



STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

RICHARD J. CODEY
ACTING GOVERNOR

ROLANDO TORRES, JR.
ACTING COMMISSIONER

Merit System Board

**MINUTES OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
FEBRUARY 9, 2005**

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

FEBRUARY 9, 2005

A regular meeting of the Merit System Board was held on Wednesday, February 9, 2005, in Trenton, New Jersey.

PRESENT: Presiding Merit System Board Member Margaret E.L. Howard, Merit System Board Members, Flavella Branham, John Currie, and Robert J. Long; Barbara Bereski, 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 Margaret E. L. Howard 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 11, 2003, 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 Jonathan Davidson
County of Burlington
Highway
Suspension

In the Matter of John Libby
Township of Jackson
Police Department
Release at the end of the working test period

In the Matter of James Maney, Jr.
City of Newark
Department of Neighborhood Services
Release at the end of the working test period

In the Matter of James Quiles
County of Morris
Department of Human Services
Suspension

In the Matter of Michael Reynolds
County of Burlington
Highway Department
Suspension

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

ACTION: The Merit System Board acknowledged the settlements.

A2 CLARENCE VAN PELT

Clarence Van Pelt, Correction Sergeant, Central Reception and Assignment Facility Department of Corrections, ten-day suspension on charges of violation of the policy prohibiting racial and/or sexual harassment, discrimination and/or retaliation, conduct unbecoming a public employee and verbal abuse of an inmate, patient, client, resident or employee.

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

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

A-3 DAVID FIGUEROA REMAND

David Figueroa, Police Officer, City of Newark, Police Department, 1) ten-day suspension on the charge of violation of Police Department rules regarding answering a subpoena in court, 2) six-month suspension on charges of violations of Police Department rules regarding conduct in public and private, false statements, chronic inefficiency or incompetency, conduct unbecoming a public employee and incompetency, inefficiency or failure to perform duties, and 3) removal effective February 20, 2001, on charges of violations of Police Department rules regarding conduct in public and private, responsibility for own actions, chronic inefficiency or incompetency, conduct unbecoming a public employee and incompetency, inefficiency, or failure to perform duties.

Recommendation of the Administrative Law Judge – Reverse the ten-day suspension, uphold the six-month suspension and uphold the removal.

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

A-4 KEITH JOHNSON

Keith Johnson, Building Maintenance Worker, County of Morris, Department of Long Term Care Services, removal effective August 12, 2003, on the charge of conduct unbecoming a public employee.

This matter was previously presented to the Merit System Board at its regular meeting of January 12, 2005, but was held over for cross exceptions.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-5 MONICA ROMANS

Monica Romans, Human Services Assistant, North Jersey Developmental Center, Department of Human Services, removal effective February 13, 2001, on the charge of physical abuse of a client.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

SECTION B – MISCELLANEOUS MATTERS

B-1 SHAHEENA AFTAB

Shaheena Aftab, a Technical Assistant 3 with the Department of the Treasury, represented by Peter Maurer, Special Staff Representative, CWA Local 1033, appeals the denial of sick leave injury (SLI) benefits.

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

B-2 TINIKA ALLEN

Tinika Allen, a former Intermittent Technical Assistant 3 with the Department of the Treasury, represented by Peter Maurer, Special Staff Representative, CWA Local 1033, appeals the denial of sick leave injury (SLI) benefits.

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

B-3 EARL BARBARY

Earl Barbary, a Cook with 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-4 NAN BRIGNOLO

Nan Brignolo, a Human Services Technician at the New Jersey Veterans Memorial Home at Vineland, Department of Military and Veterans Affairs, appeals the denial of sick leave injury (SLI) benefits.

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

B-5 DARREL FORTE

Darrel Forte, a Truck Driver, Single Axle at Ancora Psychiatric Hospital, Department of Human Services, represented by Mark Caira, Esq., appeal the denial of sick leave injury (SLI) benefits.

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

B-6 SONYA FREEMAN

Sonya Freeman, a Senior Data Entry Machine Operator (Terminal) with the Department of the Treasury, represented by Peter Maurer, Special Staff Representative, CWA Local 1033, appeals the denial of sick leave injury (SLI) benefits.

