



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  
FEBRUARY 28, 2007**

**Margaret E. L. Howard, Presiding  
Flavella Branham  
John Currie  
Robert Long**

FEBRUARY 28, 2007

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A regular meeting of the Merit System Board was held on Wednesday February 28, 2007, in Trenton, New Jersey.

**PRESENT:** Margaret E. L. Howard, Presiding Board Member, Merit System Board Members, John Currie, Flavella Branham, and Robert 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, Margaret E. L. Howard, Presiding Board Member., 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.

**SECTION A – HEARING MATTERS**

**A-1 SETTLEMENTS**

In the Matter of Vincent Accardi  
City of Atlantic City  
Department of Public Works  
Removal

In the Matter of Michael Berardino  
City of Jersey City  
Department of Public Works  
Layoff

In the Matter of Claude Crudup  
County of Union  
Department of Public Safety  
Suspension

In the Matter of Debra Cuseglio  
County of Hudson  
Board of Elections  
Suspension

In the Matter of Carol Jordan  
Township of Jackson  
Inspections Department  
Suspension

In the Matter of Aregawi Kishen  
City of Passaic  
Department of Public Works  
Suspension

In the Matter of Victor Martinez  
Town of West New York  
Department of Public Safety  
Suspension

In the Matter of Tawana L. Nelums-Manns  
New Jersey State Parole Board  
Removal

In the Matter of Jacqueline Read  
County of Cumberland  
Sheriff's Department  
Suspension

In the Matter of Robert E. Riggs  
County of Monmouth  
Department of Corrections and Youth Services  
Suspension

In Matter of Julia Shiver-Muse  
Jersey City School District  
Removal

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

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

**A-2 CARL FERGUSON (CONSOLIDATION)**

Carl Ferguson, Juvenile Detention Officer, County of Passaic, Department of Youth Services, 20-day suspension and removal effective April 1, 2004, on charges of abuse of sick time and failure to provide doctor's note for the 20-day suspension, and charges of incompetency, inefficiency or failure to perform duties, conduct unbecoming a public employee and neglect of duty for the removal.

Recommendation of the Administrative Law Judge – Reverse the 20-day suspension and modify the removal to a 30-day suspension.

**ACTION:** The Merit System Board affirmed the recommendation of the Administrative Law Judge (ALJ) regarding the 20-day suspension but modified the recommendation of the ALJ to impose a 3-month suspension for the removal.

<b>VOTE:</b>	<b>Flavella Branham</b>	<b>(Yes)</b>
	<b>John Currie</b>	<b>(Abstained)</b>
	<b>Margaret E. L. Howard</b>	<b>(Yes)</b>
	<b>Robert J. Long</b>	<b>(Yes)</b>

**A-3 RODNEY CLARK**

Rodney Clark, Police Officer, City of Jersey City, Police Department, removal effective January 31, 2005, on the charge of failure to perform duties.

Recommendation of the Administrative Law Judge – Modify the removal to a resignation in good standing.

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

**A-4 TRACIE IRVIN**

Tracie Irvin, Custodial Worker, Newark School District, resignation not in good standing and removal effective December 15, 2005, on charges of chronic or excessive absenteeism or lateness, inability to perform duties, insubordination, resignation not in good standing and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the resignation not in good standing and removal.

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

**A-5 PETER PHILLIPS**

Peter Phillips, Police Officer, City of Union City, Department of Public Safety, six-day suspension on the charge of chronic or excessive absenteeism and removal effective April 7, 2003, on charges of violation of Police Department rules regarding the drug testing policy.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

**A-6 PATRICK WRIGHT**

Patrick Wright, Aide, Commission for the Blind and Visually Impaired, Department of Human Services, three removals effective April 18, 2005, on charges of insubordination and misuse of a State vehicle.

Recommendation of the Administrative Law Judge – Uphold the removals.

