



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Police Officer
(S9999R), Hillside

Request for Enforcement

CSC Docket No. 2016-1606

ISSUED: **AUG 02 2017** (EG)

The Division of Agency Services (DAS) requests that the Civil Service Commission (Commission) order Hillside to return the May 22, 2014, certification of the eligible list for Police Officer (S9999R) for proper disposition.

By way of background, the Police Officer (S9999R) eligible list promulgated on May 2, 2014 and expired March 22, 2017. Hillside requested a certification of the subject list which was issued May 22, 2014. Thereafter, Hillside was issued a Notice of Violation dated December 29, 2014 for not disposing and returning the certification by the disposition due date of November 24, 2014. A Salary Disapproval Order dated February 2, 2015, was sent to Hillside for failing to dispose of the certification. On July 27, 2015, a Second Disposition Deficiency Notice was sent to Hillside specifically indicating the deficiencies in the certification disposition and stating the information required for a proper disposition. In response to the Deficiency Notice, on October 16, 2015, Hillside submitted an email with attachments. However, this response did not address all of the deficiencies.

Subsequently, Hillside was notified that the matter had been referred to the Commission for enforcement as it needed to provide the requested information. It was also advised that any failure on its part to properly dispose of the certification could subject it to the assessment of costs, charges and fines pursuant to *N.J.A.C. 4A:10-2.2(b)*. Thereafter, on March 29, 2017, an email was sent to Hillside outlining the following deficiencies:

Eligible #	Eligible Name	Noted Deficiency
# 12	H. Z.	Need criminal record, affidavit or certified statement describing the criminal record in detail. Please refer to the January 24, 2006 letter which was included with the Second Disposition Deficiency Notice dated July 27, 2015.
# 13	S.C.	Credit record is not a valid reason to remove an eligible.
# 20	J.W.	Need criminal record, affidavit or certified statement describing the criminal record in detail. Please refer to the January 24, 2006 letter which was included with the Second Disposition Deficiency Notice dated July 27, 2015.
# 21	J.L.	Credit record is not a valid reason to remove an eligible.
# 24	D.A.	Need criminal record, affidavit or certified statement describing the criminal record in detail. Please refer to the January 24, 2006 letter which was included with the Second Disposition Deficiency Notice dated July 27, 2015.
# 31	N.B.	<ol style="list-style-type: none"> 1. Credit record is not a valid reason to remove an eligible. 2. Need criminal record, affidavit or certified statement describing the criminal record in detail. Please refer to the January 24, 2006 letter which was included with the Second Disposition Deficiency Notice dated July 27, 2015.
# 32	A.C.	<ol style="list-style-type: none"> 1. Need copy of driving record. 2. Need criminal record, affidavit or certified statement describing the criminal record in detail. Please refer to the January 24, 2006 letter which was included with the Second Disposition Deficiency Notice dated July 27, 2015.
# 33	R.G.	Need copy of driving record.
# 47	T.J.	Credit record is not a valid reason to remove an eligible.

Hillside failed to respond to this request.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allows the Commission to remove an eligible's name from an eligible list for other sufficient reasons. Removal for other sufficient reasons includes, but is not limited to, a consideration that based on a candidate's background and recognizing the nature of the position at issue, a person should not be eligible for an appointment.

Among the deficiencies noted above, Hillside requested the removal of several candidates on the basis of their negative credit histories. However, the Commission and its predecessor, the Merit System Board, have previously held that a candidate's negative credit history, in and of itself, is not a sufficient basis upon which to remove that candidate's name from an eligible list. See *In the Matter of Alana Farrow* (MSB decided October 1, 2003); *In the Matter of Danielle Bonassisa* (MSB, decided August 12, 2003); *In the Matter of Christopher Starkey* (MSB, decided July 17, 2002). Therefore, since these candidates may not be removed solely based on their credit history, Hillside must permanently appoint them to the subject title, bypass them in accordance with the Rule of Three, or provide a legitimate reason to remove their names from the eligible list. See *N.J.S.A.* 11A:4-8 and *N.J.A.C.* 4A:4-4.8(a)3. It is noted that if Hillside requests the removal of these candidates, it must present supporting documentation.

Further, *N.J.A.C.* 4A:4-4.8(b) requires an appointing authority to notify the DAS of the disposition of a certification by the disposition due date in the manner prescribed by this agency. Clearly, Hillside 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, Hillside is ordered to return the certification within 20 days of the issuance of this decision with the requested documentation to support its request for the removal of the subject eligibles. If, at any time, Hillside 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

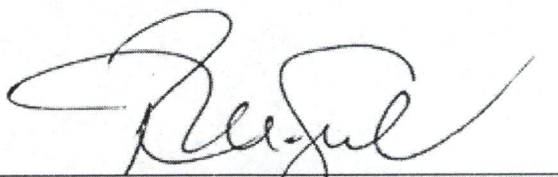
Therefore, it is ordered that Hillside properly dispose of the May 22, 2014, certification of the eligible list for Police Officer (S9999R) within 20 days of the issuance of this decision.

Moreover, the Commission orders that the costs incurred by this agency in the compliance process be assessed against Hillside 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, Hillside 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 26TH DAY OF JULY, 2017



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Civil Service Commission

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