



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
AUGUST 15, 2007**

**Robert J. Long, Presiding
Flavella Branham
John Currie**

AUGUST 15, 2007

A regular meeting of the Merit System Board was held on Wednesday August 15, 2007, in Trenton, New Jersey.

PRESENT: Presiding Merit System Board Member Robert J. Long; Merit System Board members, John Currie and Flavella Branham; and 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, Presiding Board Member Robert J. Long, opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on December 8, 2006, and posted at the Department of Personnel, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

CONFIDENTIAL APPOINTMENTS

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

William O'Byrne, appointed as a Confidential Assistant, Department of Banking and Insurance, effective , effective November 11, 2006, salary of \$90,000.00 per annum.

Christine Lenart, appointed as Confidential Assistant, Office of Economic Growth, effective July 9, 2007, salary of \$79,883.00 per annum.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Eugene Bellusci
Village of Ridgewood
Department of Parks and Recreation
Removal

In the Matter of Kenneth Bleistein
County of Mercer
Department of Public Safety
Suspensions (3) and Removals (7)

In the Matter of Perry Brown
County of Mercer
Department of Public Safety
Removal

In the Matter of Lourdes Cartas
County of Hudson
Department of Health and Human Services
Suspension

In the Matter Anthony Consiglio
Adult Diagnostic and Treatment Center
Department of Corrections
Suspension

In the Matter of Graciela Corrales
County of Union
Runnells Hospital
Suspension

In the Matter of Tony Harrington
County of Hudson
Department of Health and Human Services
Suspensions

In the Matter of Isagani Inofinada
New Jersey Veteran's Memorial Hospital
Menlo Park
Suspension

In the Matter of Pamela Maier
Hunterdon Developmental Center
Department of Human Services
Removal

In the Matter of Bethzaida Malpica
South Woods State Prison
Department of Corrections
Suspension

In the Matter of Joseph W. Scott
County of Essex
Department of Public Safety
Removal

In the Matter of Stevette Scott
County of Hudson
Department of Corrections
Suspension

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 LUCIUS BROWN

Lucius Brown, Senior Building Maintenance Worker, North Jersey Developmental Center, Department of Human Services, 30-day suspension on charges of fighting, creating a disturbance, insubordination, assaulting authority, disrespect, use of abusive language to supervisor, threatening, intimidating or interfering with fellow employees.

Recommendation of the Administrative Law Judge – Modify the 30-day suspension to a 10-day suspension.

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

VOTE:	Robert J. Long	(Yes)
	Flavella Branham	(Yes)
	John Currie	(Abstained)

A-3 SUZANNE BUTLER

Suzanne Butler, Police Officer, Township of Scotch Plains, Police Department, 90-day suspension on charges of violations of Police Department rules regarding obedience to law and rules, prohibited activity on duty, distracters, neglect of duty, misconduct and other sufficient cause.

Recommendation of the Administrative Law Judge – Modify the 90-day suspension to a 21-day suspension.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a 30-working day suspension.

VOTE:	Robert J. Long	(Yes)
	Flavella Branham	(Yes)
	John Currie	(Abstained)

A-4 JESUS DELEON

Jesus Deleon, Police Officer, City of Newark, Police Department, 123-days suspension on charges of violation of Police Department rules regarding criminal law, conduct in public and private and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the 123-day suspension.

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

VOTE:	Robert J. Long	(Yes)
	Flavella Branham	(Yes)
	John Currie	(Abstained)

A-5 EDDIE GONZALEZ

Eddie Gonzalez, Police Officer, City of Newark, Police Department, six-month suspension on charges of violation of Police Department rules and regulations regarding false statement, conduct and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the six-month suspension.

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

VOTE:	Robert J. Long	(Yes)
	Flavella Branham	(Yes)
	John Currie	(Abstained)

A-6 HORACE BRASWELL

Horace Braswell, Laborer, City of Newark, Department of Neighborhood Services, resignation not in good standing effective August 22, 2005, on the charge of being absent from duty for five or more consecutive business days without approval.

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

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

VOTE:	Robert J. Long	(Yes)
	Flavella Branham	(Yes)
	John Currie	(Abstained)

A-7 DANIEL MCKNIGHT

Daniel McKnight, County Correction Officer, County of Mercer, Department of Public Safety, 10-day suspension on charges of chronic and excessive absenteeism and conduct unbecoming a public employee.

