



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  
NOVEMBER 8, 2007**

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

NOVEMBER 8, 2007

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A regular meeting of the Merit System Board was held on Wednesday, November 8, 2007, in Trenton, New Jersey.

**PRESENT:** Robert J. Long, Presiding Merit System Board Member, Merit System Board Members, John Currie, and Flavella Branham; Pamela Ullman, Deputy Attorney General; and Henry Maurer, Director, Division of Merit System Practices and Labor Relations.

In accordance with L.1975, c.231, Robert J. Long, Presiding, 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.

\*It is noted that Item A-4 was considered out of order as the last item of the agenda.

All actions were by unanimous vote unless otherwise specified.

The Merit System Board recorded the recommended changes in the State Classification Plan, copies of which are attached hereto and made a part hereof.



## **MEMORANDUM**

**DATE:** October 16, 2007

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

**FROM:** Elizabeth Van Marter, Managing Director  
State and Local Operations *lv*

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

### **DEPARTMENT OF TRANSPORTATION**

This memo addresses the terms of a settlement agreement between the Office of Employee Relations, and the Communications Workers of America. The settlement agreement involved the reallocation of a targeted group of unrepresented titles assigned to the managerial ("M") bargaining unit to represented bargaining units P/Professional, R/Primary Level Supervisors Unit, or S/Higher Level Supervisors Unit.

Bargaining unit changes for populated titles were approved in May, 2007. The subject title was not included on the original memo because it was vacant. However, it was understood that the title would be union-represented for future appointments.

The Department of Transportation seeks to fill the title, and requests the appropriate bargaining unit assignment.

#### **Change in Bargaining Unit**

Effective: 08/18/07

**FROM:**

Supervisor, Traffic Investigations  
**M25-11235 O Competitive N4/12**

**TO:**

Supervisor, Traffic Investigations  
**S25-11235 O Competitive N4/12**

EVM/JJM/BP

**CONFIDENTIAL APPOINTMENTS**

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

**Peter Roselli**, appointed as a Confidential Assistant, Department of Corrections, effective September 1, 2007, salary of \$130,000.00 per annum.

**Todd J. Wojcik**, appointed as Confidential Secretary, Department of Law and Public Safety, effective July 7, 2007, salary of \$60,000.00 per annum.

**Amber D. Oakley**, appointed as Confidential Secretary, Department of Community Affairs, effective July 21, 2007, salary of \$37,613.63 per annum.

**Abbe Gluck**, appointed as Confidential Secretary, Department of Law and Public Safety, effective August 27, 2007, salary of \$130,000.00 per annum.

**SECTION A – HEARING MATTERS**

**A-1 SETTLEMENTS**

In the Matter of Anthony Brevitt  
County of Camden  
Municipal Utilities Authority  
Removal

In the Matter of Elizabeth Crespo  
County of Passaic  
Police Department  
Removal and Resignation not in good standing

In the Matter of Lucretia Crute  
County of Essex  
Department of Citizen Services  
Release at the end of the working test period

In the Matter of Glenn P. Cunningham  
City of Jersey City  
Police Department  
Suspension and Removal

In the Matter of Denise Days  
County of Cumberland  
Cumberland Manor  
Removal

In the Matter of Kathy Dixon  
Adult Diagnostic and Treatment Center  
Department of Corrections  
Suspension

Ronald Gourfine  
New Jersey City State University  
Suspension

In the Matter of Edward Haltner  
County of Hudson  
Department of Corrections  
Removal and Resignation not in good standing

In the Matter of Edward Kayal  
County of Sussex  
Sheriff's Department  
Removal

In the Matter of Christian Merzeau  
Edna Mahan Correctional Facility  
Department of Corrections  
Removal

In the Matter of Luis Osorio  
City of Newark  
Police Department  
Suspension

In the Matter of Hermelina Ramos  
County of Hudson  
Department of Health and Human Services  
Suspension

