

**Merit System Board**

**MINUTES OF REGULAR MEETING OF  
THE MERIT SYSTEM BOARD  
August 9, 2006**

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

AUGUST 9, 2006

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A regular meeting of the Merit System Board was held on Wednesday August 9, 2006, in Trenton, New Jersey.

**PRESENT:** Chairman Rolando Torres, Jr., Merit System Board Members, John Currie, and Margaret E. L. Howard; 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.

**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:** July 18, 2006

**TO:** Rolando Torres, Jr., Commissioner  
Department of Personnel

**FROM:** Elizabeth Van Marter, Director  
Human Resource Management

**SUBJECT:** Change in the State Classification Plan

**STATE PAROLE BOARD AND JUVENILE JUSTICE COMMISSION**

The Hearing Officer title series was previously assigned to the unclassified service. Senate Bill No. 2521, an amendment to N.J.S.A. 30:4-123.48, was signed on January 12, 2006. It provides that hearing officers who have been employed by the State Parole Board for a period of at least one year prior to the effective date of the amendment shall have permanent career service status. Seniority in the career service will be awarded from the date of original appointment to the title of Hearing Officer.

Hearing Officers are employed by both the State Parole Board and the Juvenile Justice Commission. Merit System Practices and Labor Relations has advised that the applicability of the amendment was limited to employees of the State Parole Board.

A separate set of unclassified titles is concurrently requested for use by the Juvenile Justice Commission. This action will preclude the potential of inadvertently conferring classified status to incumbents for whom this action was unintended.

**CHANGE OF CLASS OF SERVICE**

**Effective:** 01-12-06

**FROM:**  
Hearing Officer 1, State Parole Board  
P27-61753 **Unclassified** \* NL/12

**TO:**  
Hearing Officer 1, State Parole Board  
P27-61753 **Career** \* NL/12

Hearing Officer 2, State Parole Board  
P29-61754 **Unclassified** \* NL/12

Hearing Officer 2, State Parole Board  
P29-61754 **Career** \* NL/12

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**CHANGE OF CLASS OF SERVICE** (cont.)

Hearing Officer 2, State Parole Board  
P30-61758 **Unclassified** \* NL/12

Hearing Officer 2, State Parole Board  
P30-61758 **Career** \* NL/12

Hearing Officer 3, State Parole Board  
R32-61748 **Unclassified** \* NL/12

Hearing Officer 3, State Parole Board  
R32-61748 **Career** \* NL/12

Hearing Officer 4, State Parole Board  
R34-61746 **Unclassified** \* NL/12

Hearing Officer 4, State Parole Board  
R34-61746 **Career** \* NL/12

**ESTABLISHMENT OF TITLES**

Effective: 01-12-06

Hearing Officer 1, Juvenile Justice Commission  
P27-\_\_\_\_ **Unclassified** \* NL/12

Hearing Officer 2, Juvenile Justice Commission  
P29-\_\_\_\_ **Unclassified** \* NL/12

Hearing Officer 2, Juvenile Justice Commission  
P30-\_\_\_\_ **Unclassified** \* NL/12

Existing unclassified Hearing Officers of the Juvenile Justice Commission, serving in titles to be reallocated to the career service, will be laterally transferred to the newly-created titles listed above with continuation of unclassified status.

Note: The range 30 Hearing Officer titles for both the State Parole Board and the Juvenile Justice Commission are intended to classify existing incumbents only. Once created, these will be made archaic to prevent future appointments, and will be eliminated after the titles are vacated. All new appointments to this title will occur at the range 29 pursuant to an agreement between the Appointing Authorities, negotiations representatives, and the Department of Personnel.

EVM/JM/BP

**WITHDRAWAL OF APPEALS**

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

**Charles Baronowitz**, Police Officer, Ventnor City, Police Department, removal.

**Christian Columbia**, County Correction Officer, County of Hudson, 12-day suspension.

**Alan Cribb**, County Correction Officer, County of Mercer, 10-day and 20-day suspensions.

**John Crowley**, Senior Parole Officer, New Jersey State Parole Board, 15-day suspension.

**Shirley Earnest**, Institutional Attendant, County of Salem, Nursing and Convalescent Home Department, removal and fine.

**Keith Edward-Fleming**, Radio Dispatcher/Senior Clerk Typist, City of Trenton, Police Department, 4-month suspension.

**Ann Marie Golya**, Teacher's Aide, Newark School District, Release at the end of the working test period.

**John Hawthorne**, Senior Tree Climber, County of Monmouth, Shade Tree Commission, resignation in good standing.

**Randik Gurley**, Senior Medical Security Officer, Ann Klein Forensic Center, Department of Human Services, removal.

**Irvin Hatch, Jr.**, Auxiliary Officer, City of Vineland, Electric Utility Department, 30-day suspension.

**Annette James**, Clerk Typist, County of Hudson, Department of Corrections, 22-day suspension.

**Julia Kelly**, Affirmative Action Officer, Atlantic City Housing Authority, layoff.

**Silas Lennon**, Heavy Equipment Operator, County of Mercer, Transportation & Infrastructure Department, 13-day suspension.

