



## STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Various Lists, Essex  
County

Requests for Enforcement

CSC Docket Nos. 2019-729, *et al.*

ISSUED: APRIL 2, 2019

(RAM)

The Division of Division of Agency Services (DAS) requests that Essex County (Essex) be ordered to return the following certifications for proper disposition: Claims Investigator (OL150694), issued June 1, 2015; Secretarial Assistant, Bilingual in Spanish and English (OL170427), issued April 10, 2017; and Senior Accountant (OL161177), issued October 11, 2016. Agency records indicates that Essex subsequently appointed the provisionals to different titles and did not properly dispose of any certifications. These matters have been consolidated due to common issues.

By way of background, each of the certifications are complete lists with 26, 13, and 15 names, respectively. DAS notified Essex that the certifications were overdue, and requested that Essex return them. DAS issued Notices of Violation and Salary Disapproval Orders that advised Essex of the required disposition dates and afforded opportunities to appeal. In all three cases, Essex did not request appointment waivers. Essex was advised that any failure on its part to properly dispose of the certifications could subject it to the assessment of costs, charges and fines pursuant to *N.J.A.C. 4A:10-2.2(b)*.

Despite opportunities to do so, Essex has not properly returned the certifications, nor has it submitted any additional information.

## CONCLUSION

*N.J.A.C.* 4A:4-4.8(b) requires an appointing authority to notify DAS of the disposition of a certification by the disposition due date in the manner prescribed by this agency. Clearly, Essex 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. See *N.J.S.A.* 11A:10-3 and *N.J.A.C.* 4A:10-2.1(a)2. See also *In the Matter of Fiscal Analyst (M1351H)*, Newark, Docket No. A-4347-87T3 (App. Div. February 2, 1989). Therefore, Essex is ordered to return the certifications within 10 days of receipt of this decision. If, at any time, Essex 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 per list.

## ORDER

Therefore, it is ordered that Essex properly dispose of the following certifications within 10 days: Claims Investigator (OL150694), issued June 1, 2015; Secretarial Assistant, Bilingual in Spanish and English (OL170427), issued April 10, 2017; and Senior Accountant (OL161177), issued October 11, 2016. Moreover, the Commission orders that the costs incurred by this agency in the compliance process be assessed against Essex in the amount of \$1,000 per certification, pursuant to *N.J.S.A.* 11A:10-3 and *N.J.A.C.* 4A:10-3.2(a)5, for a total of \$3,000, to be remitted within 30 days of the issuance of this order.

If, at any time, Essex does not adhere to the timeframes for the proper certification dispositions 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 for each of the certifications.

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 27<sup>TH</sup> DAY of MARCH, 2019



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