



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
JULY 25, 2007**

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

JULY 25, 2007

A regular meeting of the Merit System Board was held on Wednesday July 25, 2007, in Trenton, New Jersey.

PRESENT: Chairman Rolando Torres, Jr., Merit System Board Members, John Currie, Flavella Branham, 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.

CONFIDENTIAL APPOINTMENTS

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

Marisa Miller, appointed as a Confidential Assistant, Department of Education, effective June 11, 2007, salary of \$50,000.00 per annum.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Yvette Austin
County of Hudson
Department of Corrections
Removal

In the Matter of David Denobile
Lodi Public Schools
Board of Education
Removal

In the Matter of Edward Edwards
Township of Lower
Department of Public Safety
Removal

In the Matter of Dina Fancher
County of Monmouth
Department of Corrections and Youth Services
Suspension

In the Matter of Patricia Glaspie
Motor Vehicle Commission
Release at the end of the working test period

In the Matter of Michael H. Holmes
New Lisbon Developmental Center
Department of Human Services
Suspension

In the Matter of Bruce Lewis
County of Hudson
Department of Roads and Public Property
Suspensions (2)

In the Matter of Daryl Mims

County of Hudson
Department of Corrections
Removal

In the Matter of Dawn Pinkney
Atlantic City Housing Authority
Removal

In the Matter of Joshua Simpkins
County of Cumberland
Department of the Mayor
Removal

In the Matter of Jamie Tarpley
County of Gloucester
County Clerk
Removal

In the Matter of Lassane Winningham
City of Newark
Department of Neighborhood and Recreation Services
Removal

In the Matter of Michael Wyche (Hadley)
City of Camden Housing Authority
Layoff

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 ERICK AGINS

Erick Agins, Supervisor Traffic Maintenance, City of Trenton, Department of Works, 10-day suspension (four days held in abeyance) on charges of inability to perform duties and neglect of duty.

Recommendation of the Administrative Law Judge – Dismiss the appeal for lack of jurisdiction.

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

A-3 LUZ E. CINTRON

Luz E. Cintron, Teacher's Aide, Newark School District, resignation not in good standing effective February 16, 2007, on charges of chronic or excessive absenteeism or lateness, inability to perform duties, neglect of duty, resignation not in good standing and other sufficient cause.

Recommendation of the Administrative Law Judge – Dismiss the appeal without prejudice.

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

A-4 ANTHONY HEARN

Anthony Hearn, a Planning Associate 1 with the Department of Education, appeals the determination of the Commissioner of Education stating that he violated the State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

Recommendation of the Administrative Law Judge – Reverse the State's determination that Mr. Hearn violated the State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace and purge that finding from his personnel records. The ALJ also awarded back pay, benefits, and counsel fees.

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

A-5 KAREN L. JOHNSON

Karen L. Johnson, Employment Specialist, County of Atlantic, Department of Community Development Economic Assistance, resignation not in good standing effective October 31, 2005, on the charge of being absent from duty for five or more consecutive business days without approval. This matter was held over from the July 11, 2007 Merit System Board meeting for receipt of late exceptions.

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

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

A-6 SELINA MAJOR

Selina Major, Attendance Counselor, Newark School District, resignation effective March 11, 2005, on the charge of resignation not in good standing (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-7 CURTIS MOSS

Curtis Moss, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, 60-day suspension on charges of verbal abuse of a patient, falsification, and intentional misstatement of material fact in connection with an investigation.

Recommendation of the Administrative Law Judge – Uphold the 60-day suspension.

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

A-8 SHENA ATKINSON

Shena Atkinson, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, removal effective September 30, 2004, on charges of physical abuse of a patient and falsification.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-9 RANDELL BROWN-BEY

Randell Brown-Bey, Custodial Worker, Newark School District, removal effective October 28, 2005, on charges of insubordination and violation of a Last Change Agreement.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-10 IJUNANYA CLAY

Ijunanya Clay, County Correction Officer, County of Hudson, Department of Corrections, removal effective June 9, 2005, on charges of conduct unbecoming a public employee and inability to perform duties.

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

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a dismissal without prejudice.

A-11 MOSES HARB

Moses Harb, Police Officer, Town of West New York, Department of Public Safety, removal effective April 28, 2006, on charges of incompetency, inefficiency or failure to perform duties, conduct unbecoming a public employee, neglect of duty, and violation of several Police Department rules and regulations.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-12 FRANK HEATER

Frank Heater, Water Meter Repairer, City of Trenton, Department of Public Works, removal effective September 8, 2006, on the charge of inability to perform duties.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-13 TANYA JOHNSON

Tanya Johnson, Parole Officer Recruit, State Parole Board, removal effective April 4, 2006, on the charge of other sufficient cause.