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

B-7 ANTHONY GARRUTO

Anthony Garruto, an Assistant Storekeeper with the Juvenile Justice Commission, Department of Law and Public Safety, represented by Donald L. Klein, Executive Vice President, CWA Local 1040, appeals the denial of sick leave injury (SLI) benefits.

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

B-8 HARRY LEE HAWN

Harry Lee Hawn, a Locksmith at 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-9 DORIS LAMPLEY

Doris Lampley, an Assistant Supervisor of Professional Residential Services with Woodbridge 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 granted.

B-10 ROSEANNA LEONARD

Roseanna Leonard, an Intermittent Data Entry Machine Operator with the Department of the Treasury, represented by Peter Maurer, Special Staff Representative, CWA Local 1033, appeals the denial of sick leave (SLI) benefits.

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

B-11 SHERRELL LEONARD

Sherrell Leonard, an Intermittent Data Entry Machine Operator with the Department of the Treasury, represented by Peter Maurer, Special Staff Representative, CWA Local 1033, appeals the denial of sick leave injury (SLI) benefits.

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

B-12 MELINDA LEWIS

Melinda Lewis, a Human Services Assistant with Ancora Psychiatric Hospital, Department of Human Services, represented by David B. Fox, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION: The Merit System Board directed that this matter be referred to the Medical Examiners Panel.

B-13 CAROLYN MCCOY

Carolyn McCoy, a Head Data Entry Machine Operator with the Department of the Treasury, represented by Peter Maurer, Special Staff Representative, CWA Local 1033, appeals the denial of sick leave injury (SLI) benefits.

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

B-14 LAURA POINDEXTER

Laura Poindexter, an Intermittent Data Entry Machine Operator with the Department of the Treasury, represented by Peter Maurer, Special Staff Representative, CWA Local 1033, appeals the denial of sick leave injury (SLI) benefits.

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

B-15 VERNON SMITH

Vernon Smith, a Senior Correction Officer at Bayside State Prison, Department of Corrections, represented by Henry J. Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-16 MARY JANE SULK

Mary Jane Sulk, a Senior Data Entry Machine Operator (Terminal) with the Department of the Treasury, represented by Peter Maurer, Special Staff Representative, CWA Local 1033, appeals the denial of sick leave injury (SLI) benefits.

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

B-17 MARIA CHELL

Maria Chell appeals the decision of Human Resource Information Services (HRIS), which upheld the removal of her name from the eligible list for Police Officer (S9999D), City of Trenton, on the basis of an unsatisfactory background report.

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

B-18 PATRICIA CONRAD

Willingboro Township appeals the decision of Human Resource Information Services which removed Patricia Conrad's name from the Code Enforcement Officer (M6488C), Willingboro Township eligible list due to her failure to meet the residency requirement.

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

B-19 KEVIN HARTH

Kevin Harth, a Police Officer with the City of Perth Amboy Police Department, appeals the determination of the Division of Human Resource Information Services upholding the bypass of his name from the eligible list for Police Sergeant (PM2533C), City of Perth Amboy.

ACTION: The Merit System Board granted a hearing.

B-20 CHUKWUEMEKA IHEUKWUMERE

Chukwuemeka Iheukwumere 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 Senior Program Monitor (C6412C), Essex County, on the basis of unsatisfactory employment history.

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

B-21 GREGORY WILSON

Gregory Wilson appeals the decision of Human Resource Information Services, which upheld the removal of his name from the eligible list for Police Officer (S9999D), Township of Irvington, on the basis of an unsatisfactory criminal record.

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

B-22 OMNIBUS OPERATOR, SPEICAL REEMPLOYMENT LIST, TOWNSHIP OF BELLEVILLE

The appointing authority's failure to properly dispose of the certification for Omnibus Operator, while a provisional appointee is serving in the title, has been referred to the Merit System Board for enforcement.

ACTION: The Merit System Board ordered the appointing authority to remove the provisional appointee, make an appointment from the certification and pay compliance costs,

B-23 RECREATION SUPERVISOR, SPECIAL REEMPLOYMENT LIST, NORTH BRUNSWICK

The appointing authority's failure to properly dispose of the certification for Recreation Supervisor while a provisional appointee is serving in the title, has been referred to the Merit System Board for enforcement.