**Paula Marrero**, Program Coordinator, Mental Health, Ancora Psychiatric Hospital, Department of Human Services, removal.

**Noeling Miller**, County Correction Officer, County of Burlington, County Jail, 10-day suspension.

**Samuel Moreno**, County Correction Sergeant, County of Hudson, Corrections Department, 10-day suspension.

**Jeanne A. Szlasa**, Senior Building Maintenance Worker, Hagedorn Geropsychiatric Hospital, Department of Human Services, denial of sick leave injury benefits.

**James Watson**, Electrical Subcode Official, Borough of Sayreville, removal.

**Elizabeth Young-Cheavers**, Senior Clerk Typist, release at the end of the working test period.

**James Young**, Program Coordinator, Ancora Psychiatric Hospital, Department of Human Services, removal.

**DISMISSAL OF APPEALS – FAILURE TO APPEAR**

**The Merit System Board dismissed the following cases without prejudice for failure to appear at the scheduled hearing before the Office of Administrative Law:**

**Lucy Alonso**, Personnel Assistant 2, Northern State Prison, Department of Corrections, 10-day suspension.

**Tyron Bacon**, Correction Officer Recruit, Mid-State Correctional Facility, Department of Corrections, removal.

**Carolyn Bass**, Family Service Specialist 2, Division of Youth and Family Services, Department of Human Services, release at the end of the working test period.

**Estelle Brown**, Human Services Assistant, North Jersey Developmental Center, Department of Human Services, release at the end of the working test period.

**Ruth DeSalvo**, Counselor, Penal Institution, County of Monmouth, Department of Corrections and Youth Services, removal.

**Tessa Francois**, Nurses Aide, County of Monmouth, Department of Health Care Facilities, release at the end of the working test period.

**Mattie Johnson**, County Correction Officer, County of Hudson, Department of Corrections, removal.

**Christian Merzeau**, Senior Correction Officer, Edna Mahan Correctional Facility, Department of Corrections, removal.

**Teri O'Brien**, Practical Nurse, County of Atlantic, Department of Human Services, release at the end of the working test period.

**Harold Veal**, Motor Vehicle Operator, Department of Military and Veteran's Affairs, 15-day and 30-day suspensions.

**SECTION A – HEARING MATTERS**

**A-1 SETTLEMENTS**

In the Matter of Amiel J. Brown  
Newark School District  
Removal

In the Matter of Wayne Carter  
Newark School District  
Removal

In the Matter of Kathleen Drake  
Judiciary- Essex, Vicinage  
Suspension

In the Matter of Robert Hampe  
East Jersey State Prison  
Department of Corrections  
Suspension

In the Matter of Aleyamma Isaac  
County of Monmouth  
Resignation not in good standing

In the Matter of Terry Lucas  
Newark Housing Authority  
Suspension

In the Matter of Lamont Walker  
Newark Housing Authority  
Removal

In the Matter of Arthur Williams, Jr.  
Newark School District  
Removal

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

**ACTION:** The Merit System Board acknowledged the settlements.



**A-2 LINWOOD J. BUGG, JR.**

Linwood J. Bugg, Jr., Fire Alarm Operator, City of Paterson, Department of Public Safety, 20-day and 16-day suspensions on charges of incompetence, inefficiency or failure to perform duties, insubordination, chronic or excessive absenteeism or lateness, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the 20-day and 16-day suspensions to a 10-day and 15-day suspensions respectively.

**ACTION:** The Merit System Board reversed the recommendation of the Administrative Law Judge to uphold the 20-day and 16-day suspensions.

**A-3 THOMAS RICCHIUTI**

Thomas Ricchiuti, County Correction Officer, County of Monmouth, Department of Corrections and Youth Services, 10-day suspension on charges of failure to cooperate with an investigation of the Monmouth County Prosecutor's Office and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Reverse the 10-day suspension.

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

**A-4 ANDREA WILLIAMS-HARRIS**

Andrea Williams-Harris, Security Guard, Newark School District, resignation not in good standing effective October 11, 2005, on the charge of being absent from work five or more consecutive business days without approval.

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-5 JOHN BELL**

John Bell, County Correction Officer, County of Essex, Department of Corrections, removal effective April 22, 2004, on charges of failure to perform duties, insubordination, conduct unbecoming a public employee, other sufficient cause and violation of Department policies and procedures.

Recommendation of the Administrative Law Judge – Modify the removal to a 60-day suspension.

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

**A-6 WARREN GRAVES**

Warren Graves, Human Services Technician, Trenton Psychiatric Hospital, Department of Human Services, removal effective September 2, 2004, on charges of physical or mental abuse of a patient, inappropriate physical contact and mistreatment of a patient.