In the Matter of Anibal Santos  
Division of Youth and Family Services  
Department of Children and Families  
Release at the end of the working test period

In the Matter of Laura Single  
County of Bergen  
Department of Public Safety  
Return to permanent position at the end of the working test period

In the Matter of Sandra Vazquez-Grunder  
City of Linden  
Central Dispatch Department  
Release at the end of the working test period

In the Matter of Brenda Velez  
City of Paterson  
Municipal Court  
Removal

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

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

**A-2 EDITH JOHNSON**

Edith Johnson, appeals the bypass of her name on the list of eligible candidates for appointment to the position of Administrative Analyst (PC1505C), County of Essex.

Recommendation of the Administrative Law Judge – Uphold the bypass.

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

**A-3 JULIO AVILES**

Julio Aviles, Supervising Mechanic, City of Trenton, Department of Public Works, removal effective June 10, 2005, on charges of incompetency, inefficiency or failure to perform duties and neglect of duty.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

**\*A motion was made and seconded that the open session be recessed and that, pursuant to Section 12(b) of the Open Public Meetings Act, the Merit System Board entered into Executive Session for the purpose of legal advice on the matter of A-4 Shelby Cowans and Raul Mendez. The Board subsequently reconvened the public meeting.**

**A-4 SHELBY COWANS AND RAUL MENDEZ (CONSOLIDATION)**

Shelby Cowans and Raul Mendez, Senior Correction Officers, Northern State Prison, Department of Corrections, removal effective September 6, 2006, on charges of neglect of duty and other sufficient cause. This matter was held over from the October 10, 2007 Merit System Board meeting.

Recommendation of the Administrative Law Judge – Reverse the removals.

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

**A-5 LUKE COBB**

Luke Cobb, Omnibus Driver, Newark School District, removal effective October 4, 2006, on charges of chronic or excessive absenteeism or lateness, inability 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-6 VICTOR FERREIRA**

Victor Ferreira, County Correction Officer, County of Union, Department of Public Works, removal effective February 1, 2002, on the charge of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Grant the motion for summary decision and uphold the removal.

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

**A-7 ELAINE FLOWERS**

Elaine Flowers, Residential Living Specialist, Trenton Psychiatric Hospital, Department of Human Services, removal effective February 27, 2007, on charges of conduct unbecoming a public employee and violation of a rule, regulation, policy, procedure, order, or administrative decision.

Recommendation of the Administrative Law Judge – Uphold the removal.

**ACTION:** The Merit System Board modified the recommendation of the Administrative Law Judge to a 6-month suspension.

**A-8 GARY FULLER**

Gary Fuller, Senior Correction Officer, Department of Corrections, removal on charges of conduct unbecoming a public employee, other sufficient cause and use, possession or sale of any controlled dangerous substance.

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 ALFRED KEATON**

Alfred Keaton, Senior Correction Officer, Juvenile Justice Commission, Department of Law and Public Safety, removal effective April 3, 2006, on charges of conduct unbecoming a public employee, other sufficient cause, and use, possession or sale of any controlled dangerous substance.

Recommendation of the Administrative Law Judge – Uphold the removal.

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

**A-10 CASSANDRA RICHARDSON**

Cassandra Richardson, Senior Correction Officer, Northern State Prison, Department of Corrections, removal effective August 30, 2006, on charges of conduct unbecoming a public employee, other sufficient cause, improper or unauthorized contact with an inmate, undue familiarity with inmates, parolees, their families, or friends, and violation of administrative procedures involving safety and security.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

**A-11 ROBERT BARHAM**

Robert Barham, an employee of Camden County, 10-day suspension on charges of conduct unbecoming a public employee and violation of the County policy on sexual harassment. This matter was held over from the August 29, 2007 Merit System Board meeting.

Recommendation of the Administrative Law Judge- Dismiss the appeal.