Recommendation of the Administrative Law Judge – Grant the respondent's motion to dismiss the appeal.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a dismissal without prejudice.

A-14 NINO LAMPAGO

Nino Lampago, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, removal effective May 17, 2005, on the charge of physical or mental abuse of a patient.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-15 LEONIDAS ROGERS

Leonidas Rogers, Building Maintenance Worker/Groundskeeper, Glassboro Housing Authority, removal effective May 25, 2006, on charges of neglect of duty, inefficiency, insubordination and chronic absenteeism.

Recommendation of the Administrative Law Judge – Modify the removal to a 30-day suspension.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a 60-working day suspension.

A-16 PHILLIP SMITH

Phillip Smith, Police Officer, City of Newark, Police Department, removal effective March 16, 2006, on the charge of incompetency or inefficiency.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

SECTION B – MISCELLANEOUS MATTERS

B-1 MICHAEL PANZINO

Michael Panzino appeals his rejection as a County Correction Officer by Atlantic 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.

B-2 NINA BELL-KING

Nina Bell-King, a Senior Practical Nurse with the Vineland Developmental Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

B-3 JEFFREY S. COX

Jeffrey S. Cox, a Maintenance Worker 1, Transportation, with the Department of Transportation, represented by Anthony M. Rotunno, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-4 RICHARD DEY

Richard Dey, a Police Officer with the Palisades Interstate Park Commission, appeals the denial of sick leave injury (SLI) benefits.

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

B-5 RACHEL DUDLEY

Rachel Dudley, a Communications Operator, Secured Facilities, with the Garden State Reception and Youth Correctional Facility, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

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

B-6 JOANNE JACKSON

Joanne Jackson, a Senior Field Representative, Wage and Hour Compliance, with the Department of Labor and Workforce Development, appeals the denial of sick leave injury (SLI) benefits.

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

B-7 SHIRLEY PETRICH

Shirley Petrich, a Principal Clerk Typist with the Hunterdon Developmental Center, Department of Human Services, represented by Tom Bruno, Branch President, 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-8 NANCY SINGER

Nancy Singer, a Day Care Center Technician with the Department of Children and Families, appeals the denial of sick leave injury (SLI) benefits.

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

B-9 ERNEST TETI

Ernest Teti, a Residential Services Worker with the New Jersey Veterans Memorial Home at Vineland, Department of Military and Veterans Affairs, represented by Victoria S. Kavanagh, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-10 MICHELLE KINSEY

Michelle Kinsey appeals the decision of the Division of Human Resource Information Services (HRIS) which found that the appointing authority had presented a sufficient basis to remove her name from the eligible list for Correction Officer Recruit, Juvenile Justice (S9999D), Juvenile Justice Commission, for making a false statement of a material fact on her pre-employment application.

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

B-11 STEVEN MALTMAN

Steven Maltman appeals the decision of the Division of Human Resource Information Services (HRIS) which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for County

Correction Officer (S9999F), Camden County, on the basis of not being interested in the position.

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

B-12 JOSEPH NAYDA

Joseph Nayda, represented by Joel Miklacki, Esq., appeals the decision of the Division of Selection Services which removed his name from the Fire Chief (PM3519G), Passaic City eligible list because he did not meet the experience requirements for the promotional examination.

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

B-13 JOSE D. RODRIGUEZ

Jose D. Rodriguez appeals the decision of the Division of Local Human Resource Management which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for Fire Fighter (M2271E), City of Camden on the basis of an unsatisfactory criminal record.

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

B-14 GEORGE SIMPSON

George Simpson, represented by Hugh E. Lucariello, Esq., appeals the decision of Human Resource Information Services (HRIS) which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for Fire Fighter (M2289E), City of Newark, on the basis of an unsatisfactory criminal record.

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

B-15 PARK MAINTENANCE WORKER (M6317H), NUTLEY TOWNSHIP

The Nutley Township Department of Parks and Public Property requests permission not to make an appointment from the July 10, 2006 certification for Park Maintenance Worker (M6317H).

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

B-16 PRINCIPAL ENGINEERING CLERK (M0942G), CITY OF NEWARK

The City of Newark requests permission not to make an appointment from the November 2, 2006 certification for Principal Engineering Clerk (M0942G).

