



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Senior Food Service
Handler (Special), Montclair State
University

Request for Enforcement

CSC Docket No. 2019-3203

ISSUED: July 1, 2019 (RE)

The Division of Agency Services (Agency Services) requests that Montclair State University (Montclair) be ordered to return the May 2, 2018 certification of the eligible list for Senior Food Service Handler (Special) for proper disposition.

By way of background, Montclair requested a certification on May 2, 2018 to fill a vacant position in the title of Senior Food Service Handler. The request generated certification (OS180258) from the Special Reemployment List (SRL) for the subject title with three names. Montclair did not return the certification. On September 4, 2018, Agency Services issued a Notice of Violation, and on April 1, 2019 an email notification was sent to Montclair requesting that certification (OS180258) be properly disposed in ten days. However, Montclair did not return the certification.

Montclair was notified that the matter had been referred to the Civil Service Commission (Commission) for enforcement and it was advised that the Commission could order an appointment from the certification and that it could be subject to the assessment of costs, charges and fines pursuant to *N.J.A.C.* 4A:10-2.1. Montclair did not respond.

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, Montclair 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, Montclair is ordered to return the certification within 20 days of the issuance date on this decision with the required documentation. If Montclair 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 Montclair properly dispose of the May 2, 2018 certification (OS180258) of the eligible list for Senior Food Service Handler (Special) within 20 days of the issuance of this decision.

Furthermore, the Commission orders that the costs incurred by this agency in the compliance process be assessed against Montclair 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 no proper disposition is made within 20 days of the issuance of this decision, without an approved extension of time, the Commission orders that Montclair 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 26th DAY OF JUNE, 2019



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