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

**A-7 SETTLEMENTS**

In the Matter of Jerry Adams  
Trenton Psychiatric Hospital  
Department of Human Services  
Removal

In the Matter of Syronda Bassett  
County of Essex  
Department of Corrections  
Removal

In the Matter of Reinaldo Castro  
Hunterdon Development Center  
Department of Human Services  
Return to formerly held permanent title at the end of the working test period

In the Matter of Scott Kraus  
Memorial Home at Paramus  
Department of Military and Veterans Affairs  
Removal

In the Matter of Margaret Mobley  
County of Burlington  
County Jail  
Suspension

In the Matter of Joseph Poplawski  
County of Burlington  
Sheriff's Department  
Suspension

In the Matter of Patricia A. Scheiderman  
Judiciary, Ocean Vicinage  
Suspension

In the Matter of Bart Smith  
Newark Housing Authority  
Suspension

In Matter of Steven Stevenson  
County of Burlington  
County Jail  
Resignation not in good standing

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

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

**A-8 DARLENE GEORGE**

Darlene George, County Correction Officer, County of Middlesex, Department of Corrections, 35-day suspension on charges of incompetency, inefficiency, or failure to perform duties and neglect of duty.

Recommendation of the Administrative Law Judge – Modify the 35-day suspension to a three-day suspension.

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

**A-9 DEVITA JONES**

Devita Jones, Security Guard, Jersey City School District, 15-day suspension on the charge of conduct unbecoming a public employee.

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-10 SAMUEL MBADUGHA**

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

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-11 TODD M. MESSINGER**

Todd M. Messinger, County Correction Officer, County of Monmouth, Department of Corrections and Youth Services, 10-day suspension on charges of conduct unbecoming a public employee, other sufficient cause and violation of rules and regulations.

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-12 HENRY A. DEAN, 3<sup>RD</sup>**

Henry A. Dean, 3<sup>rd</sup>, Security Guard, Atlantic City Housing Authority, removal effective January 6, 2005, on charges of incompetency, inefficiency or failure to perform duties, insubordination, conduct unbecoming a public employee, neglect of duty, misuse of public property, including motor vehicles 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-13 ANTHONY MATARAZZO**

Anthony Matarazzo, Correction Officer, County of Hudson, Department of Corrections, six-day, 10-day and 30-day suspensions and removal effective December 23, 2005, on charges of insubordination, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the six-day, 10-day and 30-day suspensions and the removal.

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

**A-14 RICKY PORTER**

Ricky Porter, Laborer, County of Essex, Department of Parks, Recreation and Cultural Affairs, removal effective August 5, 2005, on charges of failure to perform duties, chronic or excessive absenteeism or lateness, conduct unbecoming a public employee, neglect of duty, resignation not in good standing, other sufficient cause and violation of County policies and procedures regarding sick leave.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

**A-15 AARON SHABAZZ**

Aaron Shabazz, Senior Correction Officer, Northern State Prison, Department of Corrections, removal effective December 1, 2004, on charges of unsatisfactory attendance, being absent from work as scheduled without permission and without giving proper notice of intended absence and chronic or excessive absenteeism, and removal effective April 29, 2005, on the charge of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Dismiss the appeals for lack of prosecution.

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

**A-16 KEVIN WILLIAMS**

Kevin Williams, Laborer, County of Essex, Department of Parks, Recreation and Cultural Affairs, removal effective August 5, 2005, on charges of failure to perform duties, chronic or excessive absenteeism or lateness, conduct unbecoming a public employee, neglect of duty, resignation not in good standing, other sufficient cause and violation of policies and procedures, regarding sick leave.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

**SECTION B – MISCELLANEOUS MATTERS**

**B-1 MICHELLE M. BARANSKI**

Michelle M. Baranski appeals the removal of her name from the (S9999F) eligible list for the title of Police Officer, Township of Jackson on the basis of psychological unfitness.