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

**A-12 EDMUND MAWHINNEY**

Edmund Mawhinney is a Fire Captain with the City of Atlantic City. On September 19, 2006 he was removed on various charges. Some of the specifications underlying the charges vaguely alleged that Mawhinney made numerous inappropriate gestures and statements to a particular Fire Fighter, who complained of this conduct. Additional specifications alleged that Mawhinney engaged in specific conduct or made specific statements to the Fire Fighter which was inappropriate. Mawhinney appealed his removal to the Merit System Board and the case was transmitted to the Office of Administrative Law for a hearing. Additionally, Mawhinney filed a complaint under the Workers' Compensation statute with the Department of Labor alleging that his removal was not for the conduct alleged, but rather, in retaliation for the filing a Workers' Compensation claim. That matter was also transmitted to the OAL for a hearing.

Recommendation of the Administrative Law Judge – Strike the specifications with the exception of paragraphs numbered one and two and the portions of three that refer to the complainant's letter.

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

**SECTION B – MISCELLANEOUS MATTERS****B-1 KELLY T. BRONSON**

Kelly T. Bronson 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 (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 GREGORY JOHNSON**

Gregory Johnson, represented by Charles A. Grossman, Esq., appeals his rejection as a Sheriff's Officer candidate by the County of Essex 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 granted.

**B-3 MELISSA PURYEAR-MCDUFFIE**

Melissa Puryear-McDuffie appeals the request by the City of Irvington to remove her name from the Police Officer (S9999F) eligible list for medical unfitness to effectively perform the duties of the position.

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

**B-4 WILLIAM BEHRENS**

William Behrens an Investigator 2, Labor, with the Department of Labor and Workforce Development, appeals the denial of sick leave injury (SLI) benefits.

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

**B-5 MERCEDES CAESAR**

Mercedes Caesar, a Senior Field Representative, Housing (Housing Assistance Program), with the Department of Community Affairs, represented by Kenneth D. Mackler, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

**B-6 DAWN COLORUNDO**

Dawn Colorundo, a Senior Payroll Clerk with the Department of Children and Families, appeals the denial of sick leave injury (SLI) benefits.

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

**B-7 VANDANA MATHUR**

Vandana Mathur, an Administrative Analyst 4 (Data Processing) with the Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

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

**B-8 JUDY THORPE**

Judy Thorpe, a Supervisor of Nursing Services with the Juvenile Justice Commission, represented by Christopher Young, 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-9 MARY WELLS**

Mary Wells, a Teacher 3 with the Juvenile Justice Commission, Department of Law and Public Safety, represented by Brett Richter, Staff Representative, CWA Local 1039, appeals the denial of sick leave injury (SLI) benefits.

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

**B-10 LILLIAN FOSTER**

Lillian Foster appeals the decision of Human Resource Information Services (HRIS), which upheld the bypass of her name for appointment on the eligible list for Probation Officer (S0300F), Judiciary, Vicinage 13, Somerset, Hunterdon and Warren Counties.

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

**B-11 JERROD R. LLOYD**

Jerrold R. Lloyd appeals the decision of the Division of Human Resource Information Services which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for Police Officer (S9999F), City of Vineland, on the basis of an unsatisfactory background report.

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

**B-12 RICHARD T. MCKNIGHT**

Richard T. McKnight, represented by Charles M. Grossman, Esq., appeals the decision of the Division of Human Resource Information Services which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for Police Officer (S9999F), City of Newark, on the basis of an unsatisfactory background report.

