



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
JUNE 7, 2006**

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

JUNE 7, 2006

A regular meeting of the Merit System Board was held on Wednesday June 7, 2006, in Trenton, New Jersey.

PRESENT: Chairman Rolando Torres, Jr., Merit System Board Members, John Currie, Flavella Branham, Margaret E. L. Howard and Robert J. Long; Pamela Ullman, Deputy Attorney General; and Elizabeth Napolitano, Deputy 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.

The following appeals were withdrawn and removed from the hearing calendar:

Jane Bentley, Sheriff's Officer, Atlantic County, suspension.

Leonard Cipriano, Police Officer, City of Trenton, suspension.

Maritza Curbelo, Human Services Specialist 1, Bilingual in Spanish and English, Board of Social Services, Cumberland County, release at the end of the working test period.

Bertha Gessner, Income Maintenance Worker, Board of Social Services, Hudson County, demotion and removal.

John Ramos, Sheriff's Officer Sergeant, Hudson County, examination appeal.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Nicole Ajax
County of Union
Runnells Hospital
Removal

In the Matter of Thomas Alexander
Town of Morristown
Department of Human Services
Demotion

In the Matter of John Costello
City of Bayonne
Fire Protection Department
Suspensions (2)

In the Matter of Craig Dennis
City of Atlantic City
Health and Human Services
Suspension

In the Matter of Mary Dunn
Township of Rockaway
Department of Parks, Recreation and Senior Services
Removal

In the Matter of John Jones
County of Mercer
Department of Public Safety
Suspensions (2)

In the Matter of Troy Jones
Newark School District
Removal

In the Matter of Daryl Porter
Ancora Psychiatric Hospital
Department Human Services
Suspensions (2) and Resignation Not in Good Standing

In the Matter of Steven Ryan
County of Burlington
Department of Buildings and Grounds
Suspensions (2) and Demotion

In the Matter of Lisa Schlich
Department of Health and Senior Services
Release at the end of the working test period

In the Matter of Sheriff's Officer Sergeant (PC2635D)
Hudson County
Examination Disqualification

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 THOMAS RICIGLIANO

Thomas Ricigliano, County Correction Officer, County of Mercer, Department of Public Safety, 15-day suspension on charges of inappropriate physical contact, conduct unbecoming a public employee and violation of Departmental rules, policies, and procedures.

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

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

A-3 KIMBERLY DRUMMOND

Kimberly Drummond, Human Services Assistant, Vineland Developmental Center, Department of Human Services, removal effective May 13, 2005, on charges of being absent from work as scheduled without permission and without giving proper notice of intended absence.

Recommendation of the Administrative Law Judge – Dismiss the appeal as moot for failure to timely file an appeal.

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

A-4 MATTHEW GREEN

Matthew Green, Cottage Training Technician, Vineland Developmental Center, Department of Human Services, removal effective May 12, 2003, on charges of conduct unbecoming a public employee and conviction of a crime.

Recommendation of the Administrative Law Judge - Uphold the removal.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a 6-month suspension.

A-5 WILLIAM GREENE

William Greene, Human Services Assistant, New Lisbon Developmental Center, Department of Human Services, removal effective November 8, 2004, on the charge of physical abuse of a client.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-6 RAQUEL MORTON (REMAND)

Raquel Morton, Police Officer, City of Camden, Police Department, removal effective December 17, 2003, on charges of conduct unbecoming a public employee and violation of several Police Department rules and regulations regarding investigations.

Recommendation of the Administrative Law Judge - Uphold the removal.

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

A-7 DAVID WRIGHT (REMAND)

David Wright, Firefighter, City of Trenton, Fire Department, 10-day and 60-day suspensions and removal effective April 8, 2002 on charges of conduct unbecoming a public employee, insubordination, testing positive for an illegal substance, failure to perform duties, and failure to comply with a lawful order.

Recommendation of the Administrative Law Judge - Uphold the removal.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a resignation in good standing.

A-8 SETTLEMENTS

In the Matter of Donna M. Anderson
Hunterdon Developmental Center
Department of Human Services
Removal

In the Matter of Maddice Ganges
New Lisbon Developmental Center
Department of Human Services
Removals (2)

In the Matter of Debbie Jasperse
Woodbine Developmental Center
Department of Human Services
Resignation not in good standing

In the Matter of Leon Odain
New Lisbon Developmental Center
Department of Human Services
Suspension

In the Matter of Anthony Stoia
City of East Orange
Police Department
Removal

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

ACTION: The Merit System Board acknowledged the settlements.