ACTION: The Merit System Board ordered the appointing authority to remove the provisional appointee, make an appointment from the certification and pay compliance costs,

B-24 EDWARD COYLE

Edward Coyle, a Senior Correction Officer, East Jersey State Prison, represented by William Toolen, Fraternal Order of Police, Lodge 200, requests Merit System Board review of a three day suspension on a sustained charge of unexcused lateness of 15 minutes or more.

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

B-25 GEORGE AMBRIDGE

George Ambridge, a Senior Correction Officer at East Jersey State Prison, Department of Corrections (DOC), represented by William Toolen, Institutional Vice President, PBA Local 105, petitions the Merit System Board for reconsideration of the final administrative decision rendered August 11, 2004, in which the Board dismissed Ambridge's appeal of his 20-day suspension, without prejudice, based on Ambridge's failure to appear at his scheduled settlement conference.

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

B-26 VICTOR LANGSTON

Passaic County petitions the Merit System Board for reconsideration of the final administrative decision, rendered on April 21, 2004, in which the Board mandated Victor Langston's appointment from the Sheriff's Officer (S9999B), Passaic County eligible list.

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

B-27 MARION PETRUZZIE

Kristina Bas, Staff Representative, Communications Workers of America (CWA) Local 1034, on behalf of Marion Petruzzi, petitions the Merit System Board for reconsideration of the decision rendered on January 28, 2004 which denied her request for a make-up of the promotional examination for Administrative Assistant 3 (PS5969G), Department of Environmental Protection.

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

B-28 JASON STOWE

Jason Stowe requests that he be assigned a retroactive appointment date for record purposes and seeks eligibility for the County Correction Lieutenant (PC2627E), Atlantic County examination.

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

B-29 SENIOR TRAINING TECHNICIAN (PC2241C), PASSAIC COUNTY BOARD OF SOCIAL SERVICES

The Passaic County Board of Social Services, represented by Albert C. Buglione, Esq., petitions the Merit System Board for a stay, pending the outcome of its appeal to the Appellate Division of Superior Court, of the Board's final decision rendered on October 6, 2004, in which the Board ordered that the appointing authority properly dispose of the November 26, 2002 certification (PL022485) of the eligible list for Senior Training Technician (PC2241C).

ACTION: The Merit System Board denied the request.

VOTE:	Margaret E.L. Howard	(Yes)
	Flavella Branhan	(Yes)
	John Currie	(Abstained)
	Robert J. Long	(Yes)

B-30 LAWRENCE CHATMON

The estate of Lawrence Chatmon, a former Truck Driver with the City of Newark, represented by Cynthia H. Hardaway, Esq., seeks Merit System Board resolution of a dispute concerning the amount of back pay and benefits due to the estate as a result of the Board's decision in *In the Matter of Lawrence Chatmon* (MSB, decided September 12, 2000). David M. Beckerman, Esq., requests resolution of a dispute concerning the amount of counsel fees in accordance with the same decision.

ACTION: The Merit System Board awarded back pay in the amount of \$33,069.82 and counsel fees in the amount of \$7,500.

B-31 PHILIP MARTONE

The Town of Kearny, represented by Robert J. Merryman, Esq., seeks Merit System Board resolution of a dispute concerning back pay and benefits arising from a Merit System Board decision rendered on April 7, 2004, granting Philip Martone, a Superintendent of Recreation, back pay and benefits.

ACTION: The Merit System Board denied back pay, but ordered the Town of Kearny to pay Philip Martone \$6,185.20 for reimbursement of payments to maintain health insurance coverage and if necessary, adjust Mr. Martone's vacation and sick leave balances.

B-32 ALAN HARLE

Alan Harle, a former Mechanic Diessel/Mechanic Hydraulics with the Township of Pennsauken, represented by Susan Owen, Staff Representative, AFSCME Council 71, petitions the Merit System Board for additional benefits in accordance with a Settlement Agreement.

ACTION: The Merit System Board granted the request.

B-33 KELLY MCKENITH, ET AL.

Kelly McKenith and Francisco Torres, represented by William D. Sayers, Esq., and Khalid Nash and Shawn Heyward, represented by Ciro Spina III, Esq., appeal their termination from employment as County Correction Officers with the County of Essex.