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

**B-2 MICHAEL PAULAITIS**

Michael Paulaitis appeals the removal of his name from the (S9999F) eligible list for the title of Correction Officer Recruit, Department of Corrections on the basis of psychological unfitness.

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

**B-3 JOSE A. BETETA**

Jose A. Beteta appeals the request by Hudson County to remove his name from the County Correction Officer (S9999F) eligible list for medical unfitness to effectively perform the duties of the position.

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

**B-4 RONALD K. AMRHEIN**

Ronald K. Amrhein, an Institutional Trade Instructor 1 with the Juvenile Justice Commission, appeals the denial of sick leave injury (SLI) benefits.

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

**B-5 PATRICIA K. EPPS**

Patricia K. Epps, a Cottage Training Technician with the New Lisbon 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-6 ROBIN FORD**

Robin Ford, a Human Services Assistant 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-7 THOMAS J. HENRY**

Thomas J. Henry, a Senior Correction Officer, Mid-State Correctional Facility, Department of Corrections, represented by Joseph A. Carmen, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

**B-8 DEBORAH PALOMBI**

Deborah Palombi, a Human Resource Consultant 1 with the Department of Personnel, represented by Michael D. Brottman, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

**B-9 DANIEL CARABALLO**

Daniel Caraballo, appeals the removal of his name from the eligible list for Correction Officer Recruit (S9999F), Department of Corrections, due to his failure of the Correction Officer Video Test.

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

**B-10 RICHARD ORNE, JR.**

Richard Orne, Jr., appeals the decision of Human Resource Information Services which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for Police Officer (S9999F), Township of Lakewood, on the basis of an unsatisfactory background report.

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

**B-11 BATTALION FIRE CHIEF (PM3571C), CITY OF PATERSON**

The Paterson Uniform Fire Officers Association and the Battalion Chiefs Association, represented by Craig S. Gumpel, Esq., and the City of Paterson (City) appeal the decision of the Division of Selection Services, which denied the City's request to revive and certify the eligible list for Battalion Fire Chief (PM3571C) in order to fill two vacancies in the title.

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

**B-12 PAUL F. MCGOWAN**

Paul F. McGowan, a Fire Captain with the City of Trenton (City) appeals the decision of the Division of Selection Services, which denied the City's request to revive and certify the eligible list for Battalion Fire Chief (PM3573C).

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

**B-13 LAWRENCE JOHNSON**

Lawrence Johnson, an Investigator, Student Loans, with the Higher Education Student Assistance Authority (HESAA), represented by Christian A. Pemberton, Esq., appeals the determination of the Executive Director, HESAA, stating that the appellant violated the New Jersey State Policy Prohibiting Discrimination, Harassment, or Hostile Environments in the Workplace (State Policy).

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

**B-14 JOSEPH BURLETT**

Joseph Burlett, a former County Correction Officer with Monmouth County, appeals his resignation in good standing.

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

**B-15 LUIS HERNANDEZ**

Luis Hernandez, a former Data Processing Programmer/Systems Analyst with the Newark Free Public Library, represented by Lisa M. Curry, Esq., appeals his resignation in good standing effective April 17, 2006.

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

**B-16 DARIAN VITELLO**

The Superior Court, Law Division, has transmitted the case of *Vitello v. Borough of Belmar* to the Merit System Board to address Darian Vitello's entitlement to a permanent appointment as a Police Officer with the Borough of Belmar.

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

**B-17 GARY KRONENBERGER AND ROBERT SHEEHAN**

The Borough of Keansburg, on behalf of Gary Kronenberger and Robert Sheehan, requests that they be assigned retroactive appointment dates for record purposes and seeks their eligibility for the promotional examination for Police Lieutenant (PM2572H), Borough of Keansburg.

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

**B-18 REGAN LORE**

Regan Lore, a Senior Correction Officer at South Woods State Prison, Department of Corrections (DOC), requests that the eligible list for Correction Sergeant (PS5613I), DOC be revived to allow for his retroactive permanent appointment.