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

**B-13 POLICE SERGEANT (PM2549E) AND (PM2604H), CITY OF PATERSON**

Ronald Altmann, Stephen Bonsick, Kelly Cary, Alex Cruz, Russell Curving, Ryan Curving, David Darco, Brian Gilligan, Anthony Giovatto, Robert Klein, Jr., Richard Latrecchia, Patrick Lenoy, Eladio Lugo, Martin Luizzi, Sweeney Melendez, Paul Miccinilli, Brian Morgan, Edwin Morillo, Louis Pacelli, William Paolmino, Walter Pearn, Scott Petricca, Antonio Pistone, Joseph Riccardi, David Rios, Orlando Robinson, Jeffrey Sims, Angelo Sisti, Gabriel Spallacci, Marvin Sykes, Timothy Tabor, David Tanis, Kenan Tuncel, and Angel Vargas, represented by Bruce Ledger, Esq., challenge 20 appointments made from the Police Sergeant (PM2549E), City of Paterson, eligible list, effective December 29, 2006 and March 8, 2007.

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

**B-14 REDEVELOPMENT ASSISTANT (M6385H), CITY OF BEVERLY**

The City of Beverly, represented by Christopher L. Baxter, Esq., requests permission not to make an appointment from the September 26, 2006 certification for Redevelopment Assistant (M6385H), City of Beverly.

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

**B-15 BEVERLY BROADUS-SMITH**

Beverly Broadus-Smith, an Assistant Superintendent 1, Corrections, at New Jersey State Prison, Department of Corrections, appeals the determination of the Acting Director, Equal Employment Division, 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 this matter be held over.

**B-16 GLENN TERYEK**

Glenn Teryek, a Lieutenant with the Department of Law and Public Safety, Division of State Police (DLPS), appeals the determination of the former First Assistant Attorney General, DLPS, stating that the appellant did not present sufficient evidence to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination in the Workplace.

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

**B-17 WILLIAM FITZGERALD**

William Fitzgerald, a former Guard with the Division of the State Police, Department of Law and Public Safety, requests that the Merit System Board reinstate his appeal of his 45-day suspension and removal, effective September 5, 2006, on charges, which was dismissed based on his failure to appear at his hearing.

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

**B-18 CLERK, BOARD OF ELECTIONS, HUDSON COUNTY**

Hudson County, represented by Sean D. Dias, Esq., requests that it be permitted to utilize the unclassified title of Clerk, Board of Elections.

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

**B-19 LAKHRAM BASANTA**

Lakhram Basanta petitions the Merit System Board for reconsideration of the decision rendered on November 1, 2006, in which his request for admittance to the examination for Administrative Analyst (M6330H), Jersey City, was denied.

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

**B-20 KEITH BEIBER**

The Township of Middletown, represented by Richard C. Leahey, Jr., Esq., petitions the Merit System Board for reconsideration of the decision rendered on July 11, 2007, which reversed the removal of Keith Bieber, a Laborer. Bieber, represented by Thomas Fagan, Staff Representative, CWA Local 1034, petitions the Board for enforcement of its July 11, 2007 decision.

**ACTION:** The Merit System Board granted reconsideration, but affirmed its prior decision reversing the removal of Bieber and granted the request for enforcement.

**B-21 VITO DIMARCO**

Vito DeMarco petitions the Merit System Board for reconsideration of the decision rendered on August 15, 2007, which denied his appeal regarding his scores on the oral portion of the promotional examination for Fire Captain (PM3513H), Ocean City.

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

**B-22 DARRYL GATEWOOD**

The Greystone Park Psychiatric Hospital, Department of Human Services, represented by Kathleen Asher, Deputy Attorney General, petitions the Merit System Board for reconsideration of the final decision rendered on June 20, 2007, which modified Darryl Gatewood's removals to a four-month suspension. Greystone also requests a stay of Gatewood's reinstatement, pending the outcome of its request for reconsideration.

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

**B-23 JANE LYONS**

Jane Lyons, a Senior Engineer Transportation with the Department of Transportation, petitions the Merit System Board for reconsideration of that part of the final decision, rendered on May 9, 2007, which upheld her five-day suspension on the charge of insubordination and upheld the charge of conduct unbecoming a public employee, imposing a five-day suspension on that charge.