ACTION: The Merit System Board dismissed the appeal of Khalid Nash for lack of jurisdiction, but granted the appeals of Kelly McKenith, Francisco Torres, and Shawn Heyward.

B-34 ESSIE ARMSTRONG

Essie Armstrong 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 Psychiatric Social Work Supervisor (PC1611D), Essex County.

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

B-35 MICHAEL BALDWIN

Michael Baldwin appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the open competitive examination for Assistant Warehouse Supervisor (M0609F), Newark School District.

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

B-36 MYRON S. BALEY, ET AL.

Myron S. Baley, Brian D. Reed, and Robert O. Somes appeal the determination of the Division of Selection Services which found that they did not meet the requirements for the open competitive examination for Section Forest Fire Warden (S2041F), Department of Environmental Protection.

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

B-37 LONNIE BRADLEY

Lonnie Bradley appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the open competitive examination for Public Works Repairer (C6204F), Morris County.

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

B-38 ANGELA BROOKS-PITTMAN

Angela Brooks-Pittman 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 Social Case Worker (PM0241F), Atlantic City.

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

B-39 MARYANN J. BUCCHI, ET AL.

Maryann J. Bucchi, Iris A. Mariani-Eckenrode, and Ericka M. McCoy appeal the determinations of the Division of Selection Services, which found that they were below the minimum requirements in experience for the promotional examination for Procedures Analyst (PC0467F), Mercer County Board of Social Services.

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

B-40 IRMA CAMILO

Irma Camilo 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 Assistant 3 (PS1796F), Department of Education.

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

B-41 BARBARA CURATOLO

Barbara Curatolo appeals the determination of the Division of Selection Services which found that she did not meet the education requirements for the promotional examination for Substance Abuse Counselor 2 (PS1389P), Juvenile Justice Commission.

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

B-42 DENNIS COONEY

Dennis Cooney appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the open competitive examination for the title Recreation Program Coordinator (M0653F), Town of West New York.

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

B-43 DIANE CZAJKOWSKI

Diane Czajkowski 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 Personnel Assistant 4 (PS1207C), and Personnel Assistant 3 (PS1211C), Department of Personnel promotional examinations.

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

B-44 MICHAEL DILLON

Michael Dillon appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Operations Shift Superintendent, Office of Information Technology (OIT) (PS1449U). This matter was held over from the January 26, 2005 Board meeting.

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

B-45 LILLIAN FOSTER, ET AL.

Lillian Foster, Cyril Omorogbe and Thomas Wojtowicz appeal the determination of the Division of Selection Services which found that they did not meet the experience requirement for the open competitive examination for Administrative Analyst 2 (Fiscal Management) (S6757F), Sharon Graham appeals the determination of the Division of Selection services which found that, per the substitution clause for education, she did not meet the experience requirement for the open competitive examination for Administrative Analyst 2 (Fiscal Management) (S6757F). Karole Williams appeals the determination of the Division of Selection Services, which found that she did not provide the required transcript or list of courses for her application for the open competitive examination for Administrative Analyst 2 (Fiscal Management) (S6757F).

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

B-46 AZHAR U. ISLAM, ET AL.

Azhar U. Islam, Jerald L. Leo, and Ralph W. O'Bryan appeal the determination of the Division of Selection Services which found that they did not meet the requirements for the open competitive examination for Mechanical Equipment Specialist (S0323F), Kean University.

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

B-47 LUCILLE KRUGER

The Director of Human Resources, Department of Transportation, on behalf of Lucille Kruger, appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the qualifying examination for Executive Assistant 3, Department of Transportation.

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

B-48 CARLA LEWIS, ET AL.

Carla Lewis, Ann Radice, and Patricia Square appeal the determination of the Division of Selection Services which found that they did not meet the eligibility requirements for the promotional examination for Administrative Assistant 2 (PS1791F), Department of Education.

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

B-49 MICHAEL LEWIS

Michael Lewis 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 Equipment Operator Roads (PC1775E), Ocean County.

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

B-50 MARIA MACHADO AND JUNEEN PITTS

Maria Machado and Juneen Pitts appeal the determination of the Division of Selection Services which found that they did not meet the experience requirement for the open competitive examination for Senior Service Aide (S0316F).

