



STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

RICHARD J. CODEY
ACTING GOVERNOR

ROLANDO TORRES, JR.
COMMISSIONER

Merit System Board

**MINUTES OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
December 21, 2005**

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

DECEMBER 21, 2005

A regular meeting of the Merit System Board was held on Wednesday December 21, 2005, in Trenton, New Jersey.

PRESENT: Chairman Rolando Torres, Jr., Merit System Board Members, John Currie, Flavella Branham, Margaret E. L. Howard and Robert J. Long; Pamela Ullman, Deputy Attorney General; and Henry Maurer, Director, Division of Merit System Practices and Labor Relations.

In accordance with L.1975, c.231, Chairman Rolando Torres Jr., opened the meeting with the following statement:

Notice of this meeting was filed with the Secretary of State and sent to the Trentonian, Trenton Times, Courier-Post and Star Ledger on December 3, 2004, and posted at the Department of Personnel, 3 Station Plaza, Trenton, New Jersey.

All actions were by unanimous vote unless otherwise specified.

DATE: December 9, 2005

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

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

DEPARTMENT OF HUMAN SERVICES

The Department of Human Services recently received approval for the creation of a new title series, intended to provide a career path for staff performing a variety of duties in support of professional Family Service Specialists. The new series is structured to reflect the para-professional level of tasks. The requirements are a combination of those found in the Youth Worker and Social Service Aide series. The evolved tasks are higher level social service duties.

The Department of Human Services wishes to proceed with the cross-walk of incumbents to the new series. The Department wishes to provide for the smooth transition of Brisbane employees in the Youth Worker and Social Service Aide series to their new functions.

The Department intends to cross-walk existing provisionals pending open-competitive examination to their new titles with retention of current provisional status, thus they will be subject to formal examination procedures. The Department requests that incumbents with permanent status in their existing titles be cross-walked to their new title with retention of permanent status, but be required to serve a working test period (WTP).

The Department requests that provisional incumbents pending promotional examination be cross-walked to the title that corresponds to their permanent title, appointed provisional pending promotional examination to the higher title, while serving a WTP in the lower title.

Further, please note this action is intended to aid in the transition to the new series and it not precedent-setting. The highest level in the series, Assistant Family Service Worker 4, is intended to serve as a "bridge" to the professional title of Family Service Specialist 2. However, incumbents must serve in the bridge title for a minimum of five (5) years if they do not possess the education requirement, and must successfully complete Division of Youth and Family Service Family Service Specialist 2 training to be eligible.

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Furthermore, employees in the Youth Worker Supervisor title will have their salaries red-circled to accommodate the movement to a different bargaining unit.

The cross-walk is as follows:

FROM:

Social Service Aide
H06-32132 Career P NE/12

AND

Senior Social Service Aide
H09-52133 Career P NE/12

Principal Social Service Aide
H11-62134 Career P NE/12

AND

Youth Worker
H12-66002 Career * NE/12

Senior Youth Worker
H14-66000 Career * NE/12

Youth Worker Supervisor
R16-66003 Career * NE/12

TO:

Asst. Family Service Worker 1
H09-54248 Career P NE/12

Asst. Family Service Worker 2
H12-54249 /career P NE/12

Asst. Family Service Worker 3
H14-54250 Career P NE/12

Asst. Family Service Worker 4
H16-54251 Career P NE/12

DATE: December 12, 2005

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

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

DEPARTMENT OF TRANSPORTATION

The Department of Transportation requests the consolidation of their Drafting Technician variants into the Engineering Technician series. This series consists of two workweeks, 35 and 40 hours, assigned for general use. All variants exist only in a 40 hour workweek, and are assigned to the Department of Transportation.

The Department maintains that changes in technology have made their variant drafting technician virtually obsolete; the employees are performing duties more properly classified by titles in the Engineering Technician series.

The Department employs approximately thirty-five (35) incumbents in variants of the titles of Principal and Head Drafting Technician, and requests that Principal and Head Drafting Technicians be moved to the titles of Engineering Technician 2 and 1 respectively. The Principal and Head Engineering Technician titles are one (1) range lower than the Engineering Technician 1 and 2 titles. The Department of Transportation requests these appointments be accomplished by a “no-pain, no-gain” consolidation. Employees will be moved into the higher titles at their current salary with retention of existing status. A new anniversary date will be established based on the effective date of this transaction.