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

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

A-8 JUSTO DELGADO

Justo Delgado, Laborer, City of Union, Department of Public Works, removal and resignation not in good standing effective July 11, 2005, on charges of failure and inability to perform duties, chronic and excessive absenteeism, neglect of duty and insubordination.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-9 ROBERT FISHER

Robert Fisher, Police Officer, City of Newark, Police Department, removal effective July 25, 2000, on charges of violation of Department rules and regulations regarding criminal law, conduct in public and private, and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-10 DAMIEN JOHNSON

Damien Johnson, Laborer, City of Linden, Department of Public Works, removal effective October 4, 2004, on charges of incompetency, inefficiency, inability to perform duties, conduct unbecoming a public employee, insubordination, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge to a 3-month suspension.

A-11 SUSAN O'BRIEN

Susan O'Brien, Laborer, City of Linden, Department of Public Works, removal effective July 7, 2005, on charges of incompetency, failure to perform duties, inability to perform duties, conduct unbecoming a public employee, violation of the Drug and Alcohol policy, other sufficient cause and failure to follow Department rules and regulations.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-12 OBIANUJU C. OKOSA

Obianuju C. Okosa, Income Maintenance Worker, County of Union, Department of Human Services, removal effective July 7, 2003, on charges insubordination, conduct unbecoming a public employee, incompetency, inefficiency or failure to perform duties, neglect of duty 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 SALEM NESHEIWAT

Salem Nesheiwat, County Correction Officer, Hudson County, removal effective June 14, 2005, on charges of neglect of duty, conduct unbecoming a public employee, insubordination, inability to perform duties 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-14 MICHAEL JOHNSON – SETTLEMENTS (CONSOLIDATION)

Michael Johnson, County Correction Officer, Mercer County, Department of Public Safety, 10-day suspension, 15-day suspension, and 20-day suspension on charges of chronic and excessive absenteeism, conduct unbecoming a public employee. Also the settlements address a 10-day suspension and removal not appealed to the Merit System Board. Settled to withdrawal of the appeals, a resignation in good standing effective March 19, 2007, and \$17,943.21 lump sum payment, and reimbursement for 13 vacation hours in the amount of \$420.21.

Recommendation of the Administrative Law Judge – Acknowledge the settlements.

ACTION: The Merit System Board acknowledged the settlements.

SECTION B – MISCELLANEOUS MATTERS**B-1 ELOY F. AROCHO**

Eloy F. Arocho appeals his rejection as a Police Officer candidate by the City of Perth Amboy and its request to remove his name from the eligible list for Police Officer, Bilingual in Spanish and English (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-2 THOMAS P. BRENNAN

Thomas P. Brennan, represented by Angelo J. Genova, Esq., appeals his rejection as a Police Officer candidate by the Township of West Orange and its request to remove his name from the eligible list for Police Officer (S9999F) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-3 JEAN BRUNO

Jean Bruno, represented by Paul Bergrin, Esq., appeals his rejection as a Police Officer candidate by the Borough of Roselle and its request to remove his name from the eligible list for Police Officer (S9999F) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-4 THOMAS A. GILSENAN

Thomas A. Gilsenan, represented by Paul W. Bergrin, Esq., appeals his rejection as a Police Officer candidate 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 psychological unfitness to perform effectively the duties of the position.

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

B-5 KELLY E. GONZALEZ

Kelly E. Gonzalez appeals the removal of her name from the (S9999F) eligible list for the title of Correction Officer Recruit, Juvenile Justice Commission on the basis of psychological unfitness.

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

B-6 ERIN MACRI

Erin Macri appeals the removal of her name from the (S9999F) eligible list for the title of Police Officer, Borough of Roselle on the basis of psychological unfitness.

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

B-7 CARLOS A. MORENO

Carlos A. Moreno appeals his rejection as a Sheriff's Officer candidate by the County of Hudson and its request to remove his name from the eligible list for Sheriff's Officer (S9999F) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-8 JERONIMO RODRIGUEZ

Jeronimo Rodriguez appeals his rejection as a Police Officer candidate by the City of Trenton and its request to remove his name from the eligible list for Police Office (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-9 CARRIE SCHARPNIK

Carrie Scharpnik, represented by Leonard C. Schiro, Esq., appeals her rejection as a Police Officer candidate by the City of Elizabeth and its request to remove her name from the eligible list for Police Officer (S9999F) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-10 JUSTIN SCHWARTZ

Justin Schwartz, represented by Bruce D. Leder, Esq., appeals his rejection as a Police Officer candidate by the City of Hoboken and its request to remove his name from the eligible list for Police Officer (S9999F) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION: The Merit System Board referred the matter for an independent psychological evaluation.

