



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of City of Trenton, Five
Various Lists

Salary Disapproval Orders

CSC Docket No. 2019-3463, *et al.*

ISSUED: AUGUST 1, 2019 (BