

STATE OF NEW JERSEY DEPARTMENT OF PERSONNEL

ROLANDO TORRES, JR. COMMISSIONER

Merit System Board

MINUTES OF REGULAR MEETING OF THE MERIT SYSTEM BOARD MAY 23, 2007

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

JON S. CORZINE GOVERNOR

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MAY 23, 2007

A regular meeting of the Merit System Board was held on Wednesday, May 23, 2007 in Trenton, New Jersey.

PRESENT: Chairman Rolando Torres, Jr., Merit System Board Members, John Currie, Flavella Branham, Margaret E. L. Howard and Robert 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 8, 2006, 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:	April 26, 2007
TO:	Rolando Torres, Jr., Commissioner Department of Personnel
FROM:	Elizabeth Van Marter, Managing Director State and Local Government Operations
SUBJECT:	Change in the State Classification Plan

GENERAL TITLE

William Paterson University has requested the addition of a new work year for the title of Scheduler, to staff a position in the student center, working 10 months per year. This proposed variant on the existing 12 month title is requested as a result of the recent growth of the campus; the scheduling of many classrooms, conferences, and meeting rooms has increased to a point which warrants the creation of another position. The University believes the use of a Scheduler 10 month would allow proper coverage, since the majority of activities take place during the academic year.

Negotiations representatives have been notified and support the establishment of this title.

ADDITION OF TITLE

Effective: 04/14/2007

Scheduler 10 Months A12 - ____ Competitive * NE/10

EVM/JMM/RMD

DATE:	April 26, 2007
TO:	Rolando Torres, Jr., Commissioner Department of Personnel
FROM:	Elizabeth Van Marter, Managing Director State and Local Government Operations
SUBJECT:	Change in the State Classification Plan

DEPARTMENT OF COMMUNITY AFFAIRS

The Department of Community Affairs (DCA) seeks to create the title Supervisor of Fire Safety Inspections.

In March 2005, DCA's administrative code was amended to require various licenses for all levels of multiple dwelling inspectors, effective July 01, 2004. The restructuring involved the renaming of levels in the Inspector Multiple Dwelling series. The base title changed from Supervisor Code Inspections (S27-32202) to Inspector 1, Multiple Dwelling (R27-32202). The variant title (Supervisor of Code Inspections, Fire Safety) was not included in the restructuring because it was not impacted by the license requirements of the base titles. This restructuring, in effect, severed the variant title from the base; the variant title should have been renamed at that time.

Currently there are three incumbents serving in the variant title. The differences between the titles Inspector 1, Multiple Dwelling and Supervisor of Code Inspections, Fire Safety are such that they should no longer be associated. A separate title is requested. The Supervisor of Code Inspections, Fire Safety (S27-32202C) title will be inactivated upon approval of this request.

Negotiations representatives have been notified and support the establishment of this title.

TITLE CREATION

Effective: 10/16/2004

Supervisor of Fire Safety Code InspectionsS27 - _____CompetitiveSNL12

EVM/JMM/RMD

May 16, 2007



DATE:

MEMORANDUM

 TO:
 Rolando Torres, Jr., Commissioner

 Department of Personnel

 FROM:
 Elizabeth Van Marter, Managing Director

 State and Local Operations

SUBJECT: Change in the State Classification Plan

VARIOUS DEPARTMENTS

This memo addresses the terms of a settlement agreement between the Office of Employee Relations, and the Communications Workers of America. The settlement agreement involves the reallocation of a targeted group of unrepresented titles assigned to the managerial ("M") bargaining unit to represented bargaining units P/Professional, R/Primary Level Supervisors Unit, or S/Higher Level Supervisors Unit. The agreement further includes the range reassignment of one title, a new title to address the appropriate classification and bargaining unit representation of staff to remain as confidential, and the identification of staff to be reclassified.