B-11 DOUGLAS STARK

Douglas Stark appeals his rejection as a County Correction Officer candidate by the County of Monmouth and its request to remove his name from the eligible list for County Correction Officer (S9999F) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-12 RICARDO TEJADA

Ricardo Tejada appeals the removal of his name from the (S9999F) eligible list for the title of Correction Officer Recruit, Juvenile Justice Commission on the basis of psychological unfitness.

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

B-13 ALEXANDER VALENCIA

Alexander Valencia, represented by Stephen B. Hunter, Esq., appeals his rejection as a County Correction Officer candidate by the County of Union and its request to remove his name from the eligible list for County Correction Officer (S9999F) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-14 VINCENT A. VAN TASSEL

Vincent A. Van Tassel appeals his rejection as a County Correction Officer candidate by the County of Warren and its request to remove his name from the eligible list for County Correction Officer (S9999F) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-15 ROBERT J. ROWLAND

Robert J. Rowland 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 denied.

B-16 JOHN BOGERT

John Bogert, a Teacher 1 with the Mountainview Youth Correctional Facility, Department of Corrections, represented by Robert O. Yaeger, Principal Staff Representative, Communications Workers of America, Local 1040 (CWA), appeals the denial of sick leave injury (SLI) benefits.

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

B-17 PAMELA W. ISLAM

Pamela W. Islam, a Social Worker 2 (Corrections) with South Woods 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-18 FERROZ KHAN

Feroz Khan, an Institutional Trade Instructor 1 (Needle Trades Clothing Manufacture) with East Jersey 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 granted.

B-19 JOANN PUGLIESE

Joann Pugliese, a Charge Nurse at 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 denied.

B-20 MIGUEL REGUEIRA

Miguel Regueira, a Senior Correction Officer with the Department of Corrections, appeals the denial of sick leave (SLI) benefits.

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

B-21 VERONICA TUCKER

Veronica Tucker, a Senior Correction Officer with Garden State Recreation and Youth Correctional Facility, 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.

B-22 ROBIN WASHINGTON

Robin Washington, a Senior Correction Officer at New Jersey State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

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

B-23 JAMES BOLLING

James Bolling appeals the appointing authority's request to remove his name from the eligible list for County Correction Officer (S9999F), Mercer County, on the basis of falsification of a material fact on his preemployment application.

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

B-24 DAMIEN CARTER

Damien Carter appeals the decision of the Division of Human Resource Information Services (HRIS) which found that the appointing authority had presented a sufficient basis to remove his name from the Correction Officer Recruit (S9999F) eligible list due to an unsatisfactory criminal and driving record.

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

B-25 WANDA GREEN

Wanda Green appeals the decision of the Division of Human Resource Information Services (HRIS), which upheld the removal of her name from the eligible list for Police Officer (S9999F), City of Trenton, on the basis of an unsatisfactory background report.

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

B-26 LILLIAN FOSTER

Lillian Foster appeals the decision of the Division of Human Resource Information Services, which upheld the bypass of her name for appointment on the eligible list for Investigator (S0209E), Judiciary, Vicinage 8, Middlesex County.

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

B-27 THOMAS ROMANISHIN

Thomas Romanishin, a Police Lieutenant with the City of Millville, appeals the decision of Human Resource Information Services, which upheld the bypass of his name on the promotional list for Police Captain (PM3574E), Millville.

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

B-28 JOB DEVELOPER (M1422H) NEWARK SCHOOL DISTRICT

The Newark School District requests permission not to make an appointment from the January 2, 2007 certification for Job Developer (M1422H).

ACTION: The Merit System Board granted the request and assessed no selection costs.

B-29 DATA PROCESSING SYSTEMS PROGRAMMER 1 (S6646E), HIGHER EDUCATION STUDENT ASSISTANCE AUTHORITY

In In the Matter of Data Processing Systems, Programmer 1 (S6646E), Higher Education Student Assistance Authority (MSB, decided April 7, 2004), the Merit System Board granted the appointing authority's request for an appointment waiver from the June 27, 2003 certification and ordered that no selection costs would be assessed at that time since there was a possibility that the list could be utilized prior to its expiration. However, the appointing authority did not utilize the subject eligible list and the matter of the assessment of costs is now before the Board.