Approval of this action will result in the elimination of nine (9) department-specific variant titles at the Senior, Principal and Head levels. There are no variants at the entry level.

The Department of Transportation developed this plan with the advice and consent of the appropriate negotiations representatives. It was reviewed and approved by classification management and compensation staff at the Department of Personnel.

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CONSOLIDATION OF TITLES

Effective: 04-16-05

FROM:

Principal Drafting Technician, Bridge Design
R18-14028c Career O 40/12

Engineering Technician 2
R19-10120 Career * 40/12

TO:

AND

Principal Drafting Technician, Road Design
R18-14028d Career O 40/12

AND

Principal Drafting Technician, Electrical Design
R18-14028f Career O 40/12

FROM:

Head Drafting Technician, Bridge Design
R21-14029c Career O 40/12

TO:

Engineering Technician 1
S22-10122 Career * 40/12

AND

Head Drafting Technician, Road Design
R21-14029d Career O 40/12

AND

Head Drafting Technician, Electrical Design
R21-14029f Career O 40/12

TITLE ELIMINATIONS

Effective: 04-16-05

Sr. Drafting Technician, Bridge Design
A15-14027c Career O 40/12

Pr. Drafting Technician, Bridge Design
R18-14028c Career O 40/12

Sr. Drafting Technician, Road Design
A15-14027d Career O 40/12

Pr. Drafting Technician, Road Design
R18-14028d Career O 40/12

Sr. Drafting Technician, Electrical Design
A15-14027f Career O 40/12

Pr. Drafting Technician, Electrical Design
R18-14028f Career O 40/12

Head Drafting Technician, Bridge Design
R21-14029c Career O 40/12

Head Drafting Technician, Road Design
R21-14029d Career O 40/12

Head Drafting Technician, Electrical Design
R21-14029f Career O 40/12

DATE: December 9, 2005

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

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

STATE PAROLE BOARD & JUVENILE JUSTICE COMMISSION

The State Parole Board recently received approval for the restructuring of the Hearing Officer State Parole Board series. Part of the restructuring involved a one-range downward re-evaluation for one title. Incumbents must be provided with a 45-day notice, despite the fact that their salaries will be red-circled

It is necessary to petition the Board for a change in effective date to permit the appointing authorities to appropriately notice affected staff.

CHANGE IN EFFECTIVE DATE:

From 9/18/04 to 2/4/06
Hearing Officer 2, State Parole Board
P29-61754 Unclassified * NL/12

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

FROM: Elizabeth M. Van Marter, Director
Human Resource Management

SUBJECT: Allocation to the Senior Executive Service

DATE: December 14, 2005

DEPARTMENT OF TRANSPORTATION

The Department of Transportation has requested that positions #923613, #923640, and #022348 be allocated to the Senior Executive Service.

The proposed positions are assigned to the Right of Way Division in the Department of Transportation. The Right of Way Division operates under the direction of a SES position functionally designated as Director of Right of Way. The proposed positions report directly to the Director of Right of Way.

The Division of Right of Way is responsible for acquiring all necessary land and title rights for the construction or improvement of the State's roads. Existing Right of Way parcel acquisitions have averaged 75,000,000 for the last five years. In FY 2005, Right of Way project funding exceeded 110 million dollars. A similarly aggressive capital improvement program is projected for FY 2006.

The Division of Right of Way is a centralized organization with three district offices located in Northern, Central, and Southern New Jersey. Each proposed position is responsible for managing a district office. The positions function in managerial roles and assist the Director of Right of Way in setting objectives for assigned Right of Way projects. The positions are responsible for planning, organizing, controlling, and directing a staff responsible for the acquisition of all necessary land and rights for the construction or improvement of the State's roads. This includes, but is not limited to, the acquisition of land and property rights, relocation of occupants, the disposition of land, and the resolution of Eminent Domain legal issues. The positions establish goals, objectives, timeframes, resource allocations including consultant services, and goal achievements for specific projects. The positions have total accountability for all Right of Way activities and implement program controls in order to maintain schedule, cost, and budget projections.