Change in Bargaining Unit

Effective: 12/23/06

FROM: Adjuster 3, U M27-56505		x	NL/12	<u>TO:</u> S27
Area Supervi M25-62255	sor, Institutio Competitive	nal As	ssistance NL/12	R25
Assistant Bus M29-50665	siness Manag Competitive	er 1 *	NL/12	S29
Assistant Chi M29-55925	ef Occupatior Competitive	nal Sa	tfety NL/12	R29
Assistant Chie M27-22550			NL/12	S27
Assistant Chie M27-53957	ef Vital Statis Competitive	tics & K	Registration NL/12	R27
Assistant Chie M28-55985	ef Wage and Competitive	Hour L	Compliance NL/12	S28
Assistant Dire M27-03855A	ctor of Nursir Competitive	ng Se P	rvices 1 N4/12	S27
Assistant Dire	ctor of Nursin	a Sei	rvices. Developmen	tal Disa

Assistant Director of Nursing Services, Developmental Disabilities M27-03855F Competitive P N4/12 S27

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Change in Bargaining Unit (continued)

		<u>interiology</u>	
FROM: Assistant Director of Nurs M27-03855G Competiti Change in Bargaining Un	ve *	N4/12	<u>TO:</u> ric S27
Building Manager M30-52559 Competitive	•	NL/12	S30
Chief Labor Market Inform M30-53810 Competitive	natio L	n NL/12	S30
Chief Office of Asbestos M28-55928 Competitive	Contr	ol & Licensing NL/12	S28
Chief Office of Boiler & Pr M28-16858 Competitive	ressu L	re Vessel Complian NL/12	ce S28
Coordinator of Agricultura M27-02545 Unclassified	l Dev H	velopment NL/12	R27
Coordinator Fish & Seafor M30-03075 Competitive	od De H	evelopment NL/12	R30
Coordinator Primary & Pre M29-62896 Competitive	event K	ative Health Service NL/12	s S29
Coordinator Technical Ser M28-01747 Competitive	rvices M	NL/12	R28
Coordinator, DMV M28-56501 Competitive	0	N4/12	S28
Coordinator, DMV M27-56466 Competitive	0	NL/12	S27
Curator M30-74527A Competitive	Е	NL/12	R30
Curator, State Archeologis M30-74527C Competitive	t E	NL/12	R30
Curator, Arts M30-74527D Competitive	E	NL/12	R30

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Change in Bargaining Unit (continued)

500M	
FROM:	<u>TO:</u>
Curator, Cultural History M30-74527F Competitive E NL/12	R30
Curator, Education M30-74527G Competitive E NL/12	R3 0
Curator, Science M30-74527I Competitive E NL/12	R30
Disability Insurance Supervisor M28-65075 Competitive L NL/12	S28
Engineer In Charge of Maintenance 2 M27-42445 Competitive * N4/12	S27
Field Service Supervisor 1 M27-62166A Competitive P NL/12	S27
Field Service Supervisor 1, DYFS M27-62166C Competitive P NL/12	S27
Field Service Supervisor 1, Quality Control M27-62166D Competitive P NL/12	\$27
Field Service Supervisor 1, Family Development M27-62166F Competitive P NL/12	S27
Field Service Supervisor 1, Medical Assistant/Heal M27-62166H Competitive * NL/12	th Services S27
Health Science Specialist M98-55608 Unclassified * NL/12	S98
Industrial Manager 1, State Use Industries M26-55784 Competitive W N4/12	S26
Medical Records Administrator M26-51272 Competitive P NL/12	P26
Manager 2, Education M30-70242 Unclassified N NL/12	R30