ACTION: The Merit System Board assessed selection costs in the amount of \$8,285.

B-30 MANAGEMENT TRAINEE (S0435G) OFFICE OF THE ATTORNEY GENERAL

In In the Matter of Management Trainee (S0435G), Statewide (MSB, decided June 7, 2006), the Merit System Board granted the request of the Office of the Attorney General, Department of Law and Public Safety, for an appointment waiver from the November 25, 2005 certification and ordered that no selection costs would be assessed at that time since there was a possibility that the list could be utilized prior to its expiration. However, they did not utilize the subject eligible list and the matter of the assessment of costs is now before the Board.

ACTION: The Merit System Board assessed selection costs in the amount of \$8,285.

B-31 RESEARCH AIDE (C0917G), HUDSON COUNTY

The Division of Local Human Resource Management requests that the Merit System Board order Hudson County to return the September 13, 2005 certification (OL052022) of the eligible list for Research Aide (C0917G) for proper disposition.

ACTION: The Merit System Board granted the request for enforcement and assessed \$500 in compliance costs.

B-32 TECHNICAL SUPPORT SPECIALIST 1 (S6698E), DEPARTMENT OF COMMUNITY AFFAIRS

In In the Matter of Technical Support Specialist 1 (S6698E), State of New Jersey (MSB, decided October 6, 2004), the Merit System Board granted the request of the Department of Community Affairs for an appointment waiver from the March 5, 2004 certification and ordered that no selection costs would be assessed at that time since there was a possibility that the list could be utilized prior to its expiration. However, they did not utilize the subject eligible list and the matter of the assessment of costs is now before the Board.

ACTION: The Merit System Board assessed selection costs in the amount of \$8,285.

B-33 BEVERLY BROADUS-SMITH

Beverly Broadus-Smith, an Assistant Superintendent 1, Corrections, at New Jersey State Prison, Department of Corrections, (DOC), appeals the determinations of the Acting Director, Equal Employment Division (EED), stating that the appellant failed to present sufficient evidence to support a finding that she had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

ACTION: The Merit System Board directed that the appeal regarding the appellant's first complaint be remanded to the EED (DOC) and the appeal regarding the appellant's second complaint be denied.

B-34 JOY HILL

Joy Hill, a Senior Correction Officer with East Jersey State Prison, Department of Corrections, appeals the determination of the Acting Director, Equal Employment Division, stating that the appellant did not present sufficient evidence to support a finding that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

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

B-35 JUDE IHEOMA

Jude Iheoma, a Research Scientist 1 with the Department of Human Services (DHS), appeals the determination of the Acting Chief of Staff, DHS, finding that he violated the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

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

B-36 TOMMINA JOHNSON

Tommina Johnson, a Campus Police Officer with Kean University (KU) appeals the determination of the President, KU, stating that the appellant did not present sufficient evidence to support a finding that she had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace (State Policy).

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

B-37 MARCIA BURTON

Marcia Burton, a Senior Practical Nurse with the Camden County Health Services Center, represented by F. Michael Daily, Jr., Esq., appeals her reassignment.

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

B-38 MICHAEL DETRIZIO

Michael Detrizio, a Police Sergeant with the City of Hoboken, represented by Louis E. Granata, Esq., appeals the invalidation of his permanent appointment as a Police Sergeant.

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

B-39 PHILLIP FORTSON

Phillip Fortson, a Human Services Technician with Trenton Psychiatric Hospital, Department of Human Services petitions the Merit System Board for reconsideration of the final decision rendered on September 20, 2006, in which the Director of the Division of Merit System Practices and Labor Relations, Department of Personnel, denied his request for a hearing with respect to his six-day suspension.

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

B-40 RANDOLPH YOUNG

Randolph Young, a former Maintenance Supervisor with Irvington Housing Authority, represented by Albert Van-Lare, Esq., petitions the Merit System Board for reconsideration of the final decision rendered on January 17, 2007, which upheld his non-appointment from the Maintenance Supervisor (M3504F), Irvington Housing Authority, eligible list.

