



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  
JANUARY 11, 2006**

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

JANUARY 11, 2006

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A regular meeting of the Merit System Board was held on Wednesday January 11, 2006, in Trenton, New Jersey.

**PRESENT:** Chairman Rolando Torres, Jr., Merit System Board Members, John Currie, Flavella Branham, and Margaret E. L. Howard; 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 12, 2005, 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 Tahira Dixon  
Ann Klein Forensic Center  
Department of Human Services  
Release at the end of the working test period

In the Matter of Robert Marfil  
County of Passaic  
Sheriff's Department  
Suspension and Removal

In the Matter of Darren Miller  
East Jersey State Prison  
Department of Corrections  
Suspension

In the Matter of Kevin P. O'Neill  
Office of Information Technology  
Release at the end of the working test period

In the Matter of Merari Rios  
Cumberland County Board of Social Services  
Return to formerly held permanent title

In the Matter of Robert Wells  
Garden State Youth Correctional Facility  
Department of Corrections  
Suspension

In the Matter of Anthony Williams  
County of Union  
Department of Human Services  
Removal

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

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

**A-2 RICHARD DOMBRAUSKAS**

Richard Dombrauskas, Institutional Trade Instructor 2 Cooking, Garden State Youth Correction Facility, Department of Corrections, six-month suspension on charges of inappropriate physical contact or mistreatment of an inmate, patient, client, resident or employee, conduct unbecoming a public employee and other sufficient cause.

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

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

**A-3 HECTOR FUENTES (REMAND)**

Hector Fuentes, Senior Correction Officer, Juvenile Justice Commission, Department of Law and Public Safety, 30-day suspension on charges of conduct unbecoming a public employee and verbal abuse of an inmate, patient, client, resident or employee.

Recommendation of the Administrative Law Judge – Reverse the 30-day suspension.

**ACTION:** The Merit System Board reversed the recommendation of the Administrative Law Judge to uphold the 30-day suspension.

<b>VOTE:</b>	<b>Rolando Torres, Jr.</b>	<b>(Yes)</b>
	<b>Flavella Branham</b>	<b>(Yes)</b>
	<b>John Currie</b>	<b>(Yes)</b>
	<b>Margaret E. L. Howard</b>	<b>(Abstained)</b>

**A-4 WALTER TAYLOR**

Walter Taylor, Human Services Assistant, New Lisbon Developmental Center, Department of Human Services, resignation not in good standing effective May 7, 2004, on the charge of job abandonment.

Recommendation of the Administrative Law Judge – Modify the resignation not in good standing to a resignation in good standing effective May 7, 2004.

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

**A-5 VERNON ALLEN (REMAND)**

Vernon Allen, Motor Vehicle Operator, New Jersey Veterans' Memorial Home, Department of Military and Veterans Affairs, removal June 28, 2004, on charges of inappropriate physical contact or mistreatment of a patient, client, resident, or employee, fighting or creating a disturbance on state property, insubordination and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Reverse the removal.

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

**A-6 KARL PAGE**

Karl Page, Senior Youth Worker, Division of Youth and Family Services, Department of Human Services, removal effective February 9, 2004, on the charge of mental abuse of a resident.

Recommendation of the Administrative Law Judge – Grant Summary decision and dismiss the appeal as moot.

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

**A-7 DAVID SIEGELMAN**

David Siegelman, Sheriff's Officer, County of Middlesex, Sheriff's Department, two removals effective May 3, 2002, on charges of conduct unbecoming a public employee, violation of various Department rules and regulations, insubordination and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removals.

**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 viewing a videotape of the incident which showed patients at a State facility. The Board subsequently reconvened the public meeting.

**A-8 MARVIN JOHNSON**

Marvin Johnson, Human Services Assistant, Ancora Psychiatric Hospital, Department of Human Services, removal effective March 1, 2004, on charges of physical abuse of a patient and falsification. This matter was previously presented to the Merit System Board at its regular meeting of December 7, 2005, but was held over for testimony summary.

Recommendation of the Administrative Law Judge – Modify the removal to an oral warning.

**ACTION:** The Merit System Board modified the recommendation of the Administrative Law Judge to a 30-day suspension and that the appellant receive further training on physical restraint techniques.