Considering the need of the Division and the Department for highly qualified managers with expertise and authority to develop and maintain essential services, establishment of these positions in the Senior Executive Service will enable the Division to attract and retain highly qualified individuals to perform these duties.

Individuals to be moved to the SES have been performing the duties and functions that have been reviewed and determined as applicable to those for a Senior Executive Service position since the initial request was submitted in early 2005. Allocation of the positions to the SES is requested retroactive to that time period to coincide with the incumbents performance of duties deemed appropriate for the SES.

Allocation of Positions to the Senior Executive Service:

Effective: February 4, 2005

FROM:

TO:

Manager 2, Department of Transportation
Right of Way/Programs
M32-65258D
Position #923613

Senior Executive Service
M98-90752
Right of Way Program Manager

Supervisor of Right of Way 1 Transportation
M27-57116
Position #923640

Senior Executive Service
M98-90752
Right of Way Program Manager

Chief, Bureau of Contract Administration,
Transportation
M31-52924
Position #022348

Senior Executive Service
M98-90752
Right of Way Program Manager

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Terry Ames
County of Atlantic
Administration Department
Suspension

In the Matter of Joanna Balne
Montville Township Public Library
Suspension

In the Matter of Lisa A. Enz
Ocean County Board of Social Services
Release at the end of the working test period

In the Matter of Richard J. Frankenfield
Township of Lopatcong
Department of Public Works
Removal

In the Matter of James Gist, Jr.
Township of Willingboro
Police Department
Removal

In the Matter of Yvonne Goode
Northern State Prison
Department of Corrections
Suspension

In the Matter of Billy Green
Motor Vehicle Commission
Release at the end of the working test period

In the Matter of Randall Johnson
Township of Burlington
Police Department
Removal

In the Matter of Emily Leak
Vineland Developmental Center
Department of Human Services
Suspension and Removal

In the Matter of Adam Meade
Town of Morristown
Department of Administration and Public Safety
Suspension and Removal

In the Matter of Gilbert Mills
South Woods State Prison
Department of Corrections
Suspension

In the Matter of John Paolina
Township of Lopatcong
Department of Public Works
Removal

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

ACTION: The Merit System Board acknowledged the settlements.

A-2 KODOW AMPARBIN

Kodow Amparbin, Laborer, City of Newark, Department of Neighborhood and Recreational Services, resignation not in good standing effective May 21, 2001, 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.

A-3 PATRICIA BABIJ, ET AL (CONSOLIDATION AND PARTIALLY SEALED RECORD)

Patricia Babij, Technical Assistant I, Rocky DiNatale, Technical Assistant 3, Marie Helmlinger, Senior Clerk Typist, Todd Jackson, Technical Assistant 3, and Barbara Paturalski, Head Data Entry Machine Operator, Department of Treasury, ten-day suspensions on charges of conduct unbecoming a public employee, misuse of public property, including motor vehicles, failure to adhere to procedures regarding the accessing/browsing of taxpayer information, violation of the public's trust, violation of Division policy and procedures and New Jersey Tax Statutes.

Recommendation of the Administrative Law Judge – Uphold the ten-day suspensions for all appellants except for Barbara Paturalski's appeal which is dismissed as moot.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge for all appellants but also upheld the ten-day suspension for Barbara Paturalski.

A-4 NOELING MILLER

Noeling Miller, County Correction Officer, County of Burlington, County Jail, 12-day suspension on charges of conduct unbecoming a public employee and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the 12-day suspension.

ACTION: The Merit System Board affirmed the recommendation of the Administrative Law Judge but also directed the appellant attend sensitivity training.

A-5 CHRISTOPHER REVELLI

Christopher Revelli, Police Officer, City of Camden, Police Department, 180-day suspension on charges of insubordination and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the 180-day suspension.

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

A-6 MELVIN ROBINSON

Melvin Robinson, Police Officer, City of East Orange, Police Department, release at the end of the working test period effective May 28, 2003.