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

B-41 JOSE TIRADO

The County of Monmouth, represented by Daniel R. Roberts, Esq., requests interlocutory review of the order of Administrative Law Judge (ALJ) Patricia M. Kerins in *Jose Tirado v. County of Monmouth*, DOP Docket No. 2006-1894, OAL Docket No. CSV 10289-05, pursuant to N.J.A. C. 1:1-14.10(a).

ACTION: The Merit System Board granted interlocutory review and reversed the ALJ's order.

B-42 ERICK AGINS

The appeal of Erick Agins, a Supervisor, Traffic Maintenance, with the City of Trenton, concerning is 10-day suspension, on charges, was before Administrative Law Judge Jeff S. Masin (ALJ), who rendered his initial decision on June 26, 2007. At its meeting on July 25, 2007, the Merit System Board did not adopt the ALJ's recommendation to dismiss the appeal for lack of subject matter jurisdiction. Rather, the Board remanded the matter to the Office of Administrative Law for further proceedings. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-43 KAREN JOHNSON

The appeal of Karen Johnson, an Employment Specialist with the Atlantic County Department of Family and Community Development, of her resignation not in good standing, effective October 3, 2005, on charges, was heard by Administrative Law Judge (ALJ) Bruce M. Gorman, who rendered his initial decision on June 7, 2007 reversing the resignation not in good standing. At its meeting on July 25, 2007, the Board adopted the ALJ's recommendation. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-44 TANYA JOHNSON

The appeal of Tanya Johnson, a Parole Officer Recruit with the State Parole Board, of her removal effective April 4, 2006, on charges was before Administrative Law Judge Ronald W. Reba (ALJ), who rendered his initial decision on June 12, 2007, granting the appointing authority's motion to dismiss the matter. At its meeting on July 25, 2007, the Merit System Board adopted the ALJ's recommendation to dismiss the appeal but indicated that the dismissal was without prejudice. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-45 CURTIS MOSS

The appeal of Curtis Moss, a Human Services Assistant at Ancora Psychiatric Hospital, Department of Human Services, of his 60-day suspension on charges, was heard by Administrative Law Judge Jeff S. Masin (ALJ), who rendered his initial decision on June 20, 2007. At its meeting on July 25, 2007, the Merit System Board (Board) adopted the ALJ's recommendation to uphold 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-46 LEONIDAS ROGERS

The appeal of Leonidas Rogers, a Building Maintenance Worker/Groundskeeper with the Glassboro Housing Authority, of his removal effective May 25, 2006, on charges, was heard by Administrative Law Judge (ALJ) Joseph F. Martone, who rendered his initial decision on June 29, 2007. At its meeting on July 25, 2007, the Merit System Board did not adopt the ALJ's recommendation to modify the removal to a 30-day suspension. Rather, the Board modified the removal to a 60 working day suspension. The proposed decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the decision.

B-47 RAYNEESHA ADAMS, ET AL.

Rayneesha Adams, Scott Douglas, and Paula Diaz appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirements for the open competitive examination for Technical Assistant, Personnel (S0566H). Nollerine Jeffers appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the open competitive examination for Technical Assistant, Personnel (S0566H).

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

B-48 THARIEN ARNOLD

Tharien Arnold 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 Manager, Parks and Grounds (M1531J), Newark.

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

B-49 AIMEE BURGIN AND JANEEN BUTCHER

Aimee Burgin and Janeen Butcher appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirements for the promotional examination for Secretarial Assistant 2 (Non-Stenographic) (PS2587J), Rowan University.

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

B-50 MARIA COUTURE

Maria Courture 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 Administrative Analyst 2 (Procurement) (PS5748G), Department of Environmental Protection (DEP).

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

B-51 FRANK S. DURR

Frank S. Durr appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the promotional examination for Truck Driver (PM1293H), Township of Belleville.

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

B-52 MIKLOS FOLTINY, ET AL.

Miklos Foltiny, Nadine Goldwater, and Michele Villalba appeal the determinations of the Division of Selection Services that, per the substitution clause for education they did not meet the experience requirements for the promotional examination for Paralegal Specialist (PC1434H), Mercer County Board of Social Services.

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

B-53 DEBRA A. GERING

Debra A. Gering appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Administrative Analyst 4 (PS7288T), Department of Transportation.

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

B-54 CAROL GIGANTE

Carol Gigante appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the open competitive examination for Supervisor of Records (C1631J), Hudson County.

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

B-55 SANDRA GREEN AND MICAELA HART

Sandra Green appeals the determination of the Division of Selection Services which found that she did not meet the education requirement for the open competitive examination for Paralegal Specialist (M1527J), Newark. Micaela Hart appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the open competitive examination for Paralegal Specialist (M1527J), Newark.

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

B-56 GAIL P. HARRIS

Gail P. Harris appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the examination for Public Safety Telecommunicator (M1214H), City of New Brunswick.

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

B-57 BRYAN HEASMAN

Bryan Heasman appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirements for the promotional examination for Coordinator of Scheduling Recreational Activities (PM0029J0, Linden.

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

B-58 ANN M. HILL

Ann M. Hill appeals the determination of the Division of Selection Services which found that she was ineligible for the promotional examination for Principal Clerk Typist (PM1453H), Township of Willingboro, because the announced title did not represented a promotion.

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

B-59 MARY HOBBS

Mary Hobbs appeals the determination of the Division of Selection Services that found that she did not meet the education and experience requirements for the open competitive examination for Data Processing Programmer 2 (S6925J), Statewide.

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

B-60 MILAGROS IZQUIERDO

Milagros Izquierdo appeals the determination of the Division of Selection Services that found that, per the substitution clause for education, she did not meet the experience requirements for the open competitive examination for Program Analyst (M6682J), Paterson.

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

B-61 KATHLEEN JAWORSKI

Kathleen Jaworski 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 Program Development Specialist, Community Service (PC0524H), Ocean County.

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

B-62 YOLANDA KEAHEY

Yolanda Keahey appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the open competitive examination for Contract Administrator 1 (C6820H), Hudson County.

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

B-63 WILSON R. KINCH

Wilson R. Kinch appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the examination for Municipal Court Administrator (M6543H), Wildwood Crest.

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

B-64 SARA LABOY

Sara Laboy appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Principal Clerk Typist (PM0363H), City of Camden.

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

B-65 JOSHUA LAZARUS

Joshua Lazarus appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he was below the minimum requirement in experience for the promotional examination for Chief Fire Safety (PS0632D), Department of Community Affairs.

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

B-66 SUZANNE LONIA

Suzanne Lonia appeals the determination of the Division of Selection Services that she failed to meet the experience requirements for the promotional examination for Social Work Supervisor 1, Secured Facilities (PS2578I), Southern State Correctional Facility (Delmont).

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

B-67 CHARLES MEAD

Charles Mead appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Supervisor of Data Processing Systems and Programming (PC1689H), Monmouth County.

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

B-68 RICHARD MERZ

Richard Merz appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Assistant Public Works Superintendent (PM0020J), Teaneck.

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

B-69 ALISON MORRISON

Alison Morrison 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 Investigator (S0454H).

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

B-70 JULIO SANTIAGO

Julio Santiago appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Supervisor of Trees (PM0616H), City of Trenton.

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

B-71 ROSEMARY SANTIAGO

Rosemary Santiago 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 Investigator (Bilingual in Spanish and English) (S0544H).

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

B-72 JOYCE SHEEHY

Joyce Sheehy appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Supervising Clerk (PM1370H), City of Linden.

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

B-73 KYLE SMITH

Kyle Smith appeals the determination of the Division of Selection Services which found that he was ineligible for the promotional examination for Sanitation Inspector (PM1827H), City of Camden, because the announced title did not represent a promotion.

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

B-74 EMILY W. TEMPLETON

Emily W. Templeton appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Supervisor of Enforcement (PS9104D), Department of Community Affairs.

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

B-75 DONNA TRAVINSKI

Donna Travinski appeals the decision of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Supervisor of Telephone Systems (PS0940H), Middlesex County.

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

B-76 FRANCES WATSON

Frances Watson appeals the determination of the Division of Selection Services which removed her name from the promotional eligible list for Data Entry Machine Operator (M1232H), Jersey City due to her failure to provide a valid application fee.

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

B-77 CHARLES WILDER

Charles Wilder 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 Manager, Parks and Grounds (M1531J), Newark.

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

B-78 CAREY WRIGHT

Carey Wright appeals the determination of the Division of Selection Services which found that she was below the minimum requirement in experience for the promotional examination for Supervisor of Data Processing Operations (PC0595G), Ocean County Board of Social Services.