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

**ACTION:** The Merit System Board modified the recommendation of the Administrative Law Judge to a 45-day suspension.

**A-7 PATRICIA OLUKU**

Patricia Oluku, Human Services Assistant, North Jersey Developmental Center, removal effective January 10, 2005, on charges of sleeping on duty, physical abuse of a client and mistreatment of a client.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

**A-8 PATRICIA WOODS (REMAND)**

Patricia Woods, Data Processing Technician, City of Newark, Department of Neighborhood and Recreational Services, Division of Sanitation, removal effective November 16, 2000, on charges of insubordination, conduct unbecoming a public employee, misuse of public funding and other sufficient cause.

Recommendation of the Administrative Law Judge - Uphold the removal.

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

**A-9 VICTOR ONWUZURUIKE**

Victor Onwuzuruike, Senior Security Guard, Newark School District, removal effective May 3, 2004, on charges of insubordination, chronic or excessive absenteeism or lateness, conduct unbecoming a public employee, neglect of duty and other sufficient cause. This matter was held over from the June 19, 2006 Merit System Board meeting.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

**A-10 ERIC TURNER (CONSOLIDATION)**

Eric Turner, Juvenile Detention Officer, County of Camden, removal effective June 15, 2004 on various charges, *inter alia*, conduct unbecoming a public employee and neglect of duty.

Recommendation of the Administrative Law Judge – Uphold the charges and the removal.

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

**SECTION B – MISCELLANEOUS MATTERS**

**B-1 PAUL ASH**

Paul Ash, Teacher 1 (12 Months) with the Juvenile Justice Commission, Department of Law and Public Safety, appeals the denial of sick leave injury (SLI) benefits.

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

**B-2 SYLVIA HINES**

Sylvia Hines, a Supervising Family Service Specialist 2 with the Division of Youth and Family Services, 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-3 DEBORAH P. MURPHY**

Deborah P. Murphy, a Family Service Specialist 1 with the Division of Youth and Family Services, Department of Children and Families, appeals the denial of sick leave injury (SLI) benefits. This matter was held over from the June 7, 2006 Merit System Board meeting.

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

**B-4 DAVID AKINS**

David Akins, a Senior Right of Way Negotiator with the Department of Transportation (DOT), appeals the determination of the DOT which found 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-5 KEVIN E. GRIER**

Kevin E. Grier, a Trooper 1 with the Division of State Police, Department of Law and Public Safety, appeals the determination of the Executive Assistant Attorney General which found 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-6 HENRY L. JOHNSON**

Henry L. Johnson, a Trooper 1 with the Division of State Police, Department of Law and Public Safety, appeals the determination of the Executive Assistant Attorney General which found 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-7 MICHAEL TIDSWELL**

Michael Tidswell, a Program Specialist 1, Occupational Environmental Health, with the Department of Health and Senior Services, appeals the decision of the ADA Coordinator denying his request for a reasonable accommodation.

**ACTION:** The Merit System Board directed that this matter be remanded to the Department of Health and Senior Services.

**B-8 HAROLD D. DUNN**

Harold D. Dunn appeals the determination of the Division of Selection Services which removed him from the promotional eligible list for Human Resource Consultant 3 (PS9543C), Department of Personnel (DOP), after he failed to provide a valid application fee.

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

<b>VOTE:</b>	<b>Rolando Torres, Jr.</b>	<b>(Abstained)</b>
	<b>John Currie</b>	<b>(Yes)</b>
	<b>Margaret E. L. Howard</b>	<b>(Yes)</b>

**B-9 DATA PROCESSING ANALYST 2 (S0402G), DEPARTMENT OF HEALTH AND SENIOR SERVICES**

The appointing authority requests permission not to make an appointment from the September 1, 2005 certification for Data Processing Analyst 2 (S0402G), Department of Health and Senior Services.

**ACTION:** The Merit System Board denied the appointment waiver and directed that the certification be properly disposed of.

**B-10 DATA PROCESSING ANALYST 1 (S6772F), DEPARTMENT OF HEALTH AND SENIOR SERVICES**

The appointing authority requests permission not to make an appointment from the September 1, 2005 certification for Data Processing Analyst 1 (S6772F), Department of Health and Senior Services.

**ACTION:** The Merit System Board granted the appointment waiver and directed that selection costs be presently deferred.

**B-11 PRINCIPAL TRAINING TECHNICIAN, COMPUTER TECHNOLOGY (S6846G) OFFICE OF INFORMATION TECHNOLOGY**

The appointing authority requests permission not to make an appointment from the March 17, 2006 certification for Principal Training Technician, Computer Technology (S6846G), Office of Information Technology.

**ACTION:** The Merit System Board granted the appointment waiver and directed that selection costs be presently deferred.