Recommendation of the Administrative Law Judge – Uphold the release at the end of the working test period.

ACTION: The Merit System Board modified the recommendation of the Administrative Law Judge and granted a new shortened working test period of four months.

A-7 STEVE BLAKELY

Steve Blakely, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, removal effective May 7, 2004, on charges of conduct unbecoming a public employee, physical abuse of a patient and verbal abuse of a patient.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

A-8 WENDELL HARPER

Wendell Harper, Police Officer, City of Newark, Police Department, removal effective February 27, 2002, on charges of violation of Police Department rules regarding the Drug Screening Policy and intoxication or illegal use of drugs.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

A-9 CRYSTAL SNYDER

Crystal Snyder, Human Services Technician, NJ Veterans Memorial Home, Vineland, two removals effective October 4, 2004, on charges of neglect of duty, loafing, idleness or willful failure to devote attention to tasks which could result in danger to persons or property and physical or mental abuse of a patient, client, resident, or employee.

Recommendation of the Administrative Law Judge – Reverse the removals.

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

A-10 ERIC WOODS (REMAND)

Eric Woods, Police Officer, Township of Willingboro, Police Department, removal effective July 11, 2003, on the charge of a positive test for illegal drug use.

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 MELANIE ALEXANDER-LOATMAN

Melanie Alexander-Loatman appeals her rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove her name from the eligible list for Correction Officer Recruit (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-2 JOHN E. ANDERSON

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

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

B-3 STEVEN A. BURNS

Steven A. Burns appeals his rejection as a Police Officer candidate by the City of Paterson and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-4 JULIEMARIE FORTE

Juliemarie Forte, represented by Benjamin Benson, Esq., appeals her rejection as a County Correction Officer candidate by the County of Ocean and its request to remove her name from the eligible list for County Correction Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position. This matter was held over from the Merit System Board meeting of December 7, 2005 for further review.

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

B-5 THOMAS J. RITZ

Thomas J. Ritz appeals his rejection as a Police Officer candidate by the Township of Gloucester and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-6 MIOSHA SOREY

Miosha Sorey appeals her rejection as a County Correction Officer candidate by the County of Essex and its request to remove her name from the eligible list for County Correction Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

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

B-7 ELL ASH

Ell Ash, a Senior Correction Officer at Garden State Reception and Youth Correctional Facility, Department of Corrections (DOC), represented by Robert C. Wolf, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-8 MILTON BYRUM

Milton Byrum, a Plumber and Steamfitter 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 granted.

B-9 LAWRENCE CRAVER

Lawrence Craver, a Crew Supervisor, Locksmiths, with Riverfront State Prison, Department of Corrections, represented by Jenna Geisenheimer, Staff Representative, Communications Workers of America (CWA), Local 1040, appeals the denial of sick leave injury (SLI) benefits.

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

B-10 KIM KELLY

Kim Kelly, a Technician, MIS with the Motor Vehicle Commission, represented by Jesse Averhart, Executive Vice President, Communications Workers of America, Local 1033, appeals the denial of sick leave injury (SLI) benefits.

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

B-11 CHRISTINE LINDSAY

Christine Lindsay, a Senior Correction Officer at Northern State Prison, Department of Corrections (DOC), appeals the denial of sick leave injury (SLI) benefits.

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

B-12 JOHN MALLOY

John Malloy, a Practical Nurse with the 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-13 KIM R. MYERS

Kim R. Myers, a Supervisor, Personnel Records and Payroll Processing 2 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 granted.

B-14 ROSA NAZARIO

Rosa Nazario, 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-15 JULIE PETERSON

Julie Peterson, a Charge Nurse, 12 Months at Ancora Psychiatric Hospital, Department of Human Services, represented by Michele Long-Vickers, Staff Representative, CWA Local 1040, appeals the denial of sick leave injury (SLI) benefits.

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

B-16 ROBERT SAN FILIPPO

Robert San Filippo, a Senior Correction Officer, Juvenile Justice, with the Juvenile Justice Commission, represented by Robert C. Wolf, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-17 LISA SINGLETARY

Lisa Singletary, a Communications Operator, Secured Facilities, with the Central Reception and Assignment Facility, Department of Corrections, appeals the denial of sick leave (SLI) benefits.

