



STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

JON S. CORZINE
GOVERNOR

ROLANDO TORRES, JR.
COMMISSIONER

Merit System Board

**MINUTES OF REGULAR MEETING OF
MERIT SYSTEM BOARD
August 23, 2006**

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

AUGUST 23, 2006

A regular meeting of the Merit System Board was held on Wednesday August 23, 2006, in Trenton, New Jersey.

PRESENT: Chairman Rolando Torres, Jr., Merit System Board Members, John Currie, Flavella Branham, Margaret E. L. Howard and Robert Long; Barbara Berreski, 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: August 9, 2006

To: Rolando Torres, Jr.
Commissioner

From: Elizabeth Van Marter, Director
Human Resource Management

Subject: Reallocation of Position #053875 to the Senior Executive Service

OFFICE OF THE PUBLIC DEFENDER

Yvonne Smith Segars, Commissioner of the Office of the Public Advocate seeks the reallocation of the subject position from the Career to the Senior Executive Service pursuant to *N.J.A.C. 4A:3-2.2*. The subject position, currently classified as Administrator of Field Operations and Investigations, was initially established as a title peculiar to the Department of the Public Advocate and subsequently revised to for use exclusively to the Office of the Public Defender.

The position reports directly to the State Public Advocate. Organizationally, it is the 3rd highest ranking position in the agency and is responsible for the management and oversight of 21 regional criminal defense offices and the Law Guardian and Parental Rights programs. The staffing of these programs includes three Deputy Administrators, ten Chief Investigator, 35 Assistant Chief Investigators, and over 240 investigators in 39 separate locations. This position manages a budget of \$14 Million and a fleet of 68 vehicles.

Having carefully reviewed the correspondence provided by the Public Defender, the Division of Human Resource Management finds that this request meets the standards established for inclusion in the SES and supports the requested reallocation. Approval of the request would establish the first and only SES position within the Office of the Public Defender. Currently, of the 301 existing SES positions statewide, 258 are filled by incumbents with permanent underlying status. Approval of an additional position would not disturb the 85 to 15 percent ratios established by statute.

Reallocation of Service

Effective: _____

From:

Administrator of Field Operations
And Investigations
M37 – 30811 Position #053875

To:

Senior Executive Service
M98 - 90752

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Marvin Eugene
City of Passaic
Police Department
Suspension

In the Matter of Clara Garcia
Newark School District
Removal

In the Matter of Crystal Grieb
New Lisbon Developmental Center
Department of Human Services
Removal

In the Matter of Wayne Henry
Southern State Correctional Facility
Department of Corrections
Removal

In the Matter of Kelvin Hugh
Garden State Correctional Facility
Department of Corrections
Suspension

In the Matter of Theresa Irvin
Newark School District
Suspension

In the Matter of Rhonda Milawski
New Jersey State Parole Board
Removal

In the Matter of Manuel Ortiz
Department of Human Services
Removal

In the Matter of Sheriff's Officer Sergeant
County of Hudson
Examination Appeal

In the Matter of Calvin Sims
Department of Corrections
Suspension

In the Matter of Joseph Tassarò
County of Ocean
Department of Building and Grounds
Removal

In the Matter of La Sawn Woods
County of Camden
Department of Corrections
Suspension

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 KHADIHHA BLACKSON, ET AL

Khadihha Blackson, et al., 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 – Uphold the layoffs.

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

A-3 JOSEPH DULIO

Joseph Dulio, Police Officer, Borough of Stanhope, Police Department, removal effective April 4, 2005 on two charges of inability to perform duties and the charge of failure to comply with an employment agreement.

Recommendation of the Administrative Law Judge – Grant summary decision and uphold the removal.

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

A-4 DARRYL PEARSON

Darryl Pearson, Laborer, City of Newark, Department of Water and Sewer Utilities, removal effective February 18, 2003, on charges of insubordination, inability to perform duties, conduct unbecoming a public employee and resignation not in good standing.

Recommendation of the Administrative Law Judge – Dismiss the appeal.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to dismiss the appeal with prejudice.

A-5 RONALD STUIISO

Ronald Stuiso, Assistant Superintendent of Public Works, Borough of Rutherford, Department of Public Works, removal effective July 13, 2004 on charges of incompetency, inefficiency or failure to perform duties, insubordination, conduct unbecoming a public employee, violation of federal regulations concerning drug and alcohol use by and testing of employees who perform functions related to the operation of commercial motor vehicles and violation of the Borough’s Drug & Alcohol Policy.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

VOTE:	Rolando Torres, Jr.	(Yes)
	Flavella Branham	(Yes)
	John Currie	(Yes)
	Margaret E. L. Howard	(Yes)
	Robert J. Long	(No)

SECTION B – MISCELLANEOUS MATTERS

B-1 ESSENCE U. ELLIS

Essence U. Ellis appeals the removal of her name from the (S9999F) eligible list for the title of Correction Officer Recruit, Department of Corrections on the basis of psychological unfitness.

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

B-2 TAMECCA EVANS

Tamecca Evans appeals the removal of her name from the (S9999F) eligible list for the title of Police Officer, City of East Orange on the basis of psychological unfitness.