**B-12 DAVID ARISTIZABAL, ET AL.**

The City of Pleasantville (City) requests relief on behalf of David Aristizabal, Mark Gorman and David Napolitano, Police Officers with the City.

**ACTION:** The Merit System Board granted David Aristizabal and David Napolitano permanent status in their titles, effective May 28, 2004 and May 24, 2004, respectively, and granted Mark Gorman a make-up Law Enforcement Examination.

**B-13 VIKIA BENTON**

Vikia Benton, a County Correction Officer with Essex County, represented by Ciro A. Spina, III, Esq., petitions the Merit System Board for interim relief of her immediate suspension, effective December 16, 2005

**ACTION:** The Merit System Board granted the request for interim relief.

**B-14 PATRICIA DELEO**

Patricia DeLeo, a Senior Purchasing Assistant, Typing, with the Monmouth County Mosquito Extermination Commission, appeals the appointing authority's response to her work-related illness.

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

**B-15 BRINSON R. HOWARD, III**

Brinson R. Howard, III, a Police Officer with the City of Newark, represented by Anthony J. Fusco, Esq., petitions the Merit System Board for interim relief of his immediate suspension, effective February, 8, 2006.

**ACTION:** The Merit System Board denied the request but directed that the petitioner be on paid status from March 11, 2006 through June 19, 2006.

**B-16 CHRISTOPHER SMITH**

Christopher Smith, a Sanitation Driver with the City of Long Branch, Department of Public Works, requests that the Merit System Board reinstate the appeal of his 45-day suspension, which was dismissed based on his failure to appear at a scheduled settlement conference.

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

**B-17 RYAN TULKO**

Ryan Tulko, represented by William P. Flahive, Esq., requests that the Merit System Board settle the record of In the Matter of Ryan Tulko, Sheriff's Officer (S9999D), Ocean County, Docket No. A-6481-04T5, now pending before the Superior Court, Appellate Division.

**ACTION:** The Merit System Board denied the request to include the requested documents.

**B-18 CARPENTER, PASSAIC COUNTY (C6168F)**

Passaic County requests reconsideration of the decision rendered on December 21, 2005 by the Merit System Board in In the Matter of Carpenter (C6168F), Passaic County, which ordered it to immediately remove the provisional and to properly dispose of the certification.

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

**VOTE:**       **Rolando Torres, Jr.**               **(Yes)**  
                  **John Currie**                               **(Abstained)**  
                  **Margaret E. L. Howard**               **(Yes)**

**B-19 DELIVERY WORKER, PASSAIC COUNTY (C6840E AND C6309F)**

Passaic County requests reconsideration of the decision rendered on December 21, 2005 by the Merit System Board in In the Matter of Delivery Worker (C6840E and C6309F), Passaic County, which ordered it to immediately remove the provisionals and to properly dispose of the certification.

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

**VOTE:**       **Rolando Torres, Jr.**               **(Yes)**  
                  **John Currie**                               **(Abstained)**  
                  **Margaret E. L. Howard**               **(Yes)**

**B-20 JUVENILE DETENTION OFFICER, PASSAIC COUNTY (C2065D, C2081E AND C2090F)**

Passaic County requests reconsideration of the decision rendered on February 22, 2006 by the Merit System Board in In the Matter of Juvenile Detention Officer (C2065D, C2081E and C2090F), Passaic County, which ordered it to immediately remove the provisionals and to properly dispose of the certification.

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

**VOTE:**       **Rolando Torres, Jr.**               **(Yes)**  
                  **John Currie**                               **(Abstained)**  
                  **Margaret E. L. Howard**               **(Yes)**

**B-21 LILLIAN FOSTER**



Lillian Foster requests reconsideration of the final decision of the Merit System Board rendered on January 11, 2006, which upheld the bypass of her name on the Investigator (S0209E), Judiciary, Vicinage 9, Monmouth County, eligible list.

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

**B-22 LILLIAN FOSTER**

Lillian Foster requests reconsideration of the final decision of the Merit System Board rendered on January 25, 2006, which upheld the bypass of her name on the Investigator Trainee, Labor (S0200E), eligible list.

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

**B-23 KAMBUI HANNIBAL**

Kambui Hannibal, formerly a Maintenance Repairer with the Atlantic City Housing Authority, requests reconsideration of the final decision of the Merit System Board, rendered on March 8, 2006, which upheld his removal, effective November 1, 2003, on charges.

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

**B-24 LEONARD WILSON**

The Department of Corrections petitions the Merit System Board (Board) for reconsideration of that portion of the Board's decision rendered on April 26, 2006, which rendered the appointing authority to pay Leonard Wilson \$119,658.69 in back pay. Additionally, Wilson petitions the Board for reconsideration of the decision, which granted him mitigated back pay but denied his other claims. He also requests enforcement of the Board's decision to grant him \$119,658.69 in back pay.

**ACTION:** The Merit System Board denied the request for reconsideration but granted the request for enforcement.

**B-25 MICHAEL ANTON**

The appeal of Michael Anton, a Safety Specialist 1 (Division of Motor Vehicles) with the Motor Vehicle Commission, of his 30-day suspension on charges, was heard by Administrative Law Judge Margaret M. Monaco (ALJ), who rendered her initial decision on June 5, 2006. At its meeting on July 19, 2006, the Merit System Board (Board) did not adopt the ALJ's recommendation to modify the 30-day suspension to a 15-day suspension. Rather, the Board upheld the 30-day suspension. The proposed final decision is now submitted for the Board's review.

**ACTION:** The Merit System Board adopted the final decision.

<b>VOTE:</b>	<b>Rolando Torres, Jr.</b>	<b>(Yes)</b>
	<b>John Currie</b>	<b>(Yes)</b>
	<b>Margaret E. L. Howard</b>	<b>(Abstained)</b>

**B-26 CHRISTIAN COFONE**

The appeal of Christian Cofone, a Police Officer with the Township of Middletown, of his indefinite suspension effective March 21, 2001, and removal effective June 23, 2003, on charges, was heard by Administrative Law Judge (ALJ) Solomon A. Metzger, who rendered his initial decision on June 20, 2006. At its meeting on July 19, 2006, the Merit System Board (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>VOTE:</b>	<b>Rolando Torres, Jr.</b>	<b>(Yes)</b>
	<b>John Currie</b>	<b>(Yes)</b>
	<b>Margaret E. L. Howard</b>	<b>(Abstained)</b>

**B-27 KAREN JENKINS**

The appeal of Karen Jenkins, a Senior Correction Officer with South Woods State Prison, Department of Corrections, of her removal effective March 23, 2004, on charges, was heard by Administrative Law Judge Bruce M. Gorman (ALJ), who rendered his initial decision on May 10, 2006. At its meeting on July 19, 2006, the Merit System Board (Board), adopted the ALJ's recommendation to reverse the removal. The proposed decision is now submitted for the Board's review.

**ACTION:** The Merit System Board adopted the decision.

<b>VOTE:</b>	<b>Rolando Torres, Jr.</b>	<b>(Yes)</b>
	<b>John Currie</b>	<b>(Yes)</b>
	<b>Margaret E. L. Howard</b>	<b>(Abstained)</b>

**B-28 RENEE MEYERS**

The appeal of Renee Meyers, a Building Maintenance Worker with Hudson County, of her 20-day suspension on charges, was heard by Administrative Law Judge Sandra Ann Robinson (ALJ), who rendered her initial decision on June 15, 2006. At its meeting on July 19, 2006, the Board did not adopt the ALJ's recommendation to modify the 20-day suspension to a 15-day suspension. Rather, the Board upheld the 20-day suspension. The proposed final decision is now submitted for the Board's review.

**ACTION:** The Merit System Board adopted the final decision.

<b>VOTE:</b>	<b>Rolando Torres, Jr.</b>	<b>(Yes)</b>
	<b>John Currie</b>	<b>(Yes)</b>
	<b>Margaret E. L. Howard</b>	<b>(Abstained)</b>

**B-29 JOSE ROSADO, JR.**

The appeal of Jose Rosado, Jr., a Police Officer with the City of Newark, of his 90-day suspension beginning October 1, 2004, on charges, was heard by Administrative Law Judge Carol I. Cohen (ALJ), who rendered her initial decision on June 19, 2006. At its meeting on July 19, 2006, the Merit System Board did not adopt the ALJ's recommendation to modify the appellant's 90-day suspension to a 15-day suspension. Rather, the Board modified the penalty to a 60-day suspension. The proposed decision is now submitted for the Board's review.

**ACTION:** The Merit System Board adopted the decision.

<b>VOTE:</b>	<b>Rolando Torres, Jr.</b>	<b>(Yes)</b>
	<b>John Currie</b>	<b>(Yes)</b>
	<b>Margaret E. L. Howard</b>	<b>(Abstained)</b>

**B-30 SILENDRA BAIJMAUTH**

Silendra Baijmauth appeals the determination of the Division of Selection Services that he was below the minimum requirements in experience for the open competitive examination for Assistant Supervisor of Accounts (M8021H), Jersey City.

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

**B-31 DANIEL J. CAMAROTE, ET AL.**

Daniel J. Camarote, Thomas J. Kusnirik, Robert C. Lanik and Sreelatha Ponugoti appeal the determination of the Division of Selection Services which found that they did not meet the requirements for the promotional examination for Administrative Analyst 2, Data Processing (PS5512N), Department of Labor and Workforce Development.

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

**B-32 JESSICA CONDEMARIN**

Jessica Condemarin appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Deputy Municipal Court Administrator (PM1526G), City of Elizabeth.