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

**B-19 PHILLIP D. SPEARS**

Phillip D. Spears, a Housing Inspector with the City of Newark, represented by Kathleen Fantacone Mazzouccolo, Esq., petitions the Merit System Board for interim relief of his release at the end of his working test period, effective November 9, 2006.

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

**B-20 HOUSING ASSISTANCE TECHNICIAN BILINGUAL IN SPANISH AND ENGLISH (C0788F), COUNTY OF PASSAIC**

The County of Passaic requests reconsideration of the decision *In the Matter of Housing Assistance Technician Bilingual in Spanish and English (C0788F), County of Passaic* (MSB, decided January 11, 2006), which ordered it to immediately remove the provisional incumbents Silvia Gonzalez and Clarissa Manjarres, and to properly dispose of the November 30, 2004 certification within 30 days.

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

<b>VOTE:</b>	<b>Flavella Branham</b>	<b>(Yes)</b>
	<b>John Currie</b>	<b>(Abstained)</b>
	<b>Margaret E. L. Howard</b>	<b>(Yes)</b>
	<b>Robert J. Long</b>	<b>(Yes)</b>

**B-21 PROSECUTOR'S AGENT, BERGEN COUNTY**

John L. Molinelli, Bergen County Prosecutor, requests that the Bergen County Prosecutor's Office be permitted to increase the number of employees in the unclassified Prosecutor's Agent title beyond the limit set by the Department of Personnel in *In the Matter of County Prosecutor's Agents* (MSB, decided May 23, 1989).

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

**B-22 ELIZABETH JONES**

Elizabeth Jones, a Building Maintenance Worker with the Elizabeth Housing Authority, represented by Anna M. Buontempo, Esq., petitions the Merit System Board for reconsideration of the final administrative decision, rendered on September 6, 2006, in which the Director of the Division of Merit System Practices and Labor Relations (MSPLR), Department of Personnel, denied her request for a hearing with respect to her removal.

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

**B-23 JOSEPH SOMMERS**

The Department of Corrections requests reconsideration of that part of the final administrative decision, rendered on September 6, 2006, which granted Joseph Sommers' request for sick leave injury (SLI) benefits.

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

**B-24 IRAIDA AFANADOR**

The appeal of Iraida Afanador, a former Government Representative 2 with the Department of Labor and Workforce Development, of the determination of the Commissioner of Labor and Workforce Development, stating that she failed to present sufficient evidence to support a finding that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace, was heard by Administrative Law Judge Stephanie M. Wauters (ALJ), who rendered her initial decision on December 20, 2006. At its meeting on January 31, 2007, the Merit System Board adopted the ALJ's recommendation to grant 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 CHRISTOPHER LORENC**

The appeal of Christopher Lorenc, a former Police Officer with the Township of Jackson, concerning his release at the end of his working test period, effective January 21, 2004, was heard by Administrative Law Judge Solomon A. Metzger (ALJ), who rendered his initial decision on December 28, 2006. At its meeting on January 31, 2007, the Merit System Board did not adopt the ALJ's recommendation to uphold the appellant's release at the end of his working test period. Rather, the Board ordered the appellant's reinstatement and a five-month extension of his working test period. The proposed final decision is now submitted for the Board's review.

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

**B-26 CHRISTINE C. APPLEBY**

Christine C. Appleby 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 Personnel Assistant 3 (PS0895T), Motor Vehicle Commission.

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

**B-27 R. ROBINSON CHANCE**

R. Robinson Chance, Jr., Esq., appeals the determination of the Division of Selection Services that he failed to meet the experience requirements for the open competitive examination for Project Coordinator Redevelopment (M6417H), Trenton.

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

**B-28 ARNOLD DAVION**

Arnold Davion appeals the decision of the Division of Selection Services which found that he did not meet the experience requirements, per the substitution clause for education, for the promotional examination for Social Service Technician (PC0586G), Middlesex County Board of Social Services.