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

B-17 ANGELA JEFFERSON

Angela Jefferson, a former Senior Correction Officer at Mountainview Youth 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 in part.

B-18 HAROLD ELLISON

Harold Ellison, a Food Service Supervisor 4 with the Department of Children and Families (DCF), appeals the determination of the Director of Administration of the DCF, stating that the appellant had 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 denied.

B-19 FRANCIS WOOD

Francis Wood, an Administrative Analyst 2 with the Department of Health and Senior Services, appeals the determination of the Commissioner which determined 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-20 SHAE NORRIS

Shae Norris, a former Judiciary Clerk 2 with the Essex Vicinage, Superior Court of New Jersey, represented by Kevin P. McGovern, Esq., requests a hearing regarding his removal from employment, effective December 5, 2006.

ACTION: The Merit System Board denied the request.

B-21 BRIAN ANDERSON

Brian Anderson, a County Correction Officer with Monmouth County, represented by Charles J. Sciarra, Esq., petitions the Merit System Board for reconsideration of the decision rendered on December 20, 2006, which remanded the matter of his removal, effective October 17, 2001, to the Office of Administrative Law for further proceedings.

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

B-22 GARY AVAZIER, ET AL.

The Township of Brick, on behalf of Gary Avazier, Arthur Childs, Robert Halmuth, Lawrence Housman, and Joseph Liotino, petitions the Merit System Board for reconsideration of the decision rendered on January 31, 2007 (*In the Matter of Gary Avazier et al.*) which found that they did not meet the experience requirements for the promotional examination for Assistant Supervisor, Public Works (PM0472), Brick Township.

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

B-23 MELINDA FLEMING

Melinda Fleming petitions the Merit System Board for reconsideration of its decision rendered on April 25, 2007 in which her request for admittance to the examination for Manager 1 Information Processing (PS0125K), Department of Human Services, Division of Medical Assistance and Health Services, was denied.

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

B-24 CARMINE RUSSO

Carmine Russo, represented by Anthony J. Fusco, Esq., requests reconsideration of the final administrative determination in *In the Matter of Carmine Russo, Deputy Police Chief (PM2515G), Newark* (MSB, decided December 6, 2006).

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

B-25 VALERIE BROWN

The appeal of Valerie Brown, a County Correction Officer with the Hudson County Department of Corrections, of her immediate suspension and removal effective May 4, 2006, on charges, was heard by Administrative Law Judge Jesse H. Strauss (ALJ), who rendered his initial decision on May 30, 2007. At its meeting on July 11, 2007, the Merit System Board adopted the ALJ's recommendation to modify the removal to a 90-day suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-26 ROGER CALDWELL, JR.

The appeal of Roger Caldwell, Jr., a Human Services Specialist 2 with the Mercer County Board of Social Services, concerning his removal, effective August 1, 2005, on charges, was heard by Administrative Law Judge James W. Faison, III (ALJ), who rendered his initial decision on May 15, 2007. At its meeting on July 11, 2007, the Merit System Board did not adopt the ALJ's recommendation to reverse the removal. Rather, the Board remanded the matter to the Office of Administrative Law for further proceedings. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-27 JUAN MELENDEZ

The appeal of Juan Melendez, a County Correction Officer with the Hudson County Department of Corrections, of his 30-day suspension, on charges, was heard by Administrative Law Judge Walter M. Braswell (ALJ), who rendered his initial decision on June 8, 2007. At its meeting on July 11, 2007, the Merit System Board did not adopt the ALJ's recommendation to modify the 30-day suspension to a three-day suspension. Rather, the Board ordered that the matter be remanded to the Office of Administrative Law for further proceedings. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-28 UDOBATA NWADIOZOR

The appeal of Udobata Nwadiozor, a Cottage Training Technician with the Woodbridge Developmental Center, Department of Human Services, of her removal, effective February 24, 2006, on charges, was heard by Administrative Law Judge Jeff S. Masin (ALJ), who rendered his initial decision on February 7, 2007. At its meeting on July 11, 2007, the Merit System Board adopted the ALJ's recommendation to reverse the appellant's removal. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-29 LISA SMITH

The appeal of Lisa Smith, a Practical Nurse with the County of Cumberland, of her removals, effective April 6, 2006, on charges, was heard by Administrative Law Judge W. Todd Miller (ALJ), who rendered his initial decision on May 31, 2007. At its meeting on July 11, 2007, the Merit System Board did not adopt the ALJ's recommendation to enforce a settlement. Rather, the Board ordered that the matter be remanded to the Office of Administrative Law. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-30 LISA BARBIERO

Lisa Barbiero appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for a prospective provisional appointment to the title of Management Assistant, Department of Transportation.