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

B-3 DIONA HERNANDEZ

Diona Hernandez appeals the removal of her name from the (S9999F) eligible list for the title of Police Officer, Township of Willingboro on the basis of psychological unfitness.

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

B-4 SAMMY NATAL

Sammy Natal appeals the removal of his name from the (S9999F) eligible list for the title of Police Officer, City of Paterson on the basis of psychological unfitness.

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

B-5 ANTHONY KAPURELOS

Anthony Kapurelos, a Correction Sergeant with Southern State 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-6 IRAIDA PADILLA

Iraida Padilla, a Communications Operator, Secured Facilities and 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 appeal be granted.

B-7 NARENDRA BHATT

Narendra Bhatt appeals the appointing authority's request to remove his name from the eligible list for Judiciary Clerk 2 (S7174G) based on an inability to communicate effectively in English in order to perform the duties of the position.

ACTION: The Merit System Board granted a hearing.

B-8 SAMUEL MBADUGHA

Samuel Mbadugha appeals the appointing authority's request to remove his name from the eligible list for Principal Accountant (M6926G), Newark based on an inability to communicate effectively in English in order to perform the duties of the position.

ACTION: The Merit System Board granted a hearing.

B-9 TIMOTHY NUSS

Timothy Nuss appeals the appointing authority's request to remove his name from the eligible list for Hazardous Site Mitigation Specialist 1 (PS5747G), Department of Environmental Protection, on the basis that he was no longer employed in the unit scope of eligibility where the position is located.

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

B-10 EVAN GINCEL

Evan Gincel, a former Youth Worker with the Juvenile Justice Commission, Department of Law and Public Safety, appeals his resignation in good standing effective January 4, 2006.

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

B-11 LORI SADLEY, ET AL.

The Department of Children and Families requests relief on behalf of Lori Sadley, Rosaura Ingram, and Jaime Hamilton.

ACTION: The Merit System Board granted the request.

B-12 WILLIAM KLUSARITZ

The Superior Court of New Jersey, Appellate Division, has remanded the matter of William Klusaritz to the Merit System Board for entry of an order dismissing Klusaritz from his position and vacating the Board's prior award of back pay and benefits.

ACTION: The Merit System Board acknowledged the Appellate Division decision, vacated its prior order, dismissed Klusaritz from his position and vacated the prior award of back pay and benefits.

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

B-13 EDWARD GRAHAM

Edward Graham, a former Interviewer with the Department of Labor and Workforce Development, appeals the determination of the Commissioner of Labor and Workforce Development, 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-14 JAY ANDREYCO

Jay Andreyco, a former Park Maintenance Worker with the Mercer County Park Commission, represented by Frank M. Crivelli, Esq., petitions the Merit System Board for a hearing regarding his termination from employment.

ACTION: The Merit System Board denied the request.

B-15 WANDA SCHEUMEISTER

Wanda Scheumeister, a Police Officer with the Township of Belleville, represented by Annette Verdesco, Esq., petitions the Merit System Board for interim relief of her immediate suspension, commencing on June 7, 2006, pending a departmental hearing.

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

B-16 JOHN BELL

The appeal of John Bell, a County Correction Officer with Essex County, of his removal effective April 22, 2004, on charges, was heard by Administrative Law Judge Jesse H. Strauss (ALJ), who rendered his initial decision on June 12, 2006. At its meeting on August 9, 2006, the Merit System Board (Board) did not adopt the ALJ's recommendation to modify the removal to a 60-day suspension. Rather, the Board upheld the removal. 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	(Abstained)
	John Currie	(Yes)
	Margaret E. L. Howard	(Yes)
	Robert J. Long	(Abstained)

B-17 THOMAS RICCHIUTI

The appeal of Thomas Ricchiuti, a County Correction Officer with Monmouth County, of his 10-day suspension, on charges, was heard by Administrative Law Judge Jeff S. Masin (ALJ), who rendered his initial decision on May 17, 2006. At its meeting on August 9, 2006, the Merit System Board (Board) adopted the ALJ's recommendation to dismiss the charges and reverse the 10-day suspension. 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	(Abstained)
	John Currie	(Yes)
	Margaret E. L. Howard	(Yes)
	Robert J. Long	(Abstained)

B-18 VICTOR ONWUZURUIKE

The appeal of Victor Onwuzuruike, a Senior Security Guard with the Newark School District, of his removal effective May 3, 2004, on charges, was heard by Administrative Law Judge Ken R. Springer (ALJ), who rendered his initial decision on May 15, 2006. At its meeting on August 9, 2006, the Merit System Board (Board), adopted the ALJ's recommendation to reverse the removal. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

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

B-19 MARILYN FARRELL

Marilyn Farrell 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 Code Enforcement Officer (M6227H), City of Bridgeton.

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

B-20 JOY MURL

Joy Murl 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 Head Procurement Clerk (PS8491I), Department of Corrections.

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

B-21 ELLEN MURTHA

Ellen Murtha 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 Training Technician (PC1478G), Mercer County Board of Social Services.

