

## STATE OF NEW JERSEY

In the Matter of Environmental Specialist (M0275T), Jersey City

CSC Docket No. 2018-1230

## FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Request for Enforcement

**ISSUED:** April 6, 2018 (AMR)

The Division of Agency Services (Agency Services) requests that Jersey City be ordered to return the August 18, 2015 certification OL151015 of the eligible list for Environmental Specialist (M0275T) for proper disposition.

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By way of background, on August 18, 2015, a certification (OL151015) of four names was issued to Jersey City with a disposition due date of November 18, 2015. Jersey City returned the certification on March 9, 2017. Subsequently, Agency Services issued a Disposition Deficiency Notice dated May 17, 2017, indicating three outstanding deficiencies in need of correction. Specifically, it identified issues concerning the disposition codes utilized for the eligibles in the first, second and third positions on the certification. Therefore, Agency Services requested that the appointing authority provide the required documentation and correct the certification. Agency Services also advised that 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). Jersey City failed to respond to the request to modify these three issues. Subsequently, Agency Services referred the matter to the Civil Service Commission (Commission) for enforcement.

Jersey City was notified on November 2, 2017 that the matter had been referred to the Commission for enforcement and it was advised that Agency records indicated that the provisional appointee to the title was no longer serving. Therefore, it was advised that it could request a waiver of the selection costs.

Despite additional opportunities to do so, Jersey City has not returned the certification as requested, nor has it submitted a request for an appointment

waiver. Therefore, since the appointing authority has not properly disposed of the certification, the matter of enforcement is applicable.

## 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, Jersey City 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, Jersey City is ordered to return the certification within 20 days of the issuance date on this decision. If, at any time, Jersey City 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 Jersey City properly dispose of the August 18, 2015 certification (OL151015) of the eligible list for Environmental Specialist (M0275T) 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 Jersey City 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, Jersey City 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 4th DAY OF APRIL 2018

THE  $4^{th}$  DAY OF APRIL , 2018 Alville' L. Webster Colb

Deirdré L. Webster Cobb

Acting Chairperson

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