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

B-31 KHALIQ BUTLER

Khaliq Butler appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Senior Clerk Bookkeeper (PS8934K), Department of Human Services.

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

B-32 CHARLES DOMINGUEZ, ET AL.

Charles Dominguez, Marilyn Esparra, Lisa Famular-Ellis, Barbara Malakuskie, Brian Mondadori, Melissa Stevenson, and Danielle Valiante-Luna appeal the determinations of the Division of Selection Services which found that they did not meet the education requirements for the open competitive examination for Human Services Specialist 1 (C1662J), Union County.

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

B-33 JENNIFER FLODMAND

Jennifer Flodmand appeals the determination of the Division of Selection Services that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Technical Assistant 2, Treasury (PS0587U), Division of Pensions and Benefits, Department of the Treasury.

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

B-34 GENIECE GARY-ADAMS

Geniece Gary-Adams 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 Zoning Officer, Township of West Orange.

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

B-35 WILLIAM GILBERT

William Gilbert 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 Assistant Public Works Superintendent (PM1173H), Belleville.

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

B-36 LESLEY KARCEWSKI

Lesley Karczewski appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Library Director (PM1764H), Boonton Library.

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

B-37 PETER LEWIS, ET AL.

Peter Lewis, represented by Michael P. Fralinger, Esq., Nichole Artis, Shawn Arpaio, Yvette Beshier, Maria Castillo, Tahisha Collins, April Cruz, Daryll Dairsow, Robert Devlin, Afonso Fernandes, Cornel Garrett, Terrance Gillian, Mercer Hedgeman, Basant Kotb, Iris Marti, Rhonda McDonald, Devin Moore, Mark Muenster, Maria Rivera, Sheila Ross, Bryant Simmons, Christopher Sorhaindo, Sandra Vargas, Leonel Vasquez, Luciana Wheeler and Anthony Williams appeal the decisions of the Division of Selection Services which found that they did not meet the educational requirement for the examination for Parole Officer Recruit (S2049H), New Jersey State Parole Board.

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

B-38 MARIA MERCURIO

Maria Mercurio appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the qualifying examination for Assistant Purchasing Agent, Hudson County.

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

B-39 MARIA MIRYS

Maria Mirys appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for a prospective provisional appointment to the title of Personnel Assistant 3, Department of Human Services.

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

B-40 MILTON PERNA

Milton Perna 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 Operator, Refrigeration Services (PS1534J), Richard Stockton College of New Jersey.

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

B-41 THELMA SCOTT

Thelma Scott appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for a prospective provisional appointment to the title of Personnel Aide 1, Department of Environmental Protection.

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

B-42 JOHN WALSH

John Walsh 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 Supervising Program Development Specialist (PS1132K), Commission for the Blind and Visually Impaired.

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

B-43 DENNIS BRANDT, JR.

Dennis Brandt, Jr., appeals his score for the oral portion of the examination for Fire Lieutenant (PM2503H), Gloucester City.

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

B-44 GREG HILLERMAN

Greg Hillerman appeals his score for the oral portion of the examination for Fire Lieutenant (PM2510H), Ridgewood.

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

B-45 MICHAEL MAUTNER

Michael Mautner appeals his score for the oral portion of the examination for the first level Fire Captain (PM3503H), Asbury Park City.

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

B-46 SCOTT RECHNER

Scott Rechner appeals his score for the oral portion of the examination for the first level Fire Captain (PM3518H), West Orange.

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

B-47 PATRICK RENALDI

Patrick Renaldi appeals his score for the oral portion of the examination for the first level Fire Captain (PM3520H), Woodbridge.

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

B-48 MICHAEL TAYLOR

Michael Taylor appeals his score for the oral portion of the examination for the first level Fire Captain (PM3518H), West Orange.

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

B-49 KAREEM MACK

Kareem Mack appeals the test administration of the multiple choice portion of the examination for Fire Fighter (M9999H).

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

B-50 JOSUE NAZARIO, ET AL.

Josue Nazario, Jean Charles Prophete and Isaiah Wilson appeal the administration of the physical performance portion of the examination for Fire Fighter (M9999H), various jurisdictions.