**A-9 RAY M. RAYMOND**

Ray M. Raymond, Correction Captain, Edna Mahan Correctional Facility, Department of Corrections, removal effective January 8, 2002, on charges of violation of rules regarding safety and security precautions, improper or unauthorized contact with inmate, undue familiarity with inmates, parolees, their families or friends, personal conduct and conduct unbecoming an employee. This matter was previously presented to the Merit System Board at its regular meeting of November 3, 2005, but was held over for testimony summary.

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 RICHARD L. BOYD, JR.**

Richard L. Boyd, Jr., appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his 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 JOSEPH CAREY**

Joseph Carey appeals his rejection as a Fire Fighter candidate by the Village of Ridgewood and its request to remove his name from the eligible list for Fire Fighter (M2051A) on the basis of psychological unfitness to perform effectively the duties of the position.

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

**B-3 RONALD M. JENKINS**

Ronald M. Jenkins, represented by Mark Fury, Esq., appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his 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-4 CARLOS PENA**

Carlos Pena, represented by Ciro A. Spina, III, Esq., appeals his rejection as a County Correction Officer candidate by the County of Ocean and its request to remove his name from the eligible list for County Correction Officer (S9999A) on the basis of psychological unfitness to perform effectively the duties of the position.

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

**B-5 JEFFREY M. TERRY**

Jeffrey M. Terry, represented by Peter J. Cresci, Esq., appeals his rejection as a Police Officer candidate by Morristown 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 referred the matter for independent psychological evaluation.

**B-6 KENNETH KRYCICKI**

Kenneth Kryliccki appeals his rejection as a Sheriff's Officer by Salem County and its request to remove his name from the eligible list for Sheriff's Officer (S9999D) on the basis of medical unfitness to perform effectively the duties of the position.

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

**B-7 DIONNE BENSON**

Dionne Benson, a Senior Correction Officer with South Woods State Prison, Department of Corrections, 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 granted.

**B-8 ROBERT BOSSERT**

Robert Bossert, a Truck Driver, Single Axle, at the Edna Mahan Correctional Facility for Women, Department of Corrections, represented by J. Scott DeMasi, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

**B-9 TAMELA BOUFFARD**

Tamela Bouffard, a Senior Correction Officer with the Department of Corrections, 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-10 SAMUEL FLOYD**

Samuel Floyd, a Senior Correction Officer with the Department of Corrections, 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 granted.

**B-11 WILLIAM D. LEWIS**

William D. Lewis, a Youth Worker with the Arthur Brisbane Child Treatment Center, Department of Human Services, represented by Susan Goldsman, Esq., appeals the denial of sick leave injury (SLI) benefits.

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

**B-12 DAVID MCHENRY**

David McHenry, a Senior Correction Officer with the Albert C. Wagner Youth Correctional Facility, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

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

**B-13 MARK PIKUNICH**

Mark Pikunich, a Senior Correction Officer at East Jersey State Prison, Department of Corrections, 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 granted in part.

**B-14 DIANE ROBERTS**

Diane Roberts, a Senior Correction Officer 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-15 MALINDA WOODS-DUPREE**

Malinda Woods-Dupree, a Charge Nurse, 12 Months with Ancora Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

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

**B-16 FREDERICK ELLIS**

Frederick Ellis, a Police Officer with the City of East Orange, represented by Anthony J. Fusco, Jr., Esq., petitions the Merit System Board for interim relief regarding his 45-day suspension commencing on November 1, 2005.

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

**B-17 DONALD LEONE**

Keith Goetting, Director, Ocean County Department of Employee Relations, requests permission to make an additional appointment from the one-time certification that was issued from the promotional list for Supervisor, Building Service (PC1259B) that was revived as a result of the Merit System Board's order in *In the Matter of Donald Leone* (MSB, Decided September 7, 2005).

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

**B-18 NOELING MILLER**

The appeal of Noeling Miller, a County Correction Officer with Burlington County, of his 12-day suspension beginning on August 18, 2003, on charges, was heard by Chief Administrative Law Judge Laura Sanders, who rendered her initial decision on October 11, 2005. At its meeting on December 21, 2005, the Merit System Board adopted the ALJ's recommendation to uphold the 12-day suspension. The Board also ordered that the appellant undergo sensitivity training. The proposed final decision is now submitted for the Board's review.