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

**B-33 ALVINA CONYERS, ET AL.**

Alvina Conyers, Annette Daudelin, Marie Dukes, Marie Hunter, Michele Johnson, Phyllis Kreps-Reid and Sameerah Muhammad appeal the determinations of the Division of Selection Services which found that they were below the minimum requirements in experience for the promotional examination for Management Specialist (PM0998G), Newark School District.

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

**B-34 ERIN EARNEST AND VIOLA THOMAS-HUGHES**

Erin Earnest and Viola Thomas-Hughes appeal the determinations of the Division of Selection Services which found that they were below the minimum requirements in experience for the promotional examination for Executive Assistant 2 (PS6857I), South Woods State Prison, Department of Corrections.

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

**B-35 ANTHONY J. ENNAS AND PAUL WILLIAMS**

Anthony J. Ennas and Paul Williams appeal the determination of the Division of Selection Services that they did not meet the requirements for the promotional examination for Construction and Maintenance Technician 2 (PS781T), Department of Transportation (DOT).

**ACTION:** The Merit System Board directed that these appeals be denied but directed that the classification of Ennas' position be referred to the Division of Human Resource Management for further review.

**B-36 MARYELLEN ESPOSITO**

Maryellen Esposito 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 Family Service Specialist 2 (PS5487K), Division of Youth and Family Services, Department of Human Services.

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

**B-37 ROBERT FALCONELLO AND MARTINA SHIPE**

Robert Falconello and Martina Shipe appeal from the determinations of the Division of Selection Services which found that they were below the minimum requirements in experience for the promotional examination for Claims Reviewer, Medical Assistance and Health Services (PS6442H), Department of Health and Senior Services.

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

**B-38 CHERYL GOINS**

Cheryl Goins appeals the determination of the Division of Selection Services that she did not meet the requirements for the open competitive examination for Buyer (C1011G), Essex County.

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

**B-39 KAREN GRADDY**

Karen Graddy appeals the determination of the Division of Selection Services which found that, per the substitution clause, she was below the minimum requirements in experience for the promotional examination for Labor Market Analyst 4 (PS6665N), Department of Labor and Workforce Development

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

**B-40 JAMES GURENLIAN**

James Gurenlian appeals the determination of the Division of Selection Services that per the substitution clause for education, he did not meet the experience requirements for the promotional examination for Building Management Services Specialist 1 (PS6878K), Ancora Psychiatric Hospital.

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

**B-41 BRUCE HARRISON**

Bruce Harrison appeals the determination of the Division of Selection Services that per the substitution clause for education, he did not meet the experience requirements for the promotional examination for Manager 1, Information Processing (PS7023P), Office of the Attorney General, Department of Law and Public Safety.

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

**B-42 LARRY JOHNSON, ET AL.**

Larry Johnson, represented by William Toolen, Vice President of FOP Lodge #200, Kevin Baxter, Dionne Benson, Marlon Curtis, Charles Jones, Michael Ryan, Patricia Shuford, Reginald Stephens and George Virgilio appeal the determination of the Division of Selection Services which found them ineligible for the promotional examination for Correction Sergeant (PS9154I), Department of Corrections, due to untimely applications.

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

**B-43 STACY MARTORANA**

Stacy Martorana appeals the determination of the Division of Selection Services which found that pursuant to the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Administrative Analyst 3 (PS7060T), Department of Transportation.

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

**B-44 NANCY MUTEK**

Nancy Mutek 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 1, Purchasing (PS6433H), Department of Health and Senior Services (DHSS).

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

**B-45 ROBERT L. NELSON**

Robert L. Nelson appeals the determination of the Division of Selection Services that he did not meet the requirements for the promotional examination for Head Clerk (PS5806K), Division of Medical Assistance and Health Services, Department of Human Services.

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

**B-46 ALEXANDER G. NEMETH**

Alexander G. Nemeth appeals the determination of the Division of Selection Services that he did not meet the education and experience requirements for the open competitive examination for Geographic Information Systems Specialist 2 (S6868G), Statewide.

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

**B-47 JUSTINA PROGEBIN**

Justina Progebin appeals the determination of the Division of Selection Services which found that she did not meet the minimum requirements in experience for the open competitive examination for Assistant Business Administrator (M4114G), Township of North Brunswick.

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

**B-48 ALLEN J. RIFENBURG**

Allen J. Rifenburg appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the open competitive examination for Mechanic, Diesel (C1301H), County of Middlesex.

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

**B-49 LYNDA C. SEWARD, ET AL.**

Lynda C. Seward, Fawn Ross, and Lorraine Brown appeal the determinations of the Division of Selection Services that they did not meet the education and experience requirements for the open competitive examination for Advocate, Victim-Witness Program (M0931G), City of Newark.