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

B-18 SEAN SIRIGNANO

Sean Sirignano, a Senior Correction Officer with the Mountainview Youth Correctional Facility, Department of Corrections, represented by Craig Livingston, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

B-19 NATARSHA MCKAY

Natarsha McKay appeals the decision of the Division of Human Resource Information Services, which upheld the removal of her name from the eligible list for Correction Officer Recruit (S9999F), Department of Corrections, on the basis of an unsatisfactory driving record.

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

B-20 NIKKIA TEAGUE

Nikkia Teague appeals the decision of the Division of Human Resource Information Services to remove her name from the County Correction Officer (S9999D), Essex County eligible list due to expiration of the list.

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

B-21 ROBERT VARCADIPANE AND JOHN C. WELSH

Robert Varcadipane, a former County Correction Officer with the Passaic County Sheriff's Office, represented by Merick H. Limsky, Esq., and John C. Welsh, a former County Correction Officer with the Passaic County Sheriff's Office, represented by Paul W. Bergrin, Esq., appeal the decision of the Division of Human Resource Information Services which denied their appeals of the removal of their names from the regular reemployment list for County Correction Officer, Passaic County, on the basis that they were improperly added to the subject reemployment list.

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

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

B-22 CARPENTER (C6168F), COUNTY OF PASSAIC

The appointing authority's failure to dispose of the certification for Carpenter, while a provisional 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.

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

B-23 DELIVERY WORKER (C6804E AND C6309F), PASSAIC COUNTY

The appointing authority's failure to dispose of the certification for Delivery Worker, while eight provisionals are 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 appointees, make appointments from the certification, and pay compliance costs.

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

B-24 GEORGE BELLO AND MARK ICE

George Bello and Mark Ice, Police Officers with the City of Trenton, represented by Robert A. Fagella, Esq., petitions the Merit System Board for interim review of their immediate suspensions, effective September 28, 2005.

ACTION: The Merit System Board denied the requests.

B-25 JOSEPH RICHARDSON

Joseph Richardson, a Police Captain with the City of Camden, represented by Clifford L. Van Syoc, Esq., petitions the Merit System Board for a stay and interim relief of his demotion to the title of Police Lieutenant.

ACTION: The Merit System Board granted the request and dismissed the charges.

B-26 DANNY GLENN

Danny Glenn, a Public Works Inspector with the Township of Irvington, represented by Mark Hopkins, Esq., petitions the Merit System Board for enforcement of its decision, *In the Matter of Danny Glenn* (MSB, decided May 4, 2005), with respect to the award of back pay, benefits and seniority.

ACTION: The Merit System Board granted back pay in the amount of \$63,911.04.

B-27 RONALD DORN

Ronald Dorn, a former Park Maintenance Worker with the Township of Pemberton, represented by William B. Hildebrand, Esq., requests reconsideration of the Merit System Board decision rendered on July 27, 2005 granting his request for enforcement of the Board decision rendered on September 22, 2004 granting him back pay, benefits and seniority.

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

B-28 MARJORIE ALEXIS

Marjorie Alexis, a former Hospital Attendant with the County of Essex, Health and Rehabilitation Department, requests that the Merit System Board reinstate her appeals of a fine equal to 15 days' pay and a resignation not in good standing, which were dismissed based on her failure to appear at a scheduled hearing.

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

B-29 WILLIAM MANOES, ET AL.

The New Jersey Superior Court, Appellate Division has affirmed the decision of the Merit System Board in *In the Matter of William Manoes* (MSB, decided June 26, 2002). However, the Court remanded a portion of the matter to the Board for a determination of Mr. Manoes' rights to reinstatement, for Jacqueline Hanus' status and her entitlement to relief and for the finalization of other remedial details.

ACTION: The Merit System Board granted Ms. Hanus back pay, benefits and seniority from January 23, 2002 to October 25, 2004.

