board adopted the ALJ's recommendation that the charges be dismissed and the removal reversed. However, the Board found it necessary to address the exceptions filed by the parties. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

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

B-53 MARVIN JOHNSON

The appeal of Marvin Johnson, a Human Services Assistant with the Ancora Psychiatric Hospital, of his removal effective March 1, 2004, on charges, was heard by Chief Administrative Law Judge Laura Sanders, who rendered her initial decision on August 29, 2005. At its meeting on January 11, 2006, the Merit System Board did not adopt the ALJ's recommendation to modify the removal to an oral warning. Rather, the Board modified the removal to a 30-day suspension. Additionally, the Board ordered that the appellant undergo further training on primary restraint techniques. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

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

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, February 8, 2006 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

ROLANDO TORRES, JR.
COMMISSIONER
MERIT SYSTEM BOARD