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

B-51 MICHAEL BROWN, ET AL.

Michael Brown, Brian Evans, Steven Hodge, Anthoni Moore and Richard Shubbring request make up examinations for Fire Fighter (M9999H), various jurisdictions.

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

B-52 ESTELVINA TERESI

Estelvina Teresi requests make-ups for the open competitive examinations for Substance Abuse Counselor 2 (S0556H) and Substance Abuse Counselor 2 (Bilingual in Spanish and English) (S0559H).

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

B-53 LATEEF IBIKUNLE AND THAKOR PATEL

Lateef Ibikunle and Thakor Patel petition the Merit System Board to accept untimely applications for the promotional announcement for Chief Forensic Chemist (PM1183H), Newark.

ACTION: The Merit System Board granted the request.

B-54 DENISE PROVOST

The Acting Director, Division of State Human Resource Management, on behalf of the Department of the Treasury, requests that Denise Provost's out-of-title work experience be accepted to qualify her for a prospective promotional examination for Supervisor of Claims, Department of the Treasury.

ACTION: The Merit System Board granted the request.

B-55 THOMAS BRETT

Thomas Brett requests that he be permitted to review his answers to the Entry Level Law Enforcement (S9999H) examination for various titles.

ACTION: The Merit System Board denied the request.

B-56 MERIT SYSTEM BOARD MINUTES

The minutes of the Merit System Board meeting of July 11, 2007 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of July 11, 2007.

B-57 NICHOLAS CONDITO

Nicholas Condito, a County Correction Lieutenant with the County of Essex, represented by Ciro A. Spina, III, Esq., petitions the Merit System Board for enforcement of the Board decision rendered on April 12, 2007, reversing a 60-day suspension and demotion. The appointing authority requests a stay of the decision pending its appeal to the Superior Court of New Jersey, Appellate Division.

ACTION: The Merit System Board granted the request for enforcement and denied the request for a stay.

VOTE:

Rolando Torres, Jr.	(Yes)
Flavella Branham	(Abstained)
John Currie	(Yes)
Robert J. Long	(Yes)

B-58 OFFICE APPLIANCE OPERATOR (C6573G), PASSAIC COUNTY

Passaic County requests permission not to make an appointment from the October 17, 2005 certification for Office Appliance Operator (C6573G).

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

VOTE:

Rolando Torres, Jr.	(Yes)
Flavella Branham	(Yes)
John Currie	(Abstained)
Robert J. Long	(Yes)

B-59 KENNETH MARTINEZ

Kenneth Martinez, a Fire Captain with the City of Passaic, represented by Craig S. Gumpel, Esq., appeals the determination of the Merit System Board in *In the Matter of Christopher Szczygiel* (MSB, decided January 31, 2007), in which the Board ordered that Szczygiel receive a retroactive date of appointment and relaxed the provisions of N.J.A.C. 4A:4-2.6(a)1 to accept experience gained by Szczygiel after the closing date to make him eligible for the Deputy Fire Chief (PM3618G) examination.

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

B-60 JOYCE MOSS

The appeal of Joyce Moss, a County Correction Officer with the County of Mercer, of her 10-day suspension on charges, was heard by Chief Administrative Law Judge Laura Sanders, who rendered her initial decision on April 18, 2007. At its meeting on July 11, 2007, the Merit System Board adopted the ALJ's recommendation to uphold the 10-day suspension. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-61 GLENN STEIGER

The appeal of Glenn Steiger, a Truck Driver with the Borough of Rutherford, of his removal, effective December 8, 2004, on charges, was heard by Administrative Law Judge Mumtaz Bari-Brown (ALJ), who rendered her initial decision on May 8, 2007. At its meeting on July 11, 2007, the Board did not adopt the ALJ's recommendation to uphold the appellant's removal. Rather, the Board modified the removal to a four-month suspension. The proposed decision is not submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-62 VICKIE STANABACK

Sussex County petitions the Merit System Board for a retroactive regular appointment date as a Senior Library Assistant, Typing for Vickie Stanaback.

ACTION: The Merit System Board granted the request.

B-63 COMMERCE COMMISSION REORGANIZATION

The Managing Director, State and Local Government Operations, requests the reallocation of the subject titles to the noncompetitive division of the career service from July 7, 2007 to July 20, 2007.

ACTION: The Merit System Board granted the request.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, August 15, 2007 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

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