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

**B-19 MELVIN ROBINSON**

The appeal of Melvin Robinson, a former Police Officer with the City of East Orange, concerning his release at the end of his working test period, effective May 28, 2003, was heard by Administrative Law Judge Edith Klinger, who rendered her initial decision on November 14, 2005. At its meeting of December 21, 2005, the Merit System Board did not adopt the ALJ's recommendation to uphold the appellant's release at the end of the working test period. Rather, the Board ordered the appellant's reinstatement and a four-month extension of his working test period. The proposed final decision is now submitted for the Board's review.

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

**B-20 PATRICIA BABIJ, ET AL.**

The appeals of Patricia Babij, a Technical Assistant 1, Treasury; Rocky Dinatelo, a Technical Assistant 3; Marie Helmlinger, a Senior Clerk Typist; Todd Jackson, a Technical Assistant 3; and Barbara Paturalski, a Head Data Entry Machine Operator, with the Department of the Treasury, of their 10-day suspensions, beginning May 20, 2002 and May 22, 2002 on charges, were heard by Administrative Law Judge Ana C. Viscomi, who rendered her initial decision on November 22, 2005. At its meeting on December 21, 2005, the Merit System Board adopted the ALJ's recommendation to uphold the 10-day suspensions for four of the appellants. However, it did not adopt the recommendation to dismiss the appeal of Barbara Paturalski as moot. Rather, the Board also upheld her 10-day suspension. The proposed final decision is now submitted for the Board's review.

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

**B-21 CHRISTOPHER REVELLI**

The appeal of Christopher Revelli, a Police Officer with the City of Camden, of his 180-day suspension beginning November 26, 2002, on charges, was heard by Administrative Law Judge Richard F. Wells, who rendered his initial decision on November 17, 2005. At its meeting of December 21, 2005, the Merit System Board did not adopt the ALJ's recommendation to uphold the 180-day suspension. Rather, the Board imposed a four-month suspension. The proposed decision is now submitted for the Board's review.

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

**B-22 LILLIAN FOSTER**

Lillian Foster requests reconsideration of the final decision of the Merit System Board rendered on March 23, 2005, which upheld her removal from the Personnel Trainee (S6730E), Department of Personnel, eligible list. Additionally, the appellant appeals the decision of Human Resource Information Services, which upheld the removal of her name from the Personnel Trainee (S6730E), Department of Human Services, eligible list due to a late response to the Notice of Certification.

**ACTION:** The Merit System Board denied the request for reconsideration and dismissed the list removal appeal as moot.

**B-23 LILLIAN FOSTER**

Lillian Foster requests reconsideration of the final decision of the Merit System Board rendered on May 18, 2005, which upheld the bypass of her name on the Employment Services Trainee (S0103D), Department of Labor and Workforce Development, eligible list.

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

**B-24 LILLIAN FOSTER**

Lillian Foster appeals the decision of Human Resource Information Services, which upheld the bypass of her name for appointment on the eligible list for Investigator (S0209E), Judiciary, Vicinage 9, Monmouth County.

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

**B-25 LILLIAN FOSTER**

Lillian Foster requests reconsideration of the final decision of the Merit System Board rendered on June 8, 2005, which upheld the bypass of her name on the January 25, 2005 certification of the Highway Safety Specialist (S0201E), Department of Law and Public Safety, eligible list.

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

**B-26 LILLIAN FOSTER**

Lillian Foster requests reconsideration of the final decision of the Merit System Board rendered on June 8, 2005, which upheld the bypass of her name on the October 20, 2003 certification of the Highway Safety Specialist (S0201E), Department of Law and Public Safety, eligible list.

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

**B-27 EDDIE ARMSTRONG**

Eddie Armstrong, a former Residential Services Worker with the New Jersey Veterans Memorial Home at Paramus, Department of Military and Veterans Affairs, requests that the Merit System Board reinstate the appeal of his two removals, which were dismissed based on his failure to appear at a scheduled hearing.

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

**B-28 TYREE BUNCH**

Tyree Bunch, a former Maintenance Worker 1, Transportation, with the Department of Transportation requests that the Merit System Board reinstate the appeal of his removal on charges effective February 4, 2005. His appeal was dismissed on the basis of his failure to appear at his August 4, 2005 settlement conference.