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

**B-24 JOSEPH MANDI**

Rowan University, represented by Cheryl R. Clarke, Deputy Attorney General, petitions the Merit System Board for reconsideration of the decision, rendered on June 20, 2007, which ordered that Joseph Mandi be awarded back pay for the period of delay in holding his departmental hearing on various disciplinary charges. Mandi, represented by Joseph A. Carmen, Esq., requests enforcement of the Board's June 20, 2007 decision.

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

**B-25 KERRY MARTIN**

Kerry Martin, a Mechanic with the County of Union, represented Marcia Tapia, Esq., petitions the Merit System Board for reconsideration of that part of the final decision rendered on November 1, 2006, which ordered back pay in the amount of \$17,492.86.

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

**B-26 PHILLIP BENNETT**

The appeal of Phillip Bennett, a Correction Lieutenant with Bayside State Prison, Department of Corrections, of his removal effective May 4, 2005, on charges, was heard by Administrative Law Judge (ALJ) Bruce M. Gorman, who rendered his initial decision on July 5, 2007. At its meeting on October 24, 2007, the Merit System Board adopted the ALJ's recommendation to dismiss the charges and reverse the removal. The proposed decision is now submitted for the Board's review.

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

**B-27 GEMMA MATTHEWS**

The appeal of Gemma Matthews, a Cottage Training Technician with Hunterdon Developmental Center, Department of Human Services, of her removal effective October 8, 2006, on charges, was before Administrative Law Judge Solomon A. Metzger (ALJ), who rendered his initial decision on September 10, 2007. At its meeting on October 24, 2007, the Merit System Board did not adopt the ALJ's recommendation to dismiss the appeal as moot. Rather, the Board ordered that the matter be remanded to the Office of Administrative Law for a hearing on the merits of the case. Additionally, the Board granted the appellant a hearing with respect to a second removal effective October 8, 2006. The proposed decision is submitted for the Board's review.

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

**B-28 NATHALIA BERMUDEZ**

Nathalia Bermudez 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 Coordinator, Community Library Program (M6527H), City of East Orange.

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

**B-29 IDALIA DAVILA**

Union County, on behalf of Idalia Davila, appeals the determination of the Division of Selection which found that she was below the minimum requirements in education for the promotional examination for Accounting Procedures Analyst (PC0500J), Union County.

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

**B-30 COLLEEN FRANKS**

Colleen Franks 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 Senior Management Assistant (PS0333I), Department of Corrections.

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

**B-31 THOMAS J. KUSNIRIK**

Thomas J. Kusnirik appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he did not meet the experience requirements for the promotional examination for Administrative Analyst 2, Data Processing (PS1382N), Department of Labor and Workforce Development.

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

**B-32 MIRIAM PAREDES**

Miriam Paredes appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Senior Clerk, Bilingual in Spanish and English (PC0422J), Hudson County.

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

**B-33 FLAVIO RIVERA**

Flavio Rivera, 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 Coordinator for Federal and State Aid (C6207J), County Passaic.

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

**B-34 JOSEPH SANGATALDO**

Joseph Sangataldo appeals the determination of the Division of Selection Services which found that he did not meet the education requirements for the open competitive examination for Employment Counselor, County of Cumberland (C1814J).

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

**B-35 JASON C. WEBER**

The Mercer County Board of Social Services, on behalf of Jason C. Weber, appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the qualifying examination for Investigator, County Welfare Agency, Mercer County Board of Social Services.

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

**B-36 JOHN FORMISANO, ET AL.**

John Formisano and Jason West (PM2602J), Newark; and Shawn McGrath and David Schmidt (PM2609J0, Sayreville; appeal the determinations of the Division of Selection Services which found them ineligible for the promotional examination for Police Sergeant (various jurisdictions), due to untimely applications.

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

**B-37 GLENN CASSIDY**

Glenn Cassidy appeals his scores on the oral portion of the promotional examination for Battalion Fire Chief (PM3596G), Newark.

