



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Chief Chemist Water
Analysis (Special), City of Trenton

Request for Enforcement

CSC Docket No. 2016-3867

ISSUED: **JAN 23 2017**

(SLD)

The Division of Agency Services (Agency Services) requests that the City of Trenton (Trenton) be ordered to return the January 15, 2015 certification (OL150064) of the eligible list for Chief Chemist Water Analysis (Special) for proper disposition.

By way of background, Trenton requested that a certification for the subject title be issued to it. As a result, on January 15, 2015, a certification (OL150064) of one name was issued to Trenton. Agency Services notified Trenton that the certification was overdue on May 18, 2015, June 22, 2015 and November 12, 2015 and requested that Trenton return the certification. However, Trenton failed to return the certification. Subsequently, Agency Services referred the matter to the Civil Service Commission (Commission) for enforcement.

Trenton 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 additional opportunities to do so, Trenton 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, Trenton 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, Trenton is ordered to return the certification within 10 days of receipt of this decision. If, at any time, Trenton 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

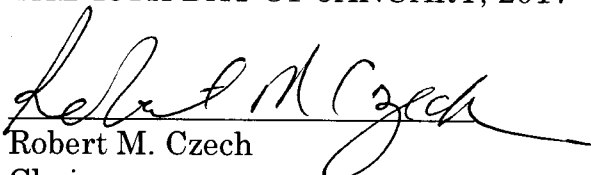
Therefore, it is ordered that Trenton properly dispose of the January 15, 2015 certification (OL150064) of the eligible list for Chief Chemist Water Analysis (Special) within 10 days.

Moreover, the Commission orders that the costs incurred by this agency in the compliance process be assessed against Trenton 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 order.

If, at any time, Trenton 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 18TH DAY OF JANUARY, 2017


Robert M. Czech
Chairperson
Civil Service Commission

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and
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