

B-23



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

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

CSC Docket No. 2016-2370

Request for Reconsideration

ISSUED: FEB 22 2017 (WR)

North Arlington requests reconsideration of the decision rendered on December 16, 2015 by the Civil Service Commission (Commission) in *In the Matter of Police Sergeant (PM0718P), North Arlington*, which ordered it to properly dispose of the September 24, 2014 certification within 20 days, and remit \$1,000 in compliance costs. A copy of that decision is attached hereto and incorporated herein. Subsequently, North Arlington returned the certification on January 8, 2016. Agency records indicate that one appointment was made, effective October 10, 2014.

Thereafter, North Arlington requested reconsideration of the Commission's prior decision. Specifically, it asserted that it "has been going through a period of great change and uncertainty" and its staff lacks expertise in Civil Service procedures. It claims that it is trying to comply with Civil Service rules and, in this regard, met with representatives from this agency to learn its procedures. Therefore, the appointing authority requests that the \$1,000 in compliance costs be waived.

CONCLUSION

*N.J.A.C. 4A:2-1.6(b)* sets forth the standards by which the Commission may reconsider a prior decision. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

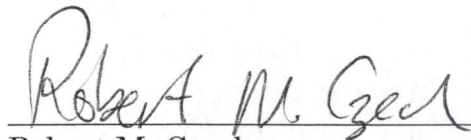
In the instant matter, North Arlington argues that it should not be assessed any compliance costs because it lacked expertise in Civil Service procedures but was nevertheless attempting to do so. However, North Arlington received several notifications from the Division of Agency Services that the certification was overdue and needed to be returned. North Arlington was also notified prior to the Commission's decision that the matter had been referred for enforcement due to its failure to properly return the certification. However, North Arlington failed to return the certification nor did it respond to the notice of the request for enforcement. Thus, it was North Arlington's failure to properly return the certification or to even acknowledge the request for enforcement that caused the compliance costs to accrue. Moreover, it was not until after the Commission's prior decision that North Arlington returned the certification. Accordingly, while the Commission takes notice of North Arlington's attempt to comply, it has failed to meet the standard for reconsideration in this action.

### ORDER

Therefore, it is ordered that this request for reconsideration be denied. Further, the Commission orders that North Arlington remit the \$1,000 in compliance costs within 30 days of receipt of this decision.

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 22<sup>nd</sup> DAY OF FEBRUARY, 2017



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Director  
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P.O. Box 312  
Trenton, New Jersey 08625-0312

Attachment

c: Stephen Lo Iacono  
Kelly Glenn  
Beth Wood



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

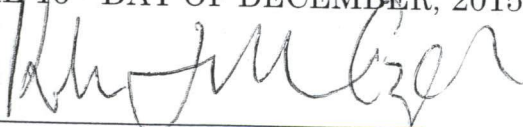
Therefore, it is ordered that North Arlington properly dispose of the September 24, 2014 certification of the eligible list for Police Sergeant (PM0718P) within 20 days of the issuance of this decision.

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



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
Director  
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c: Stephen Loiacono  
Kenneth Connolly  
Beth Wood

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