SECTION B – MISCELLANEOUS MATTERS

B-1 KARIM BASEER HAMPTON

Karim Baseer Hampton appeals his rejection as a County Correction Officer candidate by Hudson County and its request to remove his name from the eligible list for County Correction Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-2 CALVIN O. JEFFERS

Calvin O. Jeffers appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (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 denied.

B-3 VINCENT W. SURACE

Vincent W. Surace, represented by Edward J. Nolan, Esq., appeals his rejection as a Police Officer candidate by the Borough of Fort Lee 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-4 CARMEN L. CABA

Carmen L. Caba appeals her rejection as a Police Officer by the City of Paterson and its request to remove her name from the eligible list for Police 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-5 THOMAS C. EDWARDS

Thomas C. Edwards appeals his rejection as a Police Officer by Jersey City and its request to remove his name from the eligible list for Police 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-6 JARED SALAHUDDIN

Jared Salahuddin appeals his rejection as a Police Officer by the City of East Orange and its request to remove his name from the eligible list for Police 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-7 FANNIE H. BOISSEAU

Fannie H. Boisseau, a Supervisor 3 (Motor Vehicles) with the Motor Vehicle Commission, appeals the denial of sick leave injury (SLI) benefits.

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

B-8 ASTON CAMPBELL

Aston Campbell, a Grounds Worker at Woodbridge Developmental Center, Department of Human Services, represented by Richard L. Kuhrt, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-9 GEETA EASTMOND

Geeta Eastmond, a Customer Service Representative 4 with the Motor Vehicle Commission, represented by Mary R. Walker, Shop Steward, CWA Local 1033, appeals the denial of sick leave injury (SLI) benefits.

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

B-10 STEPHEN FORNAROTTO

Stephen Fornarotto, a Senior Correction Officer with the Albert C. Wagner 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.

B-11 JODY HEFT

Jody Heft, a Head Clerk at Edna Mahan Correctional Facility for Women, Department of Corrections, represented by Robert O. Yaeger, Principal Staff Representative, CWA, appeals the denial of sick leave injury (SLI) benefits.

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

B-12 CARL LADD

Carl Ladd, a Youth Work Supervisor with the Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

B-13 MARIE MICKOLAS

Marie Mickolas, a former Customer Service Information Specialist 3 with the Motor Vehicle Commission, represented by Robert R. Hanneman, Jr., Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-14 DEBORAH P. MURPHY

Deborah P. Murphy, a Family Service Specialist 1 with the Office of Children's Services, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

B-15 KAREN SKIPPER

Karen Skipper, a Senior Correction Officer at 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 denied.

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

B-16 COUNTY CORRECTION SERGEANT (PC2668G), PASSAIC COUNTY

The Passaic County Sheriff's Department Police Benevolent Association Local 197, represented by Merick H. Limsky, Esq., petitions the Merit System Board for interim relief so as not to permit several County Correction Officers to compete in the promotional examination for County Correction Sergeant (PC2668G), Passaic County.

It is noted that this matter was held over from the May 24, 2006 Merit System Board meeting for further review.

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

B-17 KENYATTA BRANT

Kenyatta Brant, a former Residential Living Specialist, Mental Health, at Greystone Park Psychiatric Hospital, Department of Human Services, petitions the Merit System Board for reconsideration of the final decision rendered on January 25, 2006, which modified his resignation not in good standing to a resignation in good standing.

ACTION: The Merit System Board denied the request.

B-18 DANIEL BRAUN AND KEVIN KOCH

The Director, Division of Selection Services, Department of Personnel, petitions the Merit System Board for reconsideration of the decision rendered on November 3, 2005, which found that Daniel Braun and Kevin Koch possessed the required experience for the promotional examination for Senior Investigator, Secured Facilities (PS4345I), State Parole Board.

ACTION: The Merit System Board granted the request, but upheld the original decision.

B-19 DENNIS DEGREGORY AND DAVID ZMODA

Dennis DeGregory and David Zmoda petition the Merit System Board for reconsideration of the decision rendered on January 11, 2006 which found that they did not meet the educational requirement for the promotional examination for Supervising Environmental Specialist (PS7064T), Department of Transportation.

ACTION: The Merit System Board granted the requests.

B-20 JOHN JOHNSON

John Johnson, a Truck Driver, Tandem Axle, with the Department of the Treasury, petitions the Merit System Board for reconsideration of the final decision rendered on October 5, 2005, which modified a 15-day suspension to a 10-day suspension.