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



**B-29 MICHAEL A. DZIUBAS**

Michael A. Dziubas appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Administrative Analyst 1 (PS6488K), Division of Medical Assistance and Health Services, Department of Human Services.

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

**B-30 AARON ECHTERNACHT**

Aaron Echternacht appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Senior Repairer (PS0445K), Department of Children and Families.

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

**B-31 JAMES FRACELLA**

James Fracella 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 Printing Machine Operator 4 (S6898H).

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

**B-32 MEGAN GIORDANO**

James Cannon, Director, Human Resources, Gloucester County, on behalf of Megan Giordano, appeals the determination of the Division of Selection Services which found her to be below the experience requirements for the open competitive examination for Museum Curator (C6888H), Gloucester County.

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

**B-33 ROBERT JANDERNAL**

Robert Jandernal 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 Program Coordinator, Senior Citizens' Transportation (C6818H), Middlesex County.

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

**B-34 RITA JEANNE MUEHLHAUSER AND JOSEPH TRACY**

Rita Jeanne Muehlhauser and Joseph Tracy appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirements for the promotional examination for Supervisor of Accounts (PC1711G), Camden County.

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

**B-35 MICHELLE K. PATTIK**

Michelle K. Pattik 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 open competitive examination for Business Manager (C4114H), Burlington County.

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

**B-36 MARIANNE OFENLOCH**

Marianne Ofenloch appeals the determination of the Division of Selection Services which found that she was not eligible for the promotional examination for Ranger Lieutenant (PS7510G), Department of Environmental Protection. It is noted that this matter was held over from the January 31, 2007 meeting.

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

**B-37 BEVERLY ROLAND**

Beverly Roland 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 Program Coordinator, Senior Citizens' Transportation (C6818H), Middlesex County.

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

**B-38 SUZANNE TAYLOR**

Suzanne Taylor appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Supervising Program Development Specialist Mental Health Services (PS0140K0, Greystone Park Psychiatric Hospital.

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

**B-39 DEBORAH VANN**

Deborah Vann appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Assistant Training Supervisor, County Welfare Agency (PC1086G), Essex County.

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

**B-40 MAHER ABADIR**

Maher Abadir appeals his final averages on the Auditor, Taxation Trainee (S0516H), Investigator Trainee, Taxation (S0517H), and Tax Representative Trainee (S0518H), Division of Taxation, Department of the Treasury, open competitive examinations.

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

**B-41 THOMAS CUTILLO**

Thomas Cutillo appeals his score for the oral portion of the examination for the first level Fire Captain (PM3512F), Hoboken.

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

**B-42 KENNY MARTINEZ**

Kenny Martinez appeals his score of the oral portion of the promotional examination for Deputy Fire Chief (PM3618G), Passaic.

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

**B-43 DANIEL ROSSI**

Daniel Rossi, represented by Frank DePasquale, Jr., Esq., appeals his score of the oral portion of the promotional examination for Deputy Fire Chief (PM3502H), Camden.

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

**B-44 RAYNALDO SANTIAGO**

Raynaldo Santiago appeals his score of the oral portion of the promotional examination for Deputy Fire Chief (PM3502H), Camden.

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

**B-45 LARRY WILSON**

Larry Wilson appeals his score of the oral portion of the promotional examination for Deputy Fire Chief (PM3502H), Camden.

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

**B-46 RAYNARD ADAMS**

Raynard Adams appeals the test administration for the written portion of the examination for Battalion Fire Chief (PM3596G), Newark.

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

**B-47 ZOLTAN BODI**

Zoltan Bodi appeals the test administration for the written portion of the examination for Fire Lieutenant (PM2509H), Perth Amboy.

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

**B-48 DEBORAH ARCHIBALD**

Deborah Archibald appeals the denial of her request for a make-up for the promotional examinations for Employment and Training Specialist 2 (PS9767N) and Senior Employment Counselor (PS8010N), Department of Labor and Workforce Development.