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



**B-50 LISA SHUMARD**

Lisa Shumard, represented by William L. Kauffman, Staff Representative, CWA Local 1040, appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Technical Assistant Classification (PS8202I), Department of Corrections.

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

**B-51 BINA THAKKAR**

Bina Thakkar 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 Auditor 3 (PS8754T), Department of Transportation.

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

**B-52 MARK BRANDBERGH**

Mark Brandbergh appeals his scores for the oral portions of the open competitive examinations for Sales Representative 2, State Lottery (S6775F) and Sales Representative 1, State Lottery (S6774F), Department of the Treasury.

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

**B-53 WILLIAM GARNETT**

William Garnett appeals his scores for the oral portions of the open competitive examinations for Sales Representative 2, State Lottery (S6775F) and Sales Representative 1, State Lottery (S6774F), Department of the Treasury.

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

**B-54 LOUIS GIOVACCHINI**

Louis Giovacchini appeals his scores for the oral portions of the open competitive examinations for Sales Representative 2, State Lottery (S6775F), and Sales Representative 1, State Lottery (S6774F), Department of the Treasury.

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

**B-55 VINCENT INTISO**

Vincent Intiso appeals his score for the oral portion of the examination for the first level Fire Captain (PM3510F), East Orange.

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

**B-56 BRENDA LAVENDER-ROBINSON**

Brenda Lavender-Robinson appeals her score on the promotional examination for Supervisor 4, Motor Vehicles (PS7376T), Motor Vehicle Commission.

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

**B-57 MARIA V. OJEDA**

Maria V. Ojeda appeals her score on the promotional examination for Supervising Family Services Specialist 1 (PS5459K), Division of Youth and Family Services, Department of Children and Families.

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

**B-58 THOMAS PIHOKKEN**

Thomas Pihokken appeals his cores for the oral portions of the open competitive examinations for Sales Representative 2, State Lottery (S6775F) and Sales Representative 1, State Lottery (S6774F), Department of the Treasury.

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

**B-59 ROSS RANDOLPH**

Ross Randolph appeals his scores for the oral portions of the open competitive examinations for Sales Representative 2, State Lottery (S6775F) and Sales Representative 1, State Lottery (S6774F), Department of the Treasury.

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

**B-60 CATHY SAWYER**

Cathy Sawyer appeals her score for the oral portion of the open competitive examination for Sales Representative 1, State Lottery (S6774F), Department of the Treasury.

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

**B-61 VICTOR SMITH**

Victor Smith appeals his score for the oral portion of the examination for the first level Fire Lieutenant (PM2506F), Plainfield.

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

**B-62 STEPHEN ALAIMO, ET AL.**

Stephen Alaimo, William Braun, Salvatore D'Amico, Alan Daniels, Henry Fischer, Ronald Garrison, Anthony Greathouse, Natalie Hood, Anthony Kapurelos, Michael Lambert, Gbarclai Mowenn, Otis Truitt, Mark Tully, Charles Warren, Russell Weber and Michael White appeal the promotional examination for Correction Lieutenant (PS7819I), Department of Corrections.

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

**B-63 JONATHAN SESSION, ET AL.**

Jonathan Session, Richard Fisher, Louis Szalejko, Payton Thurman and John Greene appeal the promotional examination for Correction Lieutenant (PS8715P), Juvenile Justice Commission.

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

<b>VOTE:</b>	<b>Rolando Torres, Jr.</b>	<b>(Yes)</b>
	<b>John Currie</b>	<b>(Yes)</b>
	<b>Margaret E. L. Howard</b>	<b>(Abstained)</b>

**B-64 JOSEPH FALCONE, ET AL.**

Joseph Falcone, Jerry Barnhart, Harold Cooper, Lee Hendricks, and Edward Pollock and Greg Stites, represented by Mary Beth Clark, Esq., appeal the validity of the promotional examination for Police Sergeant (PM2505G), Atlantic City.

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

**B-65 MICHAEL SUPLICKI**

Michael Suplicki appeals the correct response to one item on the promotional examination for County Correction Captain (PC3625G), Passaic County.

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

<b>VOTE:</b>	<b>Rolando Torres, Jr.</b>	<b>(Yes)</b>
	<b>John Currie</b>	<b>(Abstained)</b>
	<b>Margaret E. L. Howard</b>	<b>(Yes)</b>

**B-66 WAYNE MCFADDEN**

Wayne McFadden appeals his seniority on the examination for Police Lieutenant (PM2617F), City of Camden.

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

**B-67 ARCHANA BAJPAI**

Archana Bajpai appeals her lack of notification for the promotional examination for Administrative Analyst 2 (Data Processing) (PS7763U), Department of the Treasury.

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

**B-68 SADIKA LABOO**

Sadika LaBoo appeals her failure of the promotional examination for Unemployment Insurance Clerk (PS6667N), Department of Labor and Workforce Development.

