

B-92



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Police Sergeant  
(PM0718P), North Arlington

Request for Enforcement

CSC Docket No. 2016-1356

ISSUED: **DEC 17 2015** (WR)

The Division of Agency Services (Agency Services) requests that the Civil Service Commission (Commission) order North Arlington to return the September 24, 2014 certification of the eligible list for Police Sergeant (PM0718P) for proper disposition.

By way of background, on September 24, 2014, a certification (PL141218) of five names was issued to North Arlington with a disposition due date of December 24, 2014. Agency Services notified North Arlington that the certification was overdue on January 26, 2015, March 2, 2015 and July 20, 2015 and requested that North Arlington return the certification. However, North Arlington has failed to return the certification. Accordingly, Agency Services referred the matter to the Commission for enforcement.

North Arlington was notified that the matter had been referred to the Commission for enforcement and it was advised that any failure on its part to return the certification could subject it to the assessment of costs, charges and fines pursuant to *N.J.A.C. 4A:10-2.2(b)*. Despite several opportunities to do so, North Arlington has not returned the certification as requested nor has it submitted any additional information.

CONCLUSION

*N.J.A.C. 4A:4-4.8(b)* requires an appointing authority to notify Agency Services of the disposition of a certification by the disposition due date in the

manner prescribed by this agency. Clearly, North Arlington has violated this vital regulation. The Commission is specifically given the power to assess compliance costs and fines against an appointing authority, including all administrative costs and charges, as well as fines of not more than \$10,000, for noncompliance or violation of Civil Service law or rules or any order of the Commission. *N.J.S.A. 11A:10-3; N.J.A.C. 4A:10-2.1(a)2. See In the Matter of Fiscal Analyst (M1351H), Newark, Docket No. A-4347-87T3 (App. Div. February 2, 1989).* Therefore, North Arlington is ordered to return the certification within 20 days of the issuance of this decision, for proper disposition. If, at any time, North Arlington does not adhere to the timeframes for the proper certification disposition without an approved extension of time, it shall be assessed fines of \$100 per day for each day of continued violation up to a maximum of \$10,000.

### ORDER

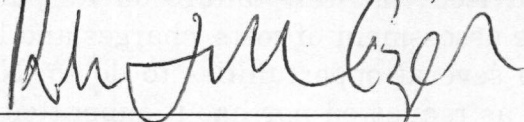
Therefore, it is ordered that North Arlington properly dispose of the September 24, 2014 certification of the eligible list for Police Sergeant (PM0718P) within 20 days of the issuance of this decision.

Moreover, the Commission orders that the costs incurred by this agency in the compliance process be assessed against North Arlington in the amount of \$1,000, pursuant to *N.J.S.A. 11A:10-3* and *N.J.A.C. 4A:10-3.2(a)5*, to be remitted within 30 days of the issuance of this decision.

If, at any time, North Arlington does not adhere to the timeframes for the proper certification disposition without an approved extension of time, it shall be assessed fines of \$100 per day for each day of continued violation up to a maximum of \$10,000.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 16<sup>th</sup> DAY OF DECEMBER, 2015



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Civil Service Commission

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