B-30 GENERAL SUPERVISOR, BUILDING SERVICES, NEWARK SCHOOL DISTRICT

Dwight Colwell, William Green, Davie James, Frank Reeder, Bruce Thomas and Woody Grady, represented by Mark C. Rushfield, Esq., seek acknowledgement of the settlement between them and the Newark School District.

ACTION: The Merit System Board acknowledged the settlement.

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

B-31 DARIN ROYSTER

The appeal of Darin Royster, a Correction Officer Recruit, Juvenile Justice, of his removal effective May 7, 2004, on charges, was heard by Administrative Law Judge Anthony T. Bruno (ALJ), who rendered his initial decision on August 1, 2005. At its meeting on December 7, 2005, the Merit System Board did not adopt the ALJ's recommendation to reverse the charges and the removal. Rather, the Board upheld the charges and the removal. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

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

B-32 WILLIAM WILSON

The appeal of William Wilson, a Building Maintenance Worker with the County of Camden, of his suspension beginning October 26, 2004, on charges, was heard by Administrative Law Judge Solomon A. Metzger (ALJ), who rendered his initial decision on October 20, 2005. At its meeting on December 7, 2005, the Merit System Board adopted the ALJ's recommendation to uphold the appellant's 10-day suspension. The Board also determined that the appellant was entitled to back pay for September 9, 2004. The proposed final decision is now submitted for the Board's review.

ACTION: The Merit System Board adopted the final decision.

B-33 MAUREEN ACHEY, ET AL.

Maureen Achey, Belinda Chisarick, Carol Forbes, Nancy Powers, Eulogia Tredinnick and Cathryn Van Keuren appeal the determinations of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the experience requirements for the Administrative Analyst 3 (PS9939G), Department of Environmental Protection promotional examination.

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

B-34 CHRISTINA AIELLO AND SHERRY CAPERS-DOCK

Christina Aiello and Sherry Capers-Dock 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 Secretarial Assistant 3 (Non-Stenographic) (PS4359J), William Paterson University.

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

B-35 MICHELLE BATTLE

Michelle Battle 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 Personnel Assistant 4 (PS6168K), Greystone Park Psychiatric Hospital.

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

B-36 LINDA M. BELL

Linda M. Bell 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 Fiscal Officer (C6475G), Mercer County.

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

B-37 CINDY BENSON-CLARK ET AL.

Cindy Benson-Clark, Antonia Hill, and Tracy Martin-Hopkins appeal the determination of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Assistant Supervisor of Professional Residential Services, Developmental Disabilities (PS6543K), New Lisbon Developmental Center. Kenneth Caldwell, Parker Flores and Lisa Negroni appeal the determination of the Division of Selection Services which found that they did not meet the experience requirements for the promotional examination for Assistant Supervisor of Professional Residential Services, Developmental Disabilities (PS6543K), New Lisbon Developmental Center.

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

B-38 THOMAS BLAKENEY AND CHRISTINE WILSON

Thomas Blakeney and Christine Wilson 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 Deputy Director of Welfare (PC0291G), Mercer County Board of Social Services.

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

B-39 CHRISTINE BORIOLO

Christine Boriolo 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 Management Assistant (PS5015K), Division of Family Development.

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

B-40 GEORGETTE COSTELLO AND DIANE HARDEN

Georgette Costello and Diane Harden 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 Supervising Training Technician (PS6917K), Woodbine Developmental Center.

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

B-41 CARMEN DAVILA AND JACQUELINE VAN DE WEGHE

Carmen Davila and Jacqueline VanDeWeghe appeal the determinations of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the experience requirements for the Administrative Assistant 3 (PS9939G), Department of Environmental Protection promotional examination.

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

B-42 ROCKY DINATALE, ET AL.

Rocky DiNatale, Michelle Everett, Robert Harris and Sharon Jones appeal the determinations of the Division of Selection Services which found that they did not meet the educational and/or experience requirements for the promotional examination for Technical Assistant 2 Treasury (PS6003U), Department of the Treasury.

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

B-43 MEGHAN ELKINS

Meghan Elkins appeals the determination of the Division of Selection Services that found that she did not meet the experience requirements for the promotional examination for Deputy Municipal Court Administrator (PM0454G), Lawrence Township.

