

## STATE OF NEW JERSEY

In the Matter of Fire Fighter (M1540T), Irvington Township

CSC Docket No. 2018-399

## FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Request for Enforcement

**ISSUED:** November 2, 2017 (AMR)

The Division of Agency Services (Agency Services) requests that Irvington Township (Irvington) be ordered to return the May 6, 2016 certification OL160577 of the eligible list for Fire Fighter (M1540T) for proper disposition.

By way of background, on May 6, 2016, a certification (OL160577) of 100 names was issued to Irvington with a disposition due date of November 7, 2016. Irvington returned the certification on November 15, 2016. Subsequently, Agency Services issued a Disposition Deficiency Notice dated January 23, 2017, indicating 17 outstanding deficiencies in need of correction. On April 8, 2017, Irvington returned the corrected list, however Agency Services identified four issues which were still deficient. Specifically, it identified issues concerning the disposition codes utilized and documentation submitted for the eligibles in the 9th, 33rd, 51st and 63rd positions on the certification. Therefore, Agency Services requested that the appointing authority provide the required documentation and correct the certification. Irvington failed to respond to the request to modify these four issues. Subsequently, Agency Services referred the matter to the Civil Service Commission (Commission) for enforcement.

Irvington was notified on August 10, 2017 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  $N.J.AC.\ 4A:10-2.2(b)$ .

Despite additional opportunities to do so, Irvington 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, Irvington 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, Irvington is ordered to return the certification within 20 days of the issuance date on this decision. If, at any time, Irvington 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 Irvington properly dispose of the May 6, 2016 certification (OL160577) of the eligible list for Fire Fighter (M1540T) within 20 days of the issuance date on this decision.

Moreover, the Commission orders that the costs incurred by this agency in the compliance process be assessed against Irvington 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, Irvington 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  $1^{\rm st}$  DAY OF NOVEMBER, 2017

Robert M. Czech Chairperson Civil Service Commission

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