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R. Torres May 16, 2007 Page 4	
Change in Bargaining Unit (continued)	
FROM: Manager 2, Workforce New Jersey	<u>TO:</u>
M28-31001 Competitive L NL/12	S28
Operations Shift Superintendent M28-53092 Competitive * NL/12	S28
Operations Shift Superintendent, OIT M28-53092C Competitive D NL/12	S28
Physical Assets Engineer PBA M29-93177 Unclassified U NL/12	S29
Principal Staff Officer 2 M28-34383 Unclassified I NL/12	S28
Principal Staff Officer 3 M25-34382 Unclassified NL/12	R25
Program Assistant Economic Assistance M25-62063 Competitive P NL/12	P25
Project Coordinator Computer Planning & Informat MD29-80075 Unclassified # NL/12	tion Systems, OSA P29
Project Manager, Data Processing M30-53023 Competitive * NL/12	S30
Project Manager, Data Processing, OIT M30-53023C Competitive D NL/12	S30
Program Coordinator, Mental Health M26-60555 Competitive * NL/12	P26
Program Coordinator, Mental Health Alcoholism Se M26-60555C Competitive P NL/12	Prvices P26
Program Coordinator, Mental Health Deaf Languag M26-60555D Competitive * NL/12	e Specialist P26
Program Development Assistant M26-76693 Unclassified * NL/12	P26

Change in Bargaining Unit (continued)

FROM: Program Officer Office of Special Projects	<u>то:</u>
MD25-80193 Unclassified * NL/12	S25
Program Officer Student Assistance MD24-80204 Unclassified E NL/12	R24
Program Specialist, Policy Research & Planning MD27-80135 Unclassified * NL/12	R27
Program Specialist Student Assistance MD26-80306 Unclassified * NL/12	R26
Quality Assurance & Control Specialist M30-55956 Competitive K NL/12	S30
Regional Electrical Supervisor M25-43647 Competitive O 40/12	S25
Regional Management Service Coordinator, DYFS M26-62172 Competitive G NL/12	8 R26
Research Scientist X98-01768 Unclassified * NL/12	S98
Special Staff Officer 1 M22-34374 Unclassified I NL/12	S22
Special Staff Officer 1 M23-34375 Unclassified I N4/12	S23
Supervising Community Service Officer M29-64176 Competitive S NL/12	S29
Supervising Community Service Officer, Tax Coller M29-64176L Competitive S NL/12	ction S29
Supervising Community Service Officer, Addictions M29-63155 Competitive * NL/12	S29
Supervising Community Service Officer, Addictions M29-63155C Competitive * NL/12	s, Bilingual S29

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Change in Bargaining Unit (continued)

FROM:	TO:
Supervising Customer Service Representa	ative, Public Utilities
M28-56778 Competitive * NL/12	S28
Supervising Property Management Service	9 Specialist
M29-54984 Competitive D NL/12	S29
Supervisor of Bridge Operation M23-40347 Competitive O N4/12	S23
Supervisor Field Investigations Taxation M30-57674 Competitive D NL/12	S30
Supervisor of Investigations Labor M28-65116A Competitive L NL/12	S28
Supervisor of Investigations Labor, Unemp	loyment Insurance
M28-65116D Competitive L NL/12	S28
Supervisor Minimum Security Unit Correction	ons
M26-61275 Competitive W NL/12	S26
Supervisor of Professional Residential Serv	vices
M27-60635 Competitive * N4/12	S27
Supervisor of Professional Residential Serv	ices, Developmental Disabilities
M27-60635C Competitive P N4/12	S27
Supervisor Right of Way 1, Transportation M27-57116 Competitive O NL/12	S27
Senior Research Associate, NJ Historical C	ommission
M26-74254 Competitive E NL/12	P26
Senior Research Associate, NJ Historical C	ommission, Ethnic History
M26-74254C Competitive E NL/12	P26
Student Financial Aid Administrator 1 MD20-82634 Unclassified E NE/12	P20
Student Financial Aid Administrator 2 MD18-80176 Unclassified E NE/12	P18

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Change in Bargaining Unit (continued)

FROM: Supervising Accountant/Auditor, Data Processing M30-53346 Competitive * NL/12	<u>TO:</u> R30
Supervising Examiner Unemployment Tax M27-56195 Competitive L NL/12	S27
Supervisor Central Warehouse M22-40137 Competitive * NE/12	S22
Supervisor Central Warehouse M23-40135 Competitive * N4/12	S23
Supervisor Office of Contract Compliance/Civil Righ M28-33385 Competitive * NL/12	its S28
Supervisor Warehouses M20-40133 Competitive * 40/12	S20
Change in Range and Bargaining Unit Effective: 12/23/06	