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

**B-38 MATTHEW CORDASCO**

Matthew Cordasco appeals his score on the oral portion of the promotional examination for Battalion Fire Chief (PM3596G), Newark.

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

**B-39 KEVIN FLANAGAN**

Kevin Flanagan appeals his scores on the essay and oral portions of the promotional examination for Battalion Fire Chief (PM3596G), Newark.

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

**B-40 NATHAN JOHNSON**

Nathan Johnson appeals his score on the essay portion of the promotional examination for Battalion Fire Chief (PM3596G), Newark.

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

**B-41 MICHAEL LUBERTAZZI**

Michael Lubertazzi appeals his score on the oral portion of the promotional examination for Battalion Fire Chief (PM3596G), Newark.

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

**B-42 RAUL MALAVE III**

Raul Malave III appeals his scores on the essay and oral portions of the promotional examination for Battalion Fire Chief (PM3596G), Newark.

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

**B-43 KEVIN MITCHKO**

Kevin Mitchko appeals his score on the oral portion of the promotional examination for Battalion Fire Chief (PM3596G), Newark.

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

**B-44 JERRY ROHRBACH**

Jerry Rohrbach appeals his scores on the essay and oral portions of the promotional examination for Battalion Fire Chief (PM3596G), Newark.

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

**B-45 JOHN WARD**

John Ward appeals his score on the oral portion of the promotional examination for Battalion Fire Chief (PM3596G), Newark.

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

**B-46 CORRECTION OFFICER TRAINEES**

The Department of Corrections (DOC) requests that 71 employees in the Correction Officer Recruit, Senior Correction Officer, and Investigator, Secured Facilities titles who had immediate prior State service in different agencies prior to attending the Correction Officer Training Academy have their personnel records reconstructed so that they will not incur a break in service for purposes of vacation accrual.

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

**B-47 SALARY REGULATIONS, SUPPLEMENT 3 FY 2008**

Submitted for the Board's recording is Salary Regulations, Supplement 3, Fiscal Year 2008. The Supplement is a Miscellaneous Salary Regulation involving certain employees of the Division of Investment, Department of the Treasury. It has 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.

**B-48 SALARY REGULATIONS, SUPPLEMENT 4, FY 2008**

Submitted for the Board's recording is Salary Regulations, Supplement 4, Fiscal Year 2008. The Supplement includes the Management Salary Program Appeal Procedure. It has 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.

**B-49 MERIT SYSTEM BOARD MINUTES**

The Merit System Board minutes of its meeting of October 24, 2007 are submitted for adoption.

**ACTION:** The Merit System Board adopted the minutes of its meeting of October 24, 2007.

**B-50 WAYNE BROWN**

The appeal of Wayne Brown, a Laborer with the Paterson Housing Authority, of his removal effective May 24, 2005, on charges was before Administrative Law Judge Walter M. Braswell (ALJ), who rendered his initial decision on September 4, 2007. At its meeting on October 24, 2007, the Merit System Board adopted the ALJ's recommendation to uphold the removal. The proposed final decision is now submitted for the Board's review.

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

**B-51 DANIEL MCMAHON**

The appeal of Daniel McMahon, a Right to Know Project Specialist with the City of Jersey City, of his removal effective February 11, 2005, on charges, was heard by Administrative Law Judge (ALJ) Leslie Z. Celentano, who rendered her initial decision on September 14, 2007. At its meeting on October 24, 2007, the Board adopted the ALJ's recommendation to uphold the removal. The proposed final decision is now submitted for the Board's review.

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

**B-52 EARLY SETTLEMENTS**

Raymond Garcia  
Woodbine Developmental Center  
Department of Human Services  
Removal

Thomas Jones  
Central Reception and Assignment Facility  
Department of Corrections  
Suspension

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

There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, November 21, 2007, at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.

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