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

**B-29 WILFREDO COLON**

Wilfredo Colon, a former Police Officer with the City of Newark, represented by Alan Dexter Bowman, Esq., requests that the Merit System Board remand the appeal of his removal, which was returned to the Department of Personnel for appropriate disposition due to the appellant's failure to appear at his May 18, 2005 hearing, back to the Office of Administrative Law for a hearing.

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

**B-30 DONNA MAHON**

Donna Mahon, a former Administrative Assistant 2 with the Department of Health and Senior Services requests that the Merit System Board reinstate the appeal of her removal on charges effective May 14, 2004. Her appeal was dismissed on the basis of her failure to appear at her July 25, 2005 hearing.

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

**B-31 MARY PAYNE**

Mary Payne, a former Clerk Typist with Union County, represented by Michael A. Bukosky, Esq., requests that the Merit System Board reinstate the appeal of her removal on charges effective November 19, 2003, which was dismissed on the basis of the appellant's failure to appear at her December 13, 2004 hearing.

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

**B-32 DAMON BASSANO**

Damon Bassano, a former Police Officer Recruit, Human Services with the Department of Human Services, represented by Anthony J. Fusco, Jr., Esq., appeals his resignation in good standing.

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

**B-33 DANIEL O. ERRICKSON**

Daniel O. Errickson, a Correction Sergeant with Southern State Correctional Facility, Department of Corrections, requests that he be assigned a retroactive date of appointment. Based on that retroactive date of appointment, he also requests that he be admitted to the promotional examination for Correction Lieutenant (PS7819I), Department of Corrections.

**ACTION:** The Merit System Board granted the request for retroactive date of appointment. The Merit System Board denied the request for admittance to the Correction Lieutenant (PS7819I) examination.

**B-34 SHELDON NORWOOD**

Sheldon Norwood, a Probation Officer with the Judiciary, Camden Vicinage, seeks Merit System Board resolution of a dispute concerning the amount of back pay and benefits due to him as a result of the reversal of his indefinite suspension commencing on June 27, 2003.

**ACTION:** The Merit System Board awarded back pay in the amount of \$7,283.39.

**B-35 RANDY BERAN AND GEORGIANNA THOMAS**

Randy Beran and Georgianna Thomas appeal the determinations of the Division of Selection Services that they did not meet the experience requirements for the open competitive examination for Social Service Aide (S0371F), Department of Human Services.

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

**B-36 THOMAS R. BRENNAN**

Thomas R. Brennan 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 Training Technician (C1000G), Cape May County.

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

**B-37 DENNIS DEGREGORY AND DAVID ZMODA**

Dennis DeGregory and David Zmoda appeal the determinations of the Division of Selection Services which found that they did not meet the educational requirement for the promotional examination for Supervising Environmental Specialist (PS7064T), Department of Transportation.

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

**B-38 LINDA M. CONSTANTINO**

Linda M. Constantino 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 Community Service Officer 1, Addictions (PS3742K), Department of Human Services.

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

**B-39 MARY BETHEA, ET AL.**

Mary Bethea, Janet Dunn-Brittingham, Michelle Green, Ruth Grosse, Caprecia Jackson-Cook, Maria Michael, Acquanetta Napier, Diane Spears, Leslie Taylor and Sandra Vazquez appeal the determinations of the Division of Selection Services which found that, per the substitution clause, they did not meet the experience requirements for the promotional examination for Management Assistant (PS3326K), Division of Youth and Family Services.

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

**B-40 MARIANNE MURPHY**

Marianne Murphy 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 Coordinator of Volunteers (C6473G), Hunterdon County open-competitive examination.

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

**B-41 BETTY BROWN**

Betty Brown 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 Social Worker Aging (M0852G), Paterson open-competitive examination.

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



**B-42 JOSEPH DEMARIE**

Joseph DeMarie 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 Principal Standards and Procedures Technician (Environmental Protection) (PS5741G), Department of Environmental Protection.

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

**B-43 BERNADETTE DREW**

Bernadette Drew 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 Social Service Technician (PC0377G), Gloucester County.

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

**B-44 PATRICIA FRALINGER DEMARCO**

Patricia Fralinger DeMarco appeals the determination of the Division of Selection Services that found that she did not meet the experience requirements for the promotional examination for Classification Officer 1 (PS6145I), South Woods State Prison.