FROM: Senior Producer/Director, PBA	<u>TO:</u>
MOD 00000 Line to the state of	
M96-93088 Unclassified U NL/12	S30

Movement of Staff (Confidential)

Effective: 12/23/2006

Functions performed by the following staff have been identified as being confidential. They will be appointed to appropriate titles as indicated. Michael Aron, Barbara Manahan, Marie DeNoia, Kent Hicks and James Hooker will be appointed to the title of Senior On-Air Talent, to be created as part of this agreement.

Nila Aranow and Fred Litwinovicz will be appointed to the existing title of Program Manager, Public Broadcasting Authority (M32-93097).

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Movement of Staff (Represented) Effective: 12/23/2006

Functions performed by the following staff have been identified as being appropriate for representation. They will be appointed to titles as indicated: Jerry Henry will be appointed to the existing title of Producer/Director (P26-93087). James Zombeck will be appointed to the title of Instructional Television Utilization Specialist, PBA (P28-93056).

EVM/JJM/BP

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CONFIDENTIAL APPOINTMENTS

The Merit System Board recorded the following Confidential Appointments under N.J.S.A. 11A:3-4(h):

<u>Dennis B. Quinn</u>, appointed as Confidential Assistant, Office of Homeland Security and Preparedness, effective December 9, 2006, salary of \$107,600.00 per annum.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Vernon Allen New Jersey Veterans' Memorial Home Paramus Department of Military and Veterans Affairs Suspension

In the Matter of David Barr College Of New Jersey Removal

In the Matter of Marie J. Brunot County of Monmouth Department of Health Care Facilities Removal

In the Matter of Joyce Butler Department of Children and Families Suspension

In the Matter of Michael Castaldo New Jersey State Prison Department of Corrections Removal

In the Matter of Rochelle L. Davis County of Monmouth Department of Corrections and Youth Services Suspension

In the Matter of German Diaz Adult Diagnostic Treatment Center Department of Corrections Suspension In the Matter of Joseph DiPaolo Department of Transportation Release at the end of the working test period

In the Matter of Ronald Jakubowicz Township of Lakewood Inspections Department Suspension

In the Matter of Keith King Newark School District Removal

In the Matter of Jeffrey Lovick Montclair State University Removal

In the Matter of Eric Rodriguez City of East Orange Police Department Suspension

In the Matter of Lucilo Santos Ancora Psychiatric Hospital Department of Human Services Removal

In the Matter of William Sinton County of Monmouth Department of Corrections and Youth Services Suspensions (2)

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 LOUIS TAIANO - SETTLEMENT

Louis Taiano, County Correction Officer, County of Essex, Department of Corrections, removal effective October 5, 2005 on charges of inability to perform duties, chronic or excessive absenteeism, conduct unbecoming a public employee and violation of the County's attendance policies and procedures and abandonment of position. Settled to reinstatement.

 $Recommendation \ of \ the \ Administrative \ Law \ Judge-Acknowledge \ the \ settlement.$

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

A-3 FRANK BROOKS

Frank Brooks, Principal Planner, City of Plainfield, Administration and Finance Department, appeals the good faith of his layoff effective May 6, 2003, for reasons of economy and efficiency.

Recommendation of the Administrative Law Judge - Uphold the layoff.

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

A-4 KATHY JONES

Kathy Jones, Police Communications Clerk, City of Newark, Police Department, 15- working day suspension, on the charge of neglect of duty.

Recommendation of the Administrative Law Judge – Dismiss the appeal for failure to appear.