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

**B-49 HARRY BAROK**

Harry Barok appeals the denial of his request for a make-up for the promotional examination for Principal Community Program Specialist (PS79813K0, Division of Developmental Disabilities, Department of Human Services.

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

**B-50 RICHARD BENNETT**

Richard Bennett appeals the denial of his request for a make-up examination for Battalion Fire Chief (PM3596G), Newark.

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

**B-51 CHRISTINE WILSON**

The Director of Welfare, Mercer County Board of Social Services, requests that Christine Wilson's out-of-title work experience be accepted to qualify her for a prospective promotional examination for Management Assistant, Mercer County Board of Social Services.

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

**B-52 JENNIFER HARVY**

Jennifer Harvey appeals her disqualification from the open competitive examination for Human Services Specialist 1 (C1407H0, Monmouth County.

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

**B-53 ALLAN FORD AND DANIEL MCCHESENEY**

The Town of Harrison requests relaxation of N.J.A.C. 4A:4-7.1A(c) so as to permit the intergovernmental transfers of Allan Ford and Daniel McChesney from the title of Sheriff's Officer, Hudson County Sheriff's Office to the title of Police Officer, Town of Harrison.

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

**B-54 JACK SEMENTA**

The City of Somers Point request that the provisions of N.J.A.C. 4A:4-7.1A(a) be relaxed in order to process the Intergovernmental Transfer of Jack Sementa from the title of Campus Police Officer, Stockton State College to the title of Police Officer, City of Somers Point.

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

**B-55 MERIT SYSTEM BOARD MINUTES**

The minutes of the Merit System Board meeting of January 31, 2007 are submitted for adoption.

**ACTION:** The Merit System Board adopted the minutes of its meeting of January 31, 2007.

**B-56 EARLY SETTLEMENT**

Edward Marshall  
Department of Transportation  
Suspension

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

**B-57 LUCY ALONSO**

Lucy Alonso, a Personnel Assistant 2 with Northern State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

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

**B-58 RONALD DUDLEY**

Ronald Dudley, a Human Services Technician with Ancora Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

**B-59 JEFFREY ETHERTON**

Jeffrey Etherton, a Senior Correction Officer at South Woods State Prison, Department of Corrections, represented by Joseph A. Carmen, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

**B-60 CYNTHIA JONES**

Cynthia Jones, a Senior Correction Officer with the Southern State Correctional Facility, Department of Corrections, represented by Justin Murphy, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

**B-61 MARGARET MEYERS**

Margaret Meyers, a Customer Service Information Service Specialist 2 at 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-62 CHARLOTTE SNYDER**

Charlotte Snyder, an Analyst 1 Trade Practices, Alcoholic Beverage Control, with the Division of Alcoholic Beverage Control, 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 granted.

**B-63 DEBORAH WEISER**

Deborah Weiser, a Senior Building Maintenance Worker with the Hunterdon Developmental Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

**B-64 PEITRO DIGENA**

Pietro DiGena appeals the decision of Human Resource Information Services which determined that his appeal of the bypass of his name on the eligible list for Police Officer (S9999B), Union Township was untimely.

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

**B-65 JOHN R. LEPENICA**

John R. Lepenica appeals the decision of the Division of Human Resource Information Services which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for Police Officer (S9999F), Lacey Township, for failure to meet the age requirement for the position.

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

**B-66 WILLIAM F. TROY**

William F. Troy appeals the decision of Human Resource Information Services, which found that the appointing authority had found a sufficient basis to remove the appellant's name from the Police Officer (S9999F), Lakewood Township, eligible list on the ground that he falsified his employment application.

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

**B-67 CHAUFFEUR (M6491H), CITY OF NEW BRUNSWICK**

The City of New Brunswick requests permission not to make an appointment from the November 13, 2006 certification for Chauffeur (M6491H).

