

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Office Services Manager (M0731R), City of Newark

Salary Disapproval

CSC Docket No. 2015-2568

ISSUED: NOV 1 9 2015

(WR)

The appointing authority's failure to dispose of the certification for Office Services Manager (M0731R), City of Newark, while a provisional is serving in the title, has been referred to the Civil Service Commission (Commission) for enforcement.

The Commission has reviewed the salary disapproval issued against the salary of Adam Cruz and has made the following findings of fact:

- 1. Cruz is currently serving provisionally in the title of Office Services Manager.
- 2. There is a vacancy for the title of Office Services Manager and an outstanding certification was issued on February 4, 2014 from the M0731R eligible list.
- 3. The certification has not been properly disposed of and the appointing authority was advised of the required date of disposition.
- 4. The Certification Manager issued a Notice of Salary Disapproval to the appointing authority and afforded it an opportunity to appeal such action to the Commission.

- 5. No such appeal was taken, and no proper disposition of the certification was received; the salary disapproval, therefore, became a final administrative action.
- 6. By not properly disposing of this certification, the appointing authority is in violation of Civil Service law and rules.

In the instant matter, the appointing authority has refused to properly dispose of the certification issued to fill a vacancy occupied by a provisional employee. The appointing authority has not contested or appealed the findings of the Certification Manager. The payment of salary for which there is a disapproval is illegal and contravenes Civil Service law and rules.

The appointing authority, despite being given the opportunity, did not submit any arguments or documentation for the Commission's review.

ORDER

The Civil Service Commission orders the appointing authority to immediately dispose of the outstanding certification by making a permanent appointment of a reachable and interested eligible. Additionally, the appointing authority is ordered to immediately separate any employee serving provisionally pending open competitive examination procedures in the subject title who does not receive an appointment from the outstanding certification. Such disposition must be filed with the Certification Manager on or before thirty (30) days from the issuance of this order. If no proper disposition is made within this time period, the Civil Service Commission orders the constructive appointment of the highest ranked interested eligible. See N.J.A.C. 4A:10-2.1(a)3; In the Matter of Battalion Fire Chief (PM1640E), Deputy Fire Chief (PM1423H), Atlantic City, Docket No. A-229-87T7 (App. Div. December 8, 1988).

The Civil Service Commission further orders that the costs incurred in the compliance process be assessed against the appointing authority 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 thirty (30) days of the issuance of this order. In the event the appointing authority fails to make a good faith effort to fully comply with this order within this time frame, it is additionally ordered that fines be assessed in the amount of one hundred dollars (\$100.00) per day, beginning on the thirty-first day following the issuance of this order and continuing each day of continued violation, up to a maximum of ten thousand dollars (\$10,000.00). See N.J.S.A. 11A:10-3; N.J.A.C. 4A:10-2.1(a)2; In the Matter of Fiscal Analyst (M1351H), Jersey City, Docket No. A-4347-87T3 (App. Div. February 2, 1989). This matter will be referred to the Office of the Attorney General for enforcement and for recovery of illegal payments and fines as assessed herein if full compliance is not effected within thirty days.

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 18th DAY OF NOVEMBER, 2015

Robert M. Czech

Chairperson

Civil Service Commission

Inquiries and

Correspondence

Henry Maurer
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312

Trenton, New Jersey 08625-0312

c: Adam Cruz
Michael Greene
Kenneth Connolly
Donald Palombi, DAG
Joseph Gambino
Beth Wood

				•
**************************************				•
es estados de la companya della companya della companya de la companya della comp				
egypthemics				
and the state of t				
representative				
Andrews and the second				
interest and the second				
Victoria de la companya del companya de la companya del companya de la companya del la companya de la companya				
china and an analysis of the second analysis of the second and an analysis of the second and an analysis of the second and an analysis of the second analysis of the second and an analysi				
and the second s				
No. Councillaides				
Manual Property of the Control of th				
endicios sel				
delicity production of the control o				
The state of the s				
i, installable				
dh.ida.jdh.ida.jdh.ida.jdh.ida.jdh.ida.jdh.ida.jdh.ida.jdh.ida.jdh.ida.jdh.ida.jdh.ida.jdh.ida.jdh.ida.jdh.ida				
the vertical distriction of the control of the cont				
Part of the Control o				
ending special section of the sectio				
And the second s				
Ten Action Control of the Control of				
e-manus districtions				
discobbusing		·		
All foreignments				
New York Control of the Control of t				
reformance				
delication of the second of th				
representation of the second o				
The Applications of the Control of t				
new terminal and the second				
idilahanda.				
envertige (Control of the Control of				
re destant				
ANT THE CONTRACTOR				
The control of the co				
or trainings.				
ere Eine-Agg				
de la composition della compos				
additional and the second and the se				
Wilderland				
of the control of the	,			
er and the second secon				