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

A-5 VINCENT GREENFIELD

Vincent Greenfield, Senior Correction Officer, Bayside State Prison, Department of Corrections, removal effective April 27, 2005, on charges of chronic or excessive absenteeism, job abandonment, conviction of an offence involving dishonesty or a crime of the third degree or higher, or an offense involving or touching his or her office, position or employment, and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-6 SHARON KILPATRICK

Sharon Kilpatrick, Cottage Training Technician, Green Brook Regional Center, Department of Human Services, removal effective March 19, 2006 on the charge of chronic and excessive absenteeism.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

SECTION B – MISCELLANEOUS MATTERS

B-1 MARK DOBBINS

Mark Dobbins, represented by James P. Swift, Esq., appeals his rejection as a Police Officer candidate by the City of Margate and its request to remove his name from the eligible list for Police Officer (S9999F) on the basis of psychological unfitness to perform effectively the duties of the position.

B-2 SCOTT GIANNONE

Scott Giannone, represented by Stephen B. Hunter, 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 (S9999F) 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-3 JORGE R. KELLY

Jorge R. Kelly, represented by Charles M. Grossman, Esq., appeals his rejection as a Police Officer candidate by the City of Newark and its request to remove his name from the eligible list for Police Officer (S9999A) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-4 JOSE M. PADILLA

Jose M. Padilla, represented by Paul Condon, Esq., appeals his rejection as a Fire Fighter candidate by the City of Hoboken and its request to remove his name from the eligible list for Fighter (M2051A) 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 EDWARD QUIGLEY

Edward Quigley, represented by Steven B. Scheffler, Esq., appeals his rejection as a Police Officer candidate by the City of Atlantic City and its request to remove his name from the eligible list for Police Officer (S9999F) on the basis of psychological unfitness to perform effectively the duties of the position.

B-6 LILIANA RODRIGUEZ-KAREEM

Liliana Rodriguez-Kareem appeals her rejection as a Parole Officer Recruit, Bilingual in Spanish and English candidate by the State Parole Board and its request to remove her name from the eligible list for Parole Officer Recruit, Bilingual in Spanish and English (S2036E), 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 KAMIL J. WARRAICH

Kamil J. Warraich, represented by Stephen B. Hunter, Esq., appeals his rejection as a Police Officer candidate by the City of Asbury Park 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-8 JUSTIN BISCONTI

Justin Bisconti appeals his rejection as a County Correction Officer by Passaic County and its request to remove his name from the eligible list for County Correction Officer (S9999F) on the basis of medical unfitness to perform effectively the duties of the position.

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

B-9 WILLIAM S. DEILE

William S. Deile appeals his rejection as a County Correction Officer by Passaic County and its request to remove his name from the eligible list for County Correction Officer (S9999F) on the basis of medical unfitness to perform effectively the duties of the position.

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

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

B-10 JASON KNOSKIE

Jason Knoskie appeals his rejection as a County Correction Officer by Passaic County and its request to remove his name from the eligible list for County Correction Officer (S9999F) on the basis of medical unfitness to perform effectively the duties of the position.

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

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

B-11 NATASHA ALMON-JONES

Natasha Almon-Jones, a Human Services Assistant at Ancora Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

B-12 PATRICIA CREWS

Patricia Crews, a Head Cottage Training Supervisor with Woodbridge Developmental Center, Department of Human Services, represented by Sarah A. Evans, Communications Workers of America, Local 1040, appeals the denial of sick leave injury (SLI) benefits.

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

B-13 CHARLENE HANDY-JOHNSON

Charlene Handy-Johnson, a Senior Youth Worker with the Juvenile Justice Commission, represented by Anthony P. Marcozzi, Jr., Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-14 DAVID MELCHIORRE

David Melchiorre, a Construction Official with the Department of Community Affairs, appeals the denial of sick leave injury (SLI) benefits.

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

B-15 MOLLY RICHARDSON

Molly Richardson, a Senior Correction Officer with Northern State Prison, Department of Corrections, represented by Arnold M. Abramowitz, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board referred the matter to the Medical Examiner's Panel.

B-16 HELENE ROBBINS

Helene Robbins, a School Psychologist (12 Months) with the Department of Children and Families, represented by Lawrence A. Mintz, Esq., appeals the denial of sick leave injury (SLI) benefits.