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

B-79 COSMO AMATO, ET AL.

Cosmo Amato, Charles Amorosso, Bryce Anzelmo, Robert Armento, Matthew Bartlett, Matthew Bertonazzi, Brian Bitetto, Duane Bona, Jude Bracken, Joshua Briggs, Justin Brown, Thomas Byrne, Esteban Cabrera, Yvel Celestin, Frank Corino, William Davis, Victor Dent, Anthony Ferens, Chris Fields, Silas Flanagan, Mark Flanigan, Frank Friend III, Chris Fulham, Aaron Garcia, Michael Geiger, Jeffrey Giarrusso, Michael Gonnerman, Melissa Goodwin, Michael Greico, Michael Hanley, Mark Horst, Ryan Horvath, Jaron Hughes, Scott Humphris, Theodore Idell, Subindra Indarat, Joseph Jaros, Gregory Jones, Nelson Jusino, Matthew Karda, Robert Kaminski, Gary Kelly, Sean Knight, Nicholas La Via, Michael Macula, Anthony Mazzola, Phillip McMahan, Ryan McNeil, Carl McLaurin, Rafael Medina, Arturo Miller, Michael Mitchell, Steven Mitchell, Patrick Murray, Hakim Newsome, Tommy Pacheco, Michael Passarella, Peter Pasuco, Mario Pepler, Angel Perez, Nicholas Perfette, Shenequika Perry, Nicholas Piacenza, Vinod Ramoutar, Jeffrey Rascone, Nicholas Riggi, Federico Rodio, Jesus Sanabria, David Santiago, Donald Staiger II, Drew Tepper, Gregory Terpak, James Thomas, Michael Willis, Kenneth Dichino, John Grover, represented by Marcia Tapia, Esq., and John Pinzone, represented by Vincenza Leonelli-Spina, Esq., appeal their scores for the written teamwork portion of the examination for Fire Fighter (M9999H), various jurisdictions.

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

B-80 VITO DIMARCO

Vito DiMarco appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513H), Ocean City.

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

B-81 JOHN MURPHY JR.

John Murphy, Jr. appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513H), Ocean City.

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

B-82 JACKSON NEALL, III

Jackson Neall, III appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513H), Ocean City.

ACTION: The Merit System Board directed that this appeal be granted in part and the oral communication component of the arriving scenario be changed from 3.5 to 4.

B-83 THOMAS SHALLCROSS

Thomas Shallcross appeals his score for the oral portion of the examination of the first level Fire Captain (PM3513H), Ocean City.

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

B-84 DONALD WILTSHIRE

Donald Wiltshire appeals his score for the oral portion of the examination for the first level Fire Captain (PM3513H), Ocean City.

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

B-85 KEITH BIERWISCH

Keith Bierwisch appeals his score for the oral portion of the examination for Fire Lieutenant (PM2505H), Irvington.

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

B-86 LOUIS FERDINANDI

Louis Ferdinandi appeals his score for the oral portion of the examination for Fire Lieutenant (PM2505H), Irvington.

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

B-87 JOHN HOLMES

John Holmes appeals his score for the oral portion of the examination for Fire Lieutenant (PM2505H), Irvington.

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

B-88 PATRICK LAGUERRE

Patrick LaGuerre appeals his score for the oral portion of the examination for Fire Lieutenant (PM2505H), Irvington.

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

B-89 ROBERT CLARK

Robert Clark appeals his score for the oral portion of the examination for Fire Lieutenant (PM2570H), Linden.

ACTION: The Merit System Board directed that this appeal be granted in part, and the oral communication component of the evolving scenario be changed from 4.5 to 5 and the remainder of the appeal be denied.

B-90 GLENN CURTIN

Glenn Curtin appeals his score for the oral portion of the examination for Fire Lieutenant (PM2507H), Linden.

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

VOTE:	Robert J. Long	(Abstained)
	Flavella Branham	(Yes)
	John Currie	(Yes)

B-91 KEVIN KONECNY

Kevin Konecny appeals his score for the oral portion of the examination for Fire Lieutenant (PM2507H), Linden.

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

B-92 ALBERT MARTIN

Albert Martin appeals his score for the oral portion of the examination for Fire Lieutenant (PM2507H), Linden.