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

B-44 KEVIN ELLMER

Kevin Ellmer appeals the determination of the Division of Selection Services which found that he was not eligible for the promotional examination for Truck Driver Heavy (PM1176G), Township of Ewing, because his application was postmarked after the closing date of the examination announcement.

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

B-45 TAMIKA ENGLISH

Tamika English appeals the decision of the Division of Selection Services that found that she did not meet the experience requirement for the promotional examination for Secretarial Assistant 3 Non-Stenographic (PS5321I), Department of Corrections.

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

B-46 BARBARA FEDOR

Barbara Fedor 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 promotional examination for Management Assistant (PS5726F), Department of Education.

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

B-47 EILEEN FRALINGER, ET AL.

Eileen Fralinger, Joann Long, Mary Young, and Susan Zammit appeal the determinations of the Division of Selection Services which found that they were below the minimum requirements in education and/or experience for the promotional examination for Supervisor, Professional Residential Services, Developmental Disabilities (PS2247K), New Lisbon Developmental Center.

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

B-48 JOHN FRASCA

John Frasca appeals the determination of the Division of Selection Services that found that he did not meet the experience requirements for the promotional examination for Supervisor of Accounts (PM0404G), Jersey City.

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

B-49 ELENA GIBNEY, ET AL.

Elena Gibney, Kathleen Haggerty, Kathleen Hehre, and Harold Johnson appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirement for the open competitive examination for Assistant Municipal Clerk (M8016G), Middletown Township.

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

B-50 RUTH ANNE GROSS AND RHAЕ JOHNSON

Ruth Anne Gross and Rhae Johnson 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 Administrative Analyst 4 (Data Processing) (PS6220K), Division of Youth and Family Services.

ACTION: The Merit System Board directed that these appeals be denied, but referred the matter of Ms. Johnson's classification to the Division of Human Resource Management.

B-51 MONICA HARVEY-TALBERT

Monica Harvey-Talbert 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 Program Development Specialist 1, Department of Health and Senior Services.

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

B-52 DIANE JAGT AND GEORGEANN RUSSO

Diane Jagt and Georgeann Russo 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 Secretarial Assistant 3 (Non-Stenographic) (PS4359J), William Paterson University.

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

B-53 ERIC LEEDS AND KATIE RYAN

Eric Leeds and Katie Ryan appeal the determinations of the Division of Selection Services which found that they did not meet the education and experience requirements for the promotional examination for Coordinator Emergency Telecommunications System (S6820G), Statewide.

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

B-54 DOMENICO MAGLIANO

Domenico Magliano appeals the decision of the Division of Selection Services which found that he did not meet the experience requirement for the promotional examination for Chief of Fire Apparatus, UFD (PM1605F), Jersey City.

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

B-55 JOAN MOORE

Joan Moore appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the Senior Community Relations Specialist (M0799G), Jersey City open-competitive examination.

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

B-56 STEVEN SMEARMAN

Steven Smearman appeals the determination of the Division of Selection Services which found that he did not meet the experience requirement for the promotional examination for Safety Inspector (PS5838K), Woodbine Developmental Center.

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

B-57 MICHELE WILLIAMS

Michele Williams 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 Administrative Assistant 2 (PS5931P), Department of Law and Public Safety promotional examination.

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

B-58 SHAFI AHMED, ET AL.

Shafi Ahmed, Aliya Khan, and Viorica Petriman appeal the scoring key for the promotional examination for Principal Environmental Engineer (Air Pollution Control) (PS3105G), Department of Environmental Protection.

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

B-59 EDWARD MILLER

Edward Miller appeals his score on the oral portion of the open competitive examination for Principal Planner Emergency Management Fire (S2042F).

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

B-60 WILLIAM SCHULTZ

William Schultz appeals his score for the oral portion of the examination for the second level Fire Captain (PM3598F), Perth Amboy.

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

B-61 DOROTHY SULLIVAN

Dorothy Sullivan appeals the denial by the Division of Selection Services of her request for a make-up examination for Police Sergeant (PM2527G), Jersey City.