B-17 WAYNE H. SANDERSON

Wayne H. Sanderson, a Correction Lieutenant with 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-18 CAROLYN SZELA

Carolyn Szela, a former Senior Food Service Handler with 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 granted.

B-19 LISA WARREN

Lisa Warren, a Senior Correction Officer with New Jersey State Prison, Department of Corrections, represented by Brian W. Shea, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-20 GELAINE ALEXANDRE

Gelaine Alexandre appeals the decision of the Division of Human Resource Information Services which upheld the removal of her name from the Refrigeration Engineer, Low Pressure License (M6839F), City of Newark, eligible list due to being outside the residency scope.

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

B-21 RICHARD CALO

Richard Calo, represented by Paul W. Bergrin, Esq., appeals the decision of the Division of Human Resource Information Services which upheld the removal of his name from the eligible list for Police Officer (S9999F), City of Newark, on the basis of an unsatisfactory criminal record.

B-22 ROBERT CORKE

Robert Corke appeals the decision of the Division of Human Resource Information Services which upheld the removal of his name from the special reemployment list for Community Organizational Specialist, Bergen County on the basis that he was not interested in the available salary.

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

B-23 NELSON HEREDIA

Nelson Heredia, represented by Angelo Reyes, 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 County Correction Officer (S9999F), Mercer County eligible list due to an unsatisfactory background report.

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

B-24 ROBERT LACAILLADE

Robert Lacaillade, represented by Shirley Naylor, 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 Correction Officer Recruit (S9999F), Department of Corrections, on the basis of his unsatisfactory employment record.

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

B-25 MICHAEL A. LEONE

Michael A. Leone, represented by Nicholas J. Palma, Esq., appeals the decision of the Division of Human Resource Information Services (HRIS) which removed his name from the Police Officer (S9999F), City of Newark, eligible list, based on an unsatisfactory driving record and an unsatisfactory employment history.

B-26 KEITH MCALARY

Keith McAlary, represented by Benjamin Benson, Esq., appeals the decision of the Division of Human Resource Information Services which upheld the removal of his name from the eligible list for Fire Fighter (M2201D), City of Bayonne, on the basis of an unsatisfactory criminal record and falsification of his preemployment application.

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

B-27 CAMILO A. MOS

Camilo A. Mos, represented by Ricardo P. Gonzalez, Esq., appeals the decision of the Division of Human Resource Information Services which upheld the bypass of his name on the Police Lieutenant (PM2620D), City of Newark eligible list.

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

B-28 ANIL SHETH

Anil Sheth appeals the appointing authority's request to remove his name from the eligible list for Human Services Specialist 1 (C0888F), Union County, 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-29 ASSISTANT HEAD NURSE (C9893H) COUNTY OF UNION

The County of Union requests permission not to make an appointment from the July 28, 2006 certification for Assistant Head Nurse (C9893H).

ACTION: The Merit System Board granted the request for an appointment waiver but assessed selection costs in the amount of \$2,048.

B-30 DEAN JERNIGAN, ET AL.

The appointing authority for Cinnaminson Fire District #1 petitions the Merit System Board for review of the employment status of Dean Jernigan, Joseph Naprawa, and James Nielsen and a determination of their entitlement to permanent status.

ACTION: The Merit System Board granted permanent status as Fire Fighters.

B-31 MICHAEL KANC

The Superior Court of New Jersey, Appellate Division, has remanded the Merit System Board's decision regarding the removal of Michael Kanc's name from the eligible list for Manager 2, Information Processing (PS7874U), Office of Information Technology (OIT) to address the issue of whether N.J.A.C. 4A:4-4.7(a)9, N.J.A.C. 4A:4-7.1(c)2 and N.J.A.C. 4A:4-7.4(c) apply.

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

B-32 NILDA GARCIA

Nilda Garcia requests reconsideration of the final administrative determination In the Matter of Nilda Garcia, Executive Assistant (C6544G), Mercer County (MSB, decided December 6, 2006).

ACTION: The Merit System Board denied the request.