ACTION: The Merit System Board granted the request for reconsideration in part and affirmed the imposition of a 10-day suspension but granted the appellant five days of back pay, benefits and seniority.

B-21 MANAGEMENT TRAINEE (S0435G), STATEWIDE

The Office of the Attorney General, Department of Law and Public Safety, requests permission not to make an appointment from the certification for Management Trainee (S0435G), Statewide.

ACTION: The Merit System Board granted the request for an appointment waiver and assessed no selection costs at this time.

B-22 RICHARD DAVIS

Richard Davis, represented by Gina Mendola Longarzo, Esq., appeals the determination of the Division of Human Resource Information Services, which denied the appointing authority's request to add his name to the December 15, 2005 certification of the Police Sergeant (PM2542D), Township of Parsippany-Troy Hills, eligible list.

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

B-23 VAL D. IMBRIACO

The Division of Human Resource Management petitions the Merit System Board for a determination regarding the permanent appointment of Val D. Imbriaco to the title of Registrar of Vital Statistics with the City of Linden.

ACTION: The Merit System Board granted the request and directed that Val D. Imbriaco's appointment to the competitive, career service title of Registrar of Vital Statistics be recorded as permanent effective August 1, 1983.

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

B-24 ELVIS L. GOODEN, SR.

The appeal of Elvis L. Gooden, Sr., a Supervisor of Accounts with the Township of Monroe, of his termination, effective March 3, 2005, on charges, was before Administrative Law Judge Donald J. Stein (ALJ), who rendered his initial decision on April 13, 2006. At its meeting on May 24, 2006, the Merit System Board adopted the ALJ's recommendation to dismiss the appellant's appeal. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-25 JOHN W. KELLY

The appeal of John W. Kelly, a County Correction Officer with the County of Gloucester, of his removal effective May 15, 2005, on charges, was heard by, Administrative Law Judge Ana C. Viscomi (ALJ), who rendered her initial decision on March 13, 2006. At it meeting on May 24, 2006, the Merit System Board adopted the ALJ's recommendation to uphold the removal. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-26 LARRY L. MARTIN

The appeal of Larry L. Martin, a Police Officer with the City of Jersey City, of his 60-day suspension, on charges was heard by Administrative Law Judge J. Howard Solomon (ALJ), who rendered his initial decision on April 18, 2006. At it meeting on May 24, 2006, the Merit System Board did not adopt the ALJ's recommendation to modify the penalty to a 45-day suspension. Rather, the Board upheld the 60-day suspension. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-27 GUSTAVO SANCHEZ

The appeal of Gustavo Sanchez, a County Correction Officer with Middlesex County, of his 60 day suspension, beginning April 26, 2005, on charges, was heard by Administrative Law Judge Dennis P. Blake (ALJ), who rendered his initial decision on April 10, 2006. At it meeting on May 24, 2006, the Merit System Board (Board) did not adopt the ALJ's recommendation to modify the penalty to a 10-day suspension. Rather, the Board modified the 60-day suspension to a 30-day suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-28 CHESTER SOLOWIEJ

The appeal of Chester Solowiej, a Police Officer with the City of Newark, of his 10-day suspension, on charges was heard by Administrative Law Judge Ken R. Springer (ALJ), who rendered his initial decision on April 10, 2006 modifying the 10-day suspension to a 7-day suspension. At its meeting on May 24, 2006, the Merit System Board upheld 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-29 SUNDAY AKHATOR

Sunday Akhator appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Data Entry Machine Operator (PS6651K), Office of Integrity and Accountability, Department of Human Services.

ACTION: The Merit System Board directed that this appeal be denied but referred the matter of the classification of Sunday Akhator's position to the Division of Human Resource Management.

B-30 KENNETH BEAM

Kenneth Beam appeals the determination of the Division of Selection Services which found that he did not meet the educational requirements for the promotional examination for Project Engineer, Maintenance (PS8052T), Operations, Department of Transportation.

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

B-31 CARMEN BROWN

Carmen Brown appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Head Clerk Bookkeeper (PS7183K), Commission for the Blind and Visually Impaired.

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

B-32 JAKIA BROWN

Jakia Brown 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 Community Program Specialist (S0453G), Division of Developmental Disabilities, Department of Human Services.

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

B-33 ROBERT BRYANT

Robert Bryant appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the open competitive examination for Mechanical Repairer, Light Equipment (C6571G), Monmouth County.

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

B-34 AMARPAL CHADHA

Amarpal Chadha 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 Technical Assistant, Agriculture (S0489G), Department of Agriculture.