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

**B-69 MARCUS AKINYEMI**

Marcus Akinyemi appeals his failing test score and requests a make-up for the open competitive examination for Technical Assistant 3 (S0442G).

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

**B-70 FRED OPPONG-NTOW**

Fred Oppong-Ntow appeals the denial of his request for a make-up for the open competitive examination for Probation Officer (S0508H) due to his late arrival at the examination center.

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

**B-71 MICHELE GORDON**

Michele Gordon appeals her disqualification from the promotional examination for Technical Assistant 1, Treasury (PS5997U), Department of the Treasury.

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

**B-72 PATRICK GRADY**

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

**ACTION:** The Merit System Board granted the request.

**B-73 SENIOR COTTAGE TRAINING TECHNICIAN AND SENIOR HUMAN SERVICES TECHNICIAN, DEPARTMENT OF HUMAN SERVICES AND DEPARTMENT OF MILITARY AND VETERANS AFFAIRS**

The Governor’s Office of Employee Relations (OER) petitions the Merit System Board (Board) for acknowledgement of a memorandum of agreement reached between OER, the Department of Human Services, the Department of Military and Veterans Affairs and the American Federation of State, County, and Municipal Employees, Council 1, which provides that the 24 month waiting period to reach the 10<sup>th</sup> step of the respective salary ranges be waived for 200 specific employees promoted to the titles of Senior Cottage Training Technician and Senior Human Services Technician.

**ACTION:** The Merit System Board acknowledged the memorandum of agreement.

**B-74 VOCATIONAL REHABILITATION COUNSELOR 1, VOCATIONAL REHABILITATION COUNSELOR (DEAF LANGUAGE SPECIALIST) , AND VOCATIONAL REHABILITATION COUNSELOR 1 (BILINGUAL IN SPANISH AND ENGLISH)**

The Director, Division of Human Resource Management, requests the permanent reallocation of the Vocational Rehabilitation Counselor 1, Vocational Rehabilitation Counselor 1 (Deaf Language Specialist), and Vocational Rehabilitation Counselor 1 (Bilingual in Spanish and English) titles to the noncompetitive division of the career service.

**ACTION:** The Merit System Board granted the request.

**B-75 MERIT SYSTEM BOARD MINUTES**

The minutes of the Merit System Board meeting of July 19, 2006 are submitted for adoption.

**ACTION:** The Merit System Board adopted the minutes of its meeting of July 19, 2006.

<b>VOTE:</b>	<b>Rolando Torres, Jr.</b>	<b>(Yes)</b>
	<b>John Currie</b>	<b>(Yes)</b>
	<b>Margaret E. L. Howard</b>	<b>(Abstained)</b>

**B-76 COUNTY CORRECTION SERGEANT (PC2668G), PASSAIC COUNTY**

The Passaic County Sheriff's Department Police Benevolent Association, Local 197 (PBA), represented by Merick H. Limsky, Esq., petitions the Merit System Board (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.

**ACTION:** The Merit System Board denied the request but directed that the matter of the classification of 21 employees name be referred to the Division of Human Resource Management.

<b>VOTE:</b>	<b>Rolando Torres, Jr.</b>	<b>(Yes)</b>
	<b>John Currie</b>	<b>(Abstained)</b>
	<b>Margaret E.L. Howard</b>	<b>(Yes)</b>

**B-77 PLUMBING INSPECTOR, CITY OF CLIFTON**

The Division of Human Resource Management requests that the provisions of N.J.A.C. 4A:4-3.2(a), which govern the ordering of names on the open-competitive eligible lists, be relaxed to permit it to open the Plumbing Inspector, City of Clifton examination with equal preference to all residents of the State of New Jersey.

**ACTION:** The Merit System Board granted the request.

**B-78 PETER HARTT**

John J. Walton, Assistant Commissioner, Department of Banking and Insurance, on behalf of Peter Hartt, appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for supervising Administrative Analyst (PS8308L), Department of Banking and Insurance.

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

<b>VOTE:</b>	<b>Rolando Torres, Jr.</b>	<b>(Abstained)</b>
	<b>John Currie</b>	<b>(Yes)</b>
	<b>Margaret E. L. Howard</b>	<b>(Yes)</b>

**B-79 FIRE CAPTAIN (PM3517F), CITY OF TRENTON**

The Division of Human Resource Information Services requests enforcement of its determination that the City of Trenton properly dispose of the March 24, 2006 certification of the Fire Captain (PM3517F), City of Trenton eligible list.

**ACTION:** The Merit System Board granted the request.

**B-80 EARLY SETTLEMENTS**

Richard Dunn  
County of Hudson  
Department of Family Services  
Removal

Jamal A. Lorick  
New Jersey Department of Environmental Protection  
Removal

**ACTION:** The Merit System Board acknowledged the settlements.

**There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, August 23, 2006 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.**

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