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



**B-68 SENIOR IDENTIFICATION OFFICER (PM0221F), CITY OF NEWARK**

The City of Newark, represented by David N. Gambert, Assistant Corporation Counsel, requests permission not to make an appointment from the certification for Senior Identification Officer (PM0221F), City of Newark.

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

**B-69 SENIOR TAX CLERK, TYPING (M1074H), CITY OF NEWARK**

The City of Newark, represented by David N. Gambert, Assistant Corporation Counsel, requests permission not to make an appointment from the certification for Senior Tax Clerk, Typing (M1074H), City of Newark.

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

**B-70 SENIOR TAX CLERK (M1140H), CITY OF NEWARK**

The City of Newark, represented by David N. Gambert, Assistant Corporation Counsel, requests permission not to make an appointment from the certification for Senior Tax Clerk (M1140H), City of Newark.

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

**B-71 REENA NAIK**

Reena Naik, represented by John Seiler, Staff Representative, CWA Local 1034, appeals the determination of her provisional appointment, effective July 24, 2006.

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

**B-72 INVESTIGATOR 1, NEW JERSEY MOTOR VEHICLE COMMISSION**

The Director, Division of Human Resource Management, requests that the reallocation of the Investigator 1, New Jersey Motor Vehicle Commission title to the noncompetitive division of the career service be extended for an additional nine months.

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

**B-73 JERRY DUCKWORTH**

Jerry Duckworth, a Senior Juvenile Detention Officer with Passaic County, represented by Eric Winston, Esq., petitions the Merit System Board for interim relief of his removal, effective December 6, 2006.

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

**B-74 CARLOS SANTIAGO**

Carlos Santiago, a Senior Correction Officer at Mountainview Youth Correctional Facility, Department of Corrections, represented by Joseph A. Carmen, Esq., requests reconsideration of the decision of the Division of Merit System Practices and Labor Relations, which denied his request for a hearing regarding his removal effective April 24, 2006.

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

**B-75 PEDRO GONZALEZ**

The appeal of Pedro Gonzalez, a Fire Fighter with the City of Hoboken of his removal effective June 17, 2002, on charges, was heard by Administrative Law Judge Margaret M. Monaco (ALJ), who rendered her initial decision on November 21, 2006. At its meeting on January 31, 2007, 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-76 HASSAN AMIN**

Hassan Amin 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 Community Organization Specialist (M1330H0, City of Newark.

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

**B-77 LISA BARBER, ET AL.**

Lisa Barber, Stephanie Besz, Cynthia Bynes-James, Tamara Clarke-Carter, Stephanie Hodges-Johnson, and Pedro Ruiz appeal the determination of the Division of Selection Services which found that, per the substitution clause for education, they were below the minimum requirements in experience for the promotional examination for Social Work Supervisor (PC0927H), Union County. Shanthi Mammen, Ginger Garrett, and Renee Wilder appeal the determination of the Division of Selection Services which found that they were below the minimum requirements in experience for the promotional examination for Social Work Supervisor (PC0927H), Union County.

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

**B-78 LINDA BECKER**

Linda Becker appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Technical Assistant 2, Community Affairs (PS1472D), Department of Community Affairs.

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

**B-79 JUSTINE CARROLL**

Justine Carroll 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 Public Safety Telecommunicator (M1309H), Ringwood.

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

**B-80 JOHN MONAHAN**

John Monahan appeals the decision of the Division of Selection Services denying his request for a make-up examination for Correction Lieutenant (PS8715P), Juvenile Justice Commission.

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

**B-81 KEITH RUE**

Keith Rue appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Storekeeper (PC0143H), County of Burlington.

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

**B-82 SALOME SOLOMON**

Salome Solomon appeals the determination of the Division of Selection Services which found that she was not eligible for the promotional examination for Family Service Supervisor (PC0997H), County of Essex.