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

B-51 MARY JANE MALIA

Mary Jane Malia 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 Secretary (PC0759F), Atlantic County.

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

B-52 MARSHA MARTIN

Marsha Martin appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for a prospective promotional examination for the title of Behavior Modification Program Technician, Trenton Psychiatric Hospital.

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

B-53 PATRICIA MCCALLIN

Patricia McCallin 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 Technical Assistant, Management Information Systems (PS2677K), Ancora Psychiatric Hospital.

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

B-54 GEORGE MCKAY

George McKay appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he was below the minimum requirements in experience for the promotional examination for Administrative Analyst 2 (PS1839I), State Parole Board.

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

B-55 LINDA C. NEMES

Linda C. Nemes 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 promotional examination for Procedures Analyst (PC0487F), Mercer County Board of Social Services.

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

B-56 JAIMINI PATEL

Jaimini Patel 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 Administrative Analyst 2 (Data Processing) (PS0986H), Department of Health and Senior Services.

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

B-57 THEODORE PENNOCK

Theodore Pennock 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 the “dual title” of Equipment Operator/Mechanic (M6677F), Mount Holly Township.

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

B-58 MARGARET PHELPS

Margaret Phelps appeals the determination of the Division of Selection Services that, per the substitution clause for education, she did not meet the experience requirement for the promotional examination for Assistant Municipal Tax Collector (PM0116E), Township of Belleville.

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

B-59 SHAWN RAMSEY

Shawn Ramsey appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Heavy Equipment Operator (PM0632F), Aberdeen Township.

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

B-60 JANET RIVERA

Janet Rivera appeals the determination of the Division of Selection Services which found that she did not meet the experience requirement for the promotional examination for Human Services Assistant 2 (P0634F), Cumberland County.

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

B-61 HAROLD F. RYAN

Harold F. Ryan appeals the determination of the Division of Selection Services which found that he did not meet the experience requirement for the open competitive examination for Section Forest Fire Warden (S2041F), Department of Environmental Protection.

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

B-62 JAMES SCIASCIA

James Sciascia appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in education for the promotional examination for Manager 4, Environmental Protection, Natural Resources, Wildlife (PS1238G), Department of Environmental Protection.

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

B-63 MARK SCOTT AND SCOTT TILLET

Mark Scott and Scott Tillett appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirements for the promotional examination for Operations Shift Superintendent, Office of Information Technology (PS1449U). This matter was held over from the January 26, 2005 Merit System Board meeting.

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

B-64 SUSAN SHIPP

Susan Shipp appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in education and/or experience for the promotional examination for Medical Review Analyst (PS7418K), Department of Human Services.

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

B-65 RONALD C. SIRACUSA

Ronald C. Siracusa appeals the determination of the Division of Selection Services which found that he was not eligible for the promotional examination for Manager 2 Information Processing (PS4222U), Office of Information Technology.

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

B-66 BETTY TAYLOR

Betty Taylor appeals the decision of the Division of Selection Services that found that per the substitution clause for education, she was below the minimum requirements in experience for the open competitive examination for Assistant Personnel Director (M0658F) Paterson.

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

B-67 RAJUMON THOMAS

Nancy Duffy, Manager, Human Resources, Division of Law, on behalf of Rajumon Thomas 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 Administrative Analyst 4 (PS1960P), Division of Law.

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

B-68 CYNTHIA TUCKER

Cynthia Tucker 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 Community Liaison Officer, Schools (M6670F), Jersey City School District.

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

B-69 JANICE A. VILLAFANA

Janice A. Villafana appeals the determination of the Division of Selection Services which found that she did not provide a transcript or list of courses and credits required to evaluate education for the promotional examination for Substance Abuse Counselor 2 (PS1389P), Juvenile Justice Commission.

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

B-70 JAMES WOOLEY

James Wooley appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the open competitive examination for Supervisor, Transportation and Vehicle Maintenance (C0725F), Burlington County.

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

B-71 DAVID BRILLO

David Brillo appeals his score on the promotional examination for Senior Sewage Plant Repairer (PC0724F), Bergen County Utilities Authority.