B-33 GREGG CLERICO

The appeal of Gregg Clerico, a County Correction Officer with Atlantic County, Department of Public Safety, of his six-day suspension on charges, was considered by Administrative Law Judge Edgar R. Holmes (ALJ), who rendered his initial decision on February 28, 2007, recommending acknowledgement of the settlement of the parties.

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

The appeals of Jane Lyons, a Senior Engineer Transportation with the Department of Transportation, of her 15-day suspension on the charge of unauthorized absence, five-day suspension on the charge of insubordination, three-day suspension on the charge of falsification, and one-day suspension on the charge of conduct unbecoming a public employee, were heard by Administrative Law Judge (ALJ) Douglas H. Hurd, who rendered his initial decision on March 27, 2007. At its meeting on May 9, 2007, the Merit System Board (Board) adopted the ALJ's recommendation to dismiss the charges and reverse the 15-day and three-day suspensions and to uphold the five-day suspension. However, the Board did not adopt the ALJ's recommendation to impose a one-day suspension on the charge of conduct unbecoming a public employee. Rather, the Board increased the penalty to a five-day suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-35 LUCY BARONE

Lucy Barone appeals the determination of the Division of Selection Services which found that she was ineligible for the promotional examination for Chief Clerk (PC0478H), Ocean County Prosecutor's Office, because the announced title did not represent a promotion.

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

B-36 DAVID M. BENYOLA

David M. Benyola, represented by Rodney T. Hara, Esq., 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 Assistant Personnel Officer (M1431H), City of Perth Amboy.

B-37 PATRICIA BROWN

Patricia Brown appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Supervising Program Support Specialist (Assistance Programs) (PS6211K), Department of Human Services (DHS). The appellant also appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the open competitive examination for Supervising Program Support Specialist (Assistance Programs) (S3042G) DHS.

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

B-38 JENNA CACCESE

Jenna Caccese 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 Quality Assurance Specialist, Health Services, Ann Klein Forensic Center.

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

B-39 LINDA CLOSS

Linda Closs appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Principal Training Technician (PS7672K), Department of Children and Families.

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

B-40 LILLIAN CREWS

Lillian Crews appeals the determination of the Division of Selection Services that found that, per the substitution requirements for education, she did not meet the experience requirements for the promotional examination for Network Administrator 1 (PS05908U), Department of the Treasury.

B-41 THEODORE GERACE, ET AL.

Theodore Gerace, Marianne Hicks, and Alfreda Reed appeal the determinations of the Division Selection Services that they did not meet the experience requirements for the promotional examination for Quality Assurance Specialist Health Services (PS0142K0, Trenton Psychiatric Hospital.

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

B-42 JUDITH GONZALEZ AND LORI LYNN

Judith Gonzalez and Lori Lynn appeal the determination of the Division of Selection Services, which found that they did not meet the experience requirements for the promotional examination for Field Monitor 3, Division of Motor Vehicles (PS8998T), Motor Vehicle Commission.

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

B-43 CAROL HARTIGAN

Carol Hartigan appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirement for the promotional examination for Field Representative, Local Property Tax (PS2504U), Department of the Treasury.

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

B-44 STEPHEN HILL

Stephen Hill appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Municipal Recycling Coordinator (PM0501H), Lakewood Township.

B-45 ALEXIS NIXON

Alexis Nixon 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 Administrative Secretary (M1408H), Elizabeth.

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

B-46 ERIN ROSS

Erin Ross appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the open competitive examination for Management Specialist (M6339H), Jersey City.

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

B-47 MICHAEL HANDERHAN

Michael Handerhan appeals his rank and score on the promotional examination for Supervisor Parks (PM1553H), Woodbridge.

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

B-48 CLARENCE NEAL

Clarence Neal appeals his score for the oral portion of the examination for the second level Fire Captain (PM3612H), Plainfield.

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

B-49 BRIAN AHEARN, ET AL.

Brian Ahearn, John Burns, Raymond Flynn, Monique Hernandez, Reinaldo Moll, Barbara Rochow, Peter Romano, Robert Ryan and Gregory Slack appeal the promotional examination for Correction Captain (PS1848I), Department of Corrections.