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

B-62 YANG CAO

Yang Cao appeals the administration of the promotional examination for Program Development Specialist 1 (PS3915G), Department of Environmental Protection.

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

B-63 JOSEPH STAAB

Joseph Staab appeals the administration of the promotional examination for Hazardous Site Mitigation Specialist 1 (PS4887G), Department of Environmental Protection.

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

B-64 DAVID TAYLOR

David Taylor appeals the validity of the open competitive examination for Substance Abuse Counselor 2 (S0351F).

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

B-65 DEBRA COOPER

Debra Cooper petitions the Merit System Board to accept her untimely application for the promotional examination for Supervising Family Specialist 1 (PS5459K), Department of Human Services.

ACTION: The Merit System Board denied the request.

B-66 RECENT DECISIONS

Submitted for the Board's review are summaries of recent court decisions involving the Merit System Board and Department of Personnel determinations; *In the Matter of Daniel Antonelli, et al., v. State of New Jersey, et al.* (US Court of Appeals for the Third Circuit, decided 8/17/05); *In the Matter of Edward Flores and Fire Department, City of Trenton* (Appellate Division, decided 8/18/05); *In the Matter of Donald Hicks, Newark* (Appellate Division, decided 9/6/05); *In the Matter of Noemio Oliveira* (Appellate Division, decided 9/19/05).

ACTION: The Merit System Board noted the decisions.

B-67 MERIT SYSTEM BOARD MINUTES

Submitted for adoption are the Merit System Board minutes of its meeting of December 7, 2005.

ACTION: The Merit System Board adopted the minutes of its meeting of December 7, 2005.

B-68 LISA BROWN

Lisa Brown, a Charge Nurse 12 Months with the Trenton 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-69 WILLIAM TURBETT, ET AL.

The City of Linden requests retroactive appointment dates for William Turbett, Police Sergeant; Eugene Braun, Police Lieutenant; John Fine, Police Captain; Kevin Brady, Robert Miller, Brian Krakovsky, Walter Dickerhof and Gregory Weber, Fire Lieutenants; Eugent Bora and Warren Chanik, Fire Captains; and Daniel Gurrera and John Traub, Deputy Fire Chiefs.

ACTION: The Merit System Board granted the request.

B-70 DEBORA BROWN

Debora Brown, an Assistant Secretary (Board/Commission) with the Alcoholic Beverage Control Board, City of Newark, represented by Daniel J. Zirrith, Esq., seeks enforcement of the Merit System Board decision rendered on June 9, 2004 granting her mitigated back pay, benefits and seniority, and awarding her counsel fees. This matter was held over from the December 7, 2005 Merit System Board meeting for further review.

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

B-71 EARLY SETTLEMENT

Rosemary Shaw
Burlington County Board of Social Services
Resignation not in good standing.

ACTION: The Merit System Board acknowledged the settlement.

B-72 MICHELLE THURBER

Michelle Thurber, a Deputy Municipal Court Administrator, with the City of Burlington, represented by William G. Schimmel, Esq., seeks enforcement of the Merit System Board decision rendered on April 6, 2005 granting her reinstatement, back pay, benefits and seniority.

ACTION: The Merit System Board granted the request.

B-73 DANIEL RAMOS AND CHRISTIAN WASLIK

Daniel Ramos and Christian Waslik request administrative relief regarding their title preferences for the Entry Level Law Enforcement Examination (S9999F).

ACTION: The Merit System Board granted the requests.

B-74 JUSTIN DELANEY

The Superior Court, Appellate Division, has reversed and remanded the June 23, 2004 Merit System Board determination that Justine Delaney was psychologically suitable for appointment as a Police Officer (S9999B), Brick Township.

ACTION: The Merit System Board referred the matter back to the independent psychological examiner.

B-75 ROBERT S. CHESTER AND DANIEL L. KERR

Robert S. Chester and Daniel L. Kerr request that the Merit System Board review the reduction of their work hours in their part-time positions of Emergency Medical Technician with the Township of Pennsauken.

ACTION: The Merit System Board granted back pay.

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, January 11, 2006 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

ROLANDO TORRES, JR.
COMMISSIONER
MERIT SYSTEM BOARD