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

B-72 ELIZABETH DOWD, ET AL.

Elizabeth Dowd, John Mills, and Kevin Wright appeal their scores on the promotional examination for Resource Interpretive Specialist 3 (PS9429G), Department of Environmental Protection.

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

B-73 KAP SOOK SONG

Kap Sook Song appeals her score on the promotional examination for Supervisor of Nursing Services (PS9739K), Greystone Park Psychiatric Hospital.

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

B-74 MATTHEW WAGNER

Matthew Wagner appeals his score on the examination for Deputy Fire Chief (PM3625E), Hackensack.

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

B-75 GARY BERTSCH

Gary Bertsch appeals the determination of the Division of Selection Services which found him ineligible for the promotional examination for Police Lieutenant (PM2599F), Ringwood, due to an untimely application.

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

B-76 DANIEL LOBUE

Daniel LoBue, represented by Bruce Leder, Esq., appeals the determination of the Division of Selection Services which found him ineligible for the promotional examination for Police Captain (PM3549F), City of Hoboken, due to an untimely application.

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

B-77 HILDA ADORNO, ET AL.

Hilda Adorno, Gloria Brock, Peter Kwietniak, and Arlene Vence appeal the administration of the promotional examination for Supervisor 1, Unemployment Benefits (PS9774N), Department of Labor and Workforce Development.

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

B-78 WILLIAM O'NEAL, JR.

William O'Neal, Jr., appeals the administration of the promotional examination for Fire Lieutenant (PM2506F), Plainfield.

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

B-79 WALTER TURNER

Walter Turner appeals the administration of the promotional examination for Child Support and Paternity Specialist 1 (PS9761K), Division of Family Development.

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

B-80 GILBERT HEDGPETH

Gilbert Hedgpeth appeals the validity of the promotional examination for Supervising Administrative Analyst (PS1837I), Department of Corrections.

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

B-81 RAMONA MCCONVILLE

The State Parole Board requests that Ramona McConville's out-of-title work experience be accepted to qualify her for the promotional examination for Administrative Analyst 4 (Data Processing) (PS6537I), State Parole Board.

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

B-82 JOYCE DICKENS, ET AL.

Joyce Dickens, Pablo Gonzalez, Louis Sequinot, Darryl Taylor, Johnathan Taylor, Mark Williams and Gene Vecchione, represented by Charles Szymanski, Esq., request that they be assigned retroactive appointment dates for record purposes.

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

B-83 DONALD GOLLUSCIO

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

ACTION: The Merit System Board granted the request.

B-84 BARRY T. HUNTER

Barry T. Hunter, a Police Officer with the City of Plainfield, petitions the Merit System Board for an Intergovernmental Transfer to the title of Police Officer with the City of Elizabeth.

ACTION: The Merit System Board denied the request.

B-85 FRANK SCHUMERA

Steve Vargo appeals the admittance of another candidate, Frank Schumera, to the promotional examination for Fire Captain (PM35987), Perth Amboy.

ACTION: The Merit System Board directed that this appeal be denied and Mr. Schumera be allowed to remain in the testing process.

B-86 RECENT COURT DECISIONS

Submitted for the Merit System Board's information are recent court decisions involving Merit System Board and Department of Personnel determinations *In the Matter of Katherine Bergmann*, (Appellate Division, decided 12/1/04); *In the Matter of David Barnes* (Appellate Division, decided 12/6/04; *In the Matter of Richard A. Rizzolo* (Appellate Division, decided 12/8/04; *In the Matter of James J. Redmond v. County of Cape May* (Appellate Division, decided 12/16/04; *In the Matter of Daniel P. Meyer v. Department of Corrections* (Appellate Division, decided 12/22/04); and *In the Matter of William Bailey, Assistant Supervisor, Sewers/Assistant Supervisor, Water (PM1116D), Township of Aberdeen* (Appellate Division decided 12/30/04).

ACTION: The Merit System Board noted the decisions.

B-87 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of January 26, 2005 are submitted for adoption.

ACTION: The Merit System Board adopted the minutes of its meeting of January 26, 2005.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, February 23, 2005 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

**MARGARET E. L. HOWARD
PRESIDING
MERIT SYSTEM BOARD**