



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Clerk 2 (M0169W)
and Supervisor, Public Works
(M0537W), Lakewood Township

Salary Disapproval Orders

CSC Docket No. 2020-1108 and 2020-
1110

ISSUED: DECEMBER 5, 2019 (BW)

Lakewood Township's (Lakewood) failure to dispose of the certifications for Clerk 2 (M0169W) and Supervisor, Public Works (M0537W) while provisionals are serving in the titles, have been referred to the Civil Service Commission (Commission) for enforcement. These matters have been consolidated due to common issues.

The Commission has reviewed the salary disapprovals issued against the salaries of provisionals in the subject titles and has made the following findings of fact:

1. Provisional incumbents are currently serving in each of the subject titles. These incumbents are:

Clerk 2: Kaitlyn Ippolito

Supervisor, Public Works: Brian Cop

2. There are vacancies for these titles and outstanding certifications were issued on May 6, 2019 (OL190515) and November 26, 2019 (OL181327), respectively.
3. The certifications have not been properly disposed of and the appointing authority was advised of the required dates of disposition.

4. The Certification Manager issued Notices of Salary Disapproval to the appointing authority and afforded it an opportunity to appeal such actions to the Commission.
5. No appeals were submitted, and no proper disposition of the certifications were received; the salary disapprovals, therefore, became final administrative actions.
6. By not properly disposing of these certifications, the appointing authority is in violation of Civil Service law and rules.

Despite additional opportunities to do so, Lakewood has not properly returned the certifications, nor has it submitted any arguments or documentation for the Commission's review.

CONCLUSION

In the instant matter, the appointing authority has refused to properly dispose of the certifications issued to fill the vacancies occupied by provisional employees. The appointing authority has not contested or appealed the findings of the Certification Manager despite several opportunities to do so. The payment of salaries for which there is a disapproval is illegal and contravenes Civil Service law and rules.

ORDER

The Civil Service Commission orders the appointing authority to immediately dispose of the outstanding certifications by making permanent appointments of reachable and interested eligibles. Additionally, the appointing authority is ordered to immediately separate any employee serving provisionally pending open competitive examination procedures in the subject titles who do not receive an appointment from an outstanding certification. Such dispositions must be filed with the Certification Manager on or before 30 days from the issuance of this order. If no proper dispositions are made within this time period, the Commission orders the constructive appointments of the highest ranked interested eligibles from each list. See *N.J.A.C. 4A:10-2.1(a)3*; *In the Matter of Battalion Fire Chief (PM1640E), Deputy Fire Chief (PM1423H), Atlantic City*, Docket No. A-229-87T7 (App. Div. December 8, 1988).

The Commission further orders that the costs incurred in the compliance process be assessed against the appointing authority in the amount of \$1,000 per eligible list, 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. In the event the appointing

authority fails to make a good faith effort to fully comply with this order within this time frame, it is additionally ordered that fines be assessed in the amount of \$100 per day per violation, beginning on the 31st day following the issuance of this order and continuing each day of continued violation, up to a maximum of \$10,000 per eligible list. *See N.J.S.A. 11A:10-3; N.J.A.C. 4A:10-2.1(a)2; In the Matter of Fiscal Analyst (M1351H), Trenton, Docket No. A-4347-87T3 (App. Div. February 2, 1989).*

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 DECEMBER, 2019



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Chairperson
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and
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