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

**B-83 VINCENT STILLITANO, JR.**

Vincent Stillitano, Jr., appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Technical Assistant, Classification (PS1293I), Central Reception and Assignment Facility, Department of Corrections.

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

**B-84 GABRIEL G. SPILER**

Gabriel G. Spiler appeals his rank and score on the promotional examination for Supervising Family Service Specialist 1 (PS5379K), Central Region, Department of Children and Families.

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

**B-85 CHARLES BISHOP, ET AL.**

Charles Bishop, Darius Bishop, Willie Booker, Samuel Evans, Sean Carter, Curtis Johnson and Ashton Robinson appeal the validity and test administration of the promotional examination for Fire Captain (PM3514F), Newark.

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

**B-86 FRANK FURFARO, ET AL.**

Frank Furfaro, George Ricci and William Schwindt (PM2574H), Bloomfield; Pamela McLucas (PM2582H), Hillside; Michael Piggott (PM2583H), Holmdel; Matthew Millar (PM2598H), Moonachie; Robert Brown (PM2601H), North Bergen; John Altonjy, Robert Challice, Joseph DelGado, Richard LaTrecchia and Jaime Navarro (PM2604H), Paterson; Scott Gehring, James Hartnett, Karl MacNeir and Phillip Olivo (PM2605H), Pennsauken; Larry Marino and Michael Swick (PM2606H), Phillipsburg; Michael Woodrow (PM2619H), Union Beach; James White (PM2622H), Weehawken; and Brian Murphy, Damian Neste and Michael Ng (PM2623H), Woodbridge; appeal the written examination for Police Sergeant (various jurisdictions).

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

**B-87 RECENT COURT DECISIONS**

The summaries of recent court decisions involving Merit System Board and Department of Personnel determinations, *In the Matter of Nicolas Mazza, Department of Human Services* (Appellate Division decided 11/22/06); *Gary Victor v. New Jersey Department of Personnel, et al.* (Appellate Division decided 12/7/06); *In the Matter of Jeanette B. Jackson, Union Vicinage, Department of Judiciary* (Appellate Division, decided 12/14/06) are submitted for the Board's review.

**ACTION:** The Merit System Board noted the decisions.

**B-88 SALARY REGULATIONS**

Salary Regulations, Supplement 2, Fiscal Year 2007, includes Section 1 – Management, Section 1 – Exempt, Section 1 – Deputy Attorneys General, and Section 1 – Attachment A, have been approved by Rolando Torres, Jr., Commissioner, Department of Personnel and Charlene M. Holzbaur, Director, Division of Budget and Accounting are submitted to the Board.

**ACTION:** The Merit System Board recorded the regulations.

**B-89 JUDITH SISTI**

Judith Sisti, a Director of Professional/Residential Services with the Vineland Developmental Center, Department of Human Services, represented by Richard M. Pescatore, Esq., appeals the determination of the Assistant Commissioner for Human Resources which found that the appellant failed to present sufficient evidence to support a finding that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environment in the Workplace. The appellant further appeals a five-day suspension on sustained charges of failure to follow a reasonable order and conduct unbecoming a State employee, which the appellant contends was imposed in retaliation for her continued complaints of discriminatory practices at the Vineland Developmental Center.

**ACTION:** The Merit System Board directed that the appeal be denied with regard to the claims against Eloise Hawkins, George Kemery and Michael Smith and the appellant's allegations concerning Scott Marsh's verbal tirades during meetings. The Merit System Board granted the appeal with regard to Scott Marsh's use of demeaning terms and remanded to the Department of Human Services for consideration of a penalty. The Merit System Board also granted a hearing on the remaining claims.

**B-90 WILLIAM C. WANDER**

William C. Wander, Jr., appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Administrative Analyst 1 (PS7209K), Division of Child Behavioral Services, Department of Children and Families.

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

**There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, March 14, 2007 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.**

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MARGARET E. L. HOWARD  
PRESIDING BOARD MEMBER