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

B-35 MEG DEMARIO

Meg Demario 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 Field Representative, Eye Health (S0448G), Statewide.

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

B-36 STEVEN B. DRESSLER, ET AL.

Steven B. Dressler, Judith A. Falchek, and Susan M. Wood appeal the determinations of the Division of Selection Services which found that they did not meet the requirements for the open-competitive examination for Claims Investigator (S0469G).

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

B-37 VANDANA MATHUR

Vandana Mathur appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Administrative Analyst 4, Data Processing (PS8193I), Division of Programs and Community Services, Department of Corrections.

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

B-38 WANDA TURNER

Wanda Turner 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 Senior Technician, Management Information Systems (PS6808H), Department of Health and Senior Services.

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

B-39 RAMONA WHITEHEAD

Ramona Whitehead appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Identification Officer (PS7924K), Hunterdon Developmental Center, Department of Human Services.

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

B-40 GERALDINE OBIRI-IBE

Geraldine Obiri-Ibe, represented by William F. Henning, Esq., appeals her disqualification from the open-competitive examination for Family Service Worker (C0913G), Essex County.

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

B-41 SOCORRO ORTIZ

Woodbine Developmental Center appeals the decision of Human Resource Information Services which restored Socorro Ortiz's name to the eligible list for Cottage Training Supervisor (PS1660K), Woodbine Developmental Center, after the appointing authority had requested the removal of her name for her failure to respond to the Notice of Certification.

ACTION: The Merit System Board directed that this appeal be granted and Socorro Ortiz's name be removed from the Cottage Training Supervisor (PS1660K), Woodbine Developmental Center eligible list.

B-42 MARISOL RODRIGUES

Marisol Rodrigues appeals the denial of her request for a make-up examination for the promotional examination for Head Clerk (PS7389P), Department of Law and Public Safety.

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

B-43 POLICE SERGEANT AND POLICE LIEUTENANT, TOWNSHIP OF LONG BEACH

The Township of Long Beach, represented by Robert A. Greitz, Esq., appeals the determination of the Division of Selection Services, which denied its request for a postponement of the Police Sergeant and Police Lieutenant, Township of Long Beach, promotional examinations.

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

B-44 CORNELIUS KANE

Cornelius Kane appeals the administration of the promotional examination for Police Sergeant (PM2505G), Atlantic City.

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

B-45 ROBERT BARRA

Robert Barra appeals his score for the oral portion of the examination for the first Level Fire Lieutenant (PM2627F), Bloomfield.

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

B-46 ANTHONY MALFATTO

Anthony Malfatto appeals his score for the oral portion of the examination for the first Level Fire Lieutenant (PM2627F), Bloomfield.

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

B-47 STEVEN ZURLO

Steven Zurlo appeals his score for the oral portion of the examination for the first Level Fire Lieutenant (PM2627F), Bloomfield.

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

B-48 ALESSANDRA VIOLA

Alessandra Viola appeals the administration of the promotional examination for Police Sergeant (PM2522G), Hackensack.

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

B-49 JOSEPH PALAZZOLA

Joseph Palazzola appeals his score on the oral examination for Fire Chief (PM3575G), Teaneck.

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

B-50 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of May 24, 2006 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of May 24, 2006.

B-51 SHARON GREENE

Sharon Greene, a Supervising Medical Security Officer with the Ann Klein Forensic Center, Department of Human Services, petitions the Merit System Board for relief from certification as a trainer.

ACTION: The Merit System Board denied the request.

B-52 JOSEPH RICHARDSON

Joseph Richardson, a Police Captain with the City of Camden, represented by Sebastian B. Ionno, Esq., requests counsel fees in accordance with the Merit System Board decision rendered on December 21, 2005.

ACTION: The Merit System Board granted counsel fees in the amount of \$1,125.00.

B-53 RICKY WYLIE

Ricky Wylie appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for a prospective provisional appointment to the title of Supervising Classification Officer, Department of Corrections.

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

B-54 TIMOTHY MITCHELL

The appeal of Timothy Mitchell, a Correction Sergeant at South Woods State Prison, Department of Corrections, of his removal effective August 6, 2004, on charges, was heard by Administrative Law Judge Bruce M. Gorman, who rendered his initial decision on February 22, 2006. At its meeting on May 24, 2006, the Merit System Board did not adopt the ALJ's recommendation to reverse the removal. Rather, the Board upheld the charges and the removal. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, June 21, 2006 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

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