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

B-22 WALIYY ANDERSON

Waliyy Anderson, represented by Michael Prigoff, Esq., appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-23 ROBERT BALESTRIERI

Robert Balestrieri appeals his score for seniority and for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-24 MICHAEL CANNON

Michael Cannon appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-25 ALEXANDER COULTER

Alexander Coulter appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-26 JOSEPH CZACHOWSKI

Joseph Czachowski appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-27 FRANK DUBICKI

Frank Dubicki appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-28 KENNETH EMMICH

Kenneth Emmich appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-29 GREGORY GIOVE

Gregory Giove appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-30 KEVIN GORMAN

Kevin Gorman appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-31 BENJAMIN HILL, JR.

Benjamin Hill, Jr., represented by Michael Prigoff, Esq., appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-32 DENNIS KROLL

Dennis Kroll appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-33 KEVIN KULNIS

Kevin Kulnis appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-34 VINCENT MANCHISI

Vincent Manchisi appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-35 WILLIAM MCCLINTOCK

William McClintock appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-36 DANIEL MITCHELL

Daniel Mitchell appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-37 HAROLD MOTLEY, JR.

Harold Motley Jr. appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-38 DAVID MURRAY

David Murray appeals his scores for the written and oral portions of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-39 PAUL NEWMAN

Paul Newman appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-40 JOHN NOESGES

John Noesges appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

ACTION: The Merit System Board directed that the oral communication component of the Evolving scenario be changed from 3.5 to 4, and the technical component of the Evolving scenario be changed from 2.5 to 3 and directed that the remainder of the appeal be denied.

B-41 MARK PETRUCELLI

Mark Petrucelli appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-42 MICHAEL RAZZOLI

Michael Razzoli appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-43 ADALBERTO RODRIGUEZ

Adalberto Rodriguez appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-44 JOHN SADOWSKI

John Sadowski appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-45 SCOTT TERPAK

Scott Terpak appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-46 JOSEPH VALLO

Joseph Vallo appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-47 JOSEPH T. VERDON

Joseph T. Verdon, represented by Peter Tucci, Jr., Esq., appeals his score for the oral portion of the examination for first level Fire Captain (PM3513F), Jersey City.

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

B-48 JOSEPH W. VERDON

Joseph W. Verdon appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-49 JOHN YANICK

John Yanick appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513F), Jersey City.

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

B-50 VICKI GRIEB

The Director, Division of Human Resource Management, on behalf of the Department of Environmental Protection, requests that Vickie Grieb's out-of-title work experience be accepted to qualify her for a prospective promotional examination for Senior Technician, Management Information Systems (MIS), Department of Environmental Protection (DEP).

ACTION: The Merit System Board granted the request.

B-51 JEFFREY F. MADDOCKS AND W. CHARLES REINHART

Jeffrey F. Maddocks appeals the determination of the Division of Selection Services which found that he did not meet the announced residency requirement for the open competitive examination for Code Enforcement Officer (M6227H), City of Bridgeton. W. Charles Reinhart 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 Code Enforcement Officer (M6227H), City of Bridgeton.

ACTION: The Merit System Board directed that the appeal of Jeffrey F. Maddocks be denied and the appeal of W. Charles Reinhart be granted.

B-52 MERIT SYSTEM BOARD MINUTES

Submitted for adoption are the Merit System Board minutes of its meeting of August 9, 2006.

ACTION: The Merit System Board adopted the minutes of its meeting of August 9, 2006.

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

B-53 RALPH RAMLAL

Ralph Ramlal, a County Correction Officer with Hudson County, represented by Timothy R. Smith, Esq., petitions the Merit System Board for interim relief of his immediate suspension, commencing on March 20, 2006. The appellant also petitions the Merit System Board for a stay of his removal, effective March 20, 2006, pending the outcome of his appeal before the Merit System Board.

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

B-54 LINWOOD J. BUGG, JR.

The appeal of Linwood J. Bugg, Jr., a Fire Alarm Operator with the City of Paterson, of his suspensions on charges, was heard by Administrative Law Judge Sandra Ann Robinson (ALJ), who rendered her initial decision on June 21, 2006. At its meeting on August 9, 2006, the Merit System Board did not adopt the ALJ's recommendation to modify the 20-day suspension to a 10-day suspension and to modify the 16-day suspension to a 15-day suspension. Rather, the Board upheld the 20-day and 16-day suspensions. 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	(Abstained)
	John Currie	(Yes)
	Margaret E. L. Howard	(Yes)
	Robert J. Long	(Abstained)

B-55 WARREN GRAVES

The appeal of Warren Graves, a Human Services Technician with the Trenton Psychiatric Hospital, Department of Human Services, of his removal, effective September 2, 2004, on charges, was heard by Administrative Law Judge Donald J. Stein (ALJ), who rendered his initial decision on June 13, 2006. At its meeting on August 9, 2006, the Merit System Board did not adopt the ALJ's recommendation to modify the appellant's removal to a 90-day suspension. Rather, the Board modified the penalty to a 45-day suspension. 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	(Abstained)
	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, September 6, 2006 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

ROLANDO TORRES, JR.
COMMISSIONER
MERIT SYSTEM BOARD