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

VOTE:	Robert J. Long	(Abstained)
	Flavella Branham	(Yes)
	John Currie	(Yes)

B-93 CHRISTOPHER WARD

Christopher Ward appeals his score for the oral portion of the examination for Fire Lieutenant (PM2507H), Linden.

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

B-94 JEFFREY ALINO, ET AL.

Jeffrey Alino, Amer Ayyash, Darnell Bolden, Ricardo Casseus, Nicholas Cupo, Keith Epps, Jermain Gallemore, Samuel Graham, Craig Hintzen, Robert Matthews, Bruce McDonald II, Wilson Nunez, Kevin Nurse, Julio Rodriguez, Darius Thompson, Darnell Woodard, Teddy Yallah and Edward Young appeal various issues regarding their failure of the written portion of the examination for Fire Fighter (M9999H), various jurisdictions.

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

B-95 MICHAEL DIXON, ET AL.

Michael Dixon, Junious Felder, Mohammad Hatefi, Allen Huggins and Roderick Knox (PM3591G) Atlantic City; Samuel Balakas, John Church, Edward Glassman, Daniel Payne and Frank Saia (PM3592G) Camden City; Jorge Chavez, Michael Curtin, Curtis Murrill, John Young and William Young (PM3593G) Elizabeth; William Anderson, JR., and Richard Casella (PM3595G) Jersey City; Edwin Bishop, Richard Gail, Rufus Jackson, Kevin Mitchko and William Weidele (PM3596G) Newark; Christopher Babcock (PM3597G) Paterson; Richard Seeds (PM3599G) Trenton; David Taylor (PM3608G) Rahway; Mark Lafferty (PM3610G) Voorhees Township; David Flood, Michael Giacumbo, Michael Hern and Victor Vangelakos (PM#620G) North Hudson Regional Fire and Rescue, appeal the written multiple-choice examination for Battalion Fire Chief and Fire Officer 2.

ACTION: The Merit System Board directed that question 40 be rekeyed from option c to option a, question 54 be doublekeyed to options c and d, and the remainder of the appeals be denied.

B-96 MANUEL MARTINEZ

Manuel Martinez appeals the test administration for the oral portion of the promotional examination for Battalion Fire Chief (PM3592G), Camden County.

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

B-97 GEORGE I. MARMAROU

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

ACTION: The The Merit System Board granted the request.

B-98 BRIAN SOOS

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

ACTION: The Merit System Board granted the request.

B-99 MERIT SYSTEM BOARD MINUTES

The Minutes of the Merit System Board meeting of July 25, 2007 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of July 25, 2007.

B-100 EARLY SETTLEMENTS

Ronald Arnold
Montclair State University
(2) Suspensions

Barbara Cade
Department of the Treasury
Release at the end of the working test period

Ivan Kaplan
Monmouth County
Suspension

Lester Richards
Riverfront State Prison
Department of Corrections
Suspension

Michelle Tibbs
Department of Children and Families
Release at the end of the working test period

Tasha Westbrook
Department of Children and Families
Release at the end of the working test period.

ACTION: The Merit System Board acknowledged the settlements.

B-101 VINCENT SURACE

Vincent Surace, represented by Edward J. Nolan, Esq., appeals the decision of the Borough of Fort Lee to remove his name from the Police Officer (S9999D), Fort Lee eligible list for falsification of his preemployment application and an unsatisfactory background report.

ACTION: The Merit System Board granted a hearing.

B-102 WILLIAM OSBORNE

William Osborne, a former Police Sergeant with the Township of Irvington, requests that the Merit System Board reinstate him to his position after a determination by the Police and Fireman's Retirement System that he is no longer disabled and is fit for duty.

ACTION: The Merit System Board granted the request.

B-103 SALARY REGULATIONS, FY 2008

Submitted for the Board's review are the Salary Regulations for Fiscal Year 2008. Aligned Salary Regulation, the Non-Aligned Salary Regulation with Attachments A and B), the Emergency Conditions Salary Regulations, the Special Incentive Salary Regulations, and the Miscellaneous Salary Regulations. They have been approved by Rolando Torres, Jr., Commissioner, Department of Personnel and Charlene M. Holzbaur, Director, Division of Budget and Accounting.

ACTION: The Merit System Board recorded the salary regulations.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, August 29, 2007, at 10 a.m., at 3 Station Plaza, Trenton, New Jersey.

**ROBERT J. LONG, PRESIDING MEMBER
MERIT SYSTEM BOARD**