B-50 MATTHEW ANTOLINO, ET AL.

Matthew Antolino, Jason Bigden, Andre Bennett, Aaron Garcia, Kevin Hoogmoed, Steven Hrinuk, Elvis Lopez and Michael Sobke appeal the administration of the written (video) portion of the open competitive examination for Fire Fighter (M9999H), various lists.

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

B-51 DANIEL BAKER

Daniel Baker appeals the test administration for the written portion of the promotional examination for Battalion Fire Chief (PM3592G), Camden City.

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

B-52 DAVID WHATLEY

David Whatley, represented by Kenneth Del Vecchio, Esq., appeals the administration of the promotional examination for Police Lieutenant (PM2622G), Newark.

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

B-53 MAURICE BULLOCK

Maurice Bullock requests a make-up examination for the written portion of the open competitive examination for Fire Fighter (M9999H), various lists.

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

B-54 OCEY PARKER AND DANNY UBEN

Ocey Parker and Danny Uben request make-up examinations as they were not admitted to the examination for Fire Fighter (M9999H), since they were late.

B-55 ROGER HILL

The Sheriff, Salem County Sheriff's Department, represented by David J. Puma, Esq., requests that the provisions of N.J.A.C. 4A:4-7.6 be relaxed in order to effectuate the lateral title change for Roger Hill from the title of County Correction Officer, Salem County Sheriff's Department to the title of Sheriff's Officer, Salem County Sheriff's Department.

ACTION: The Merit System Board granted the request.

B-56 MATTHEW CASTERLINE AND WILLIAM LARDIERI

The Township of Bordentown requests relaxation of N.J.A.C. 4A:4-7.1A(c) so as to permit the intergovernmental transfer of Matthew Casterline from the title of Sheriff's Officer, Middlesex County, to the title of Police Officer, Township of Bordentown. The Township of Bordentown also requests relaxation of N.J.A.C. 4A:4-7.1A(c) so as to permit the intergovernmental transfer of William Lardieri from the title of Sheriff's Officer, Ocean County Sheriff's Office, to the title of Police Officer, Township of Bordentown.

ACTION: The Merit System Board granted the requests.

B-57 ROBERT MARINO

The Town of Phillipsburg and Robert Marino request relaxation of N.J.A.C. 4A:4-7.1A(c) so as to permit the intergovernmental transfer of Marino from the title of Sheriff's Officer, Warren County Sheriff's Office to the title of Police Officer, Town of Phillipsburg.

ACTION: The Merit System Board granted the requests.

B-58 PLUTARCO FLORES AND JOSEPH MUZZILLO

The Department of Human Services requests that the provisions of N.J.A.C. 4A:3-5.6(a)3 be relaxed in order to permit it to provide cash compensation to Plutarco Flores, an Administrator of Plan Services, and Joseph Muzzillo, an Institutional Fire Chief, for their current balance of compensatory time.

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

B-59 RECENT COURT DECISIONS

Submitted for the Merit System Board's review are summaries of recent court decisions involving Merit System Board and Department of Personnel determinations In the Matter of Robert Varcadipane and John C. Welsh (Appellate Division, decided 3/12/07); In the Matter of Omar Thompson (Appellate Division, decided 3/13/07); In the Matter of Carols Pina (Appellate Division, decided 3/23/07); In the Matter of Wayne Rocco (Appellate Division, decided 4/9/07); In the Matter of Lisa Trezza (Appellate Division, decided 4/17/07); In the Matter of Darin Royster (Appellate Division, decided April 19, 2007); and In the Matter of Kenneth Rankin (Appellate Division decided 4/23/07).

ACTION: The Merit System Board noted the decisions.

B-60 MERIT SYSTEM BOARD MINUTES

The Merit System Board Minutes of its meeting of May 9, 2007 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of May 9, 2007.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, June 6, 2007 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

ROLANDO TORRES, JR. COMMISSIONER MERIT SYSTEM BOARD