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

**B-45 ELENA GAINES**

Elena Gaines appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Supervising Field Representative, Housing (PS6032D), Department of Community Affairs.

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

**B-46 ANNE PSAROUDIS**

Anne Psaroudis appeals the determination of the Division of Selection Services which found that she did not meet the minimum requirements in experience for the open competitive examination for Legal Secretary (C1049G), Sussex County.

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

**B-47 LATISHA WILLIAMS**

Latisha Williams appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the Loan Advisor (M0846G), Atlantic City open-competitive examination.

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

**B-48 DANIEL DOYLE**

Daniel Doyle appeals the determination of the Division of Selection Services that found that he did not meet the experience requirements for the open-competitive examination for Electrical Mechanic Trainee (S0446G), Statewide.

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

**B-49 MARK L. HAMILTON**

Mark L. Hamilton 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 Superintendent of Weights and Measures (M3518G), Atlantic City.

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

**B-50 JOHN HERRMANN**

John Herrmann 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 Electronic Systems Technician 1, Bergen County Utilities Authority.

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

**B-51 JOHN (CHRIS) BRANIN**

John (Chris) Branin 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 Construction Management Specialist 3, Division of Youth and Family Services.

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

**B-52 THOMAS MCHUGH**

Thomas McHugh appeals the determination of the Division of Selection Services which found that he did not meet the education and experience requirements for the open-competitive examination for Assistant Director of Public Works (M4107G), Teaneck.

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

**B-53 DANIEL PAGNOTTA**

The City of Trenton, represented by Stephen E. Trimboli, Esq., on behalf of Daniel Pagnotta, appeals the determination of the Division of Selection Services which found him ineligible for the promotional examination for Police Captain (PM3557G), Trenton, due to an untimely application.

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

**B-54 PAMELA SMITH**

Pamela Smith 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 Secretarial Assistant 3 (Non-Stenographic), Department of Corrections.

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

**B-55 MICHAEL STEPHENS**

Michael Stephens appeals the determination of the Division of Selection Services, which found that he was not eligible for the promotional examination for Geographic Information Systems Specialist 2 (PC1220G), County of Monmouth, because his application was received after the closing date of the examination announcement.

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

**B-56 TROY D. MCMURRAY**

Troy D. McMurray appeals the determination of the Division of Selection Services, which found that he was not eligible for the promotional examination for Fire Officer 2 (PM3595G), City of Jersey City, 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-57 WILLIAM JIMENEZ**

William Jimenez appeals the determination of the Division of Selection Services, which found that he was not eligible for the promotional examination for Fire Officer 2 (PM3595G), City of Jersey City, 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-58 DREW STEPHENS**

Drew Stephens 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-59 RAYMOND TOSCANO**

Raymond Toscano appeals the decision of the Division of Selection Services which found that he lacked the required amount of permanent status in a title to which the examination was open for Police Chief (PM3580G), Lavallette Borough.

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

**B-60 SREELATHA PONUGOTI**

Sreelatha Ponugoti appeals her score on the written examination for Data Processing Programmer 2 (PS8251N), Department of Labor.

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

**B-61 ROBERT ESPINOSA**

Robert Espinosa (PC2501G), Bergen County; Andrew Leonard and David Madamba (PM2505G), Atlantic City; Vincent Coburn, Steven Gerling and Neal Pedersen (PM2510G), Brick Township; Frank Chiacchio (PM2513G), Cinnaminson; Edmond Sullivan (PM2516G), Edgewater; Bryan DiPasquale and Frank Thorpe (PM2518G), Elmwood Park; Martin Kahn (PM2520G), Fairview; Daniel Zusi (PM2521G), Fort Lee; Joseph Maimone (PM2524G), Hammonton; Vincent Cook, Michale DiSanto, Timothy O'Brien, Patricia Radziewicz, Anthony Scalcione and Anthony Tedesco (PM2527G), Jersey City; David Rakowski, Patrick Sawyer, Patrick Sweeney, John View and Timothy Wagner (PM2528G), Kearny; Pasquale Conte (PM2541G), Middle Township; Harry Santiago (PM2550G), Orange; Keith Lefferts (PM2551G), Parsippany-Troy Hills; William Tyler (PM2554G), Plainfield; John Zotollo (PM2556G), Saddle Brook; William Moyle (PM2561G), Sparta; Jerry Fogle and Mark Martin (PM2563G), Union Township, Michael Bienkowski (PM2573G), Clifton; and Timothy Copeland, a make-up candidate for (PM2534E), Ewing Township; appeal the written examination for County Police Sergeant and Police Sergeant (various jurisdictions).

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

**B-62 MARCIA BLACK**

Marcia Black appeals the denial of her request for a make-up examination for the open-competitive examination for Habilitation Plan Coordinator (S0397G), Department of Human Services.

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

**B-63 NANUBHAI PATEL**

Nanubhai Patel appeals the administration of the promotional examination for Construction and Maintenance Technician 4 (PS5589T), Department of Transportation.

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

**B-64 GEORGE PEREZ**

George Perez appeals the decision of the Division of Selection Services which found that he was late in filing his application for the promotional examination for Battalion Fire Chief (PM3597G), Paterson.

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

**B-65 JOSEPH SKRAJEWSKI**

Joseph Skrajewski appeals the decision of the Division of Selection Services denying his request for a make-up examination for Lieutenant Campus Police (PS3174J), College of New Jersey.

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

**B-66 DONNA WALTON**

Donna Walton appeals the denial of her make-up request for the promotional examination for Secretarial Assistant 3 (Non-Stenographic) (PS2720F), Department of Education.

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

**B-67 SALARY REGULATIONS, FY 2006, SUPPLEMENT 1**

Submitted for the Board's review are Salary Regulations for Fiscal Year 2006, Supplement 1. They include the Special Incentive Programs for Health Care Titles, and Miscellaneous provisions regarding Residents on Construction Projects for the Department of Transportation. They have been approved by Rolando Torres, Jr., Commissioner, Department of Personnel, and Charlene M. Holzbaur, Director, Division of Budget and Accounting. It is recommended that the Board record these Salary Regulations.

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

**B-68 RECENT COURT DECISIONS**

Submitted for the Board's review are recent court decisions involving Merit System Board and Department of Personnel determinations; *In the Matter of Prosecutor's Agents, Gloucester County Prosecutor's Office* (Appellate Division, decided 10/6/05); *In the Matter of Juliann LoStocco, Department of Law and Public Safety* (Appellate Division, decided 10/17/05); *In the Matter of Joseph Nardone, Storekeeper 2 (PS6570K), Commission for the Blind and Visually Impaired* (Appellate Division, decided 10/20/05); *In the Matter of Julio Cordero, Jr., Police Officer, City of Jersey City* (Appellate Division, decided 10/28/05); *In the Matter of Wojciech Czajkowski* (Appellate Division, decided 10/28/05); *In the Matter of Monica Malone, Department of Human Services* (381 N.J.Super. 344 [App. Div. 2005]);

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

**B-69 MERIT SYSTEM BOARD MINUTES**

The Merit System Board minutes of its meeting of December 21, 2005 are submitted for adoption.

**ACTION:** The Merit System Board adopted the minutes of its meeting of December 21, 2005.

**B-70 HOUSING ASSISTANCE TECHNICIAN BILINGUAL IN SPANISH AND ENGLISH (C0788F), COUNTY OF PASSAIC**

The appointing authority's failure to dispose of the certification for Housing Assistance Technician Bilingual in Spanish and English (C0788F), County of Passaic, while 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 list and pay compliance costs.

**B-71 KHALID NASH**

Kahlid Nash, a County Correction Officer with the County of Essex, represented by Ciro Spina, Esq., seeks enforcement of the decision of the Merit System Board in *In the Matters of Richard Dey, Police Officer, Palisades Interstate Park Commission and Khalid Nash, Essex County* (MSB, decided May 18, 2005), reinstating him to his position and granting him back pay, seniority, and counsel fees.

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

**B-72 EARLY SETTLEMENT**

George T. Peeke  
County of Burlington  
Medical Examiner's Office  
Removal and Resignation not in good standing.

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

**There being no further business before the Merit System Board, the meeting was adjourned to convene on Wednesday, January 25, 2006 at 10:00 a.m., at 3 Station Plaza, Trenton, New Jersey.**

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**ROLANDO TORRES, JR.  
COMMISSIONER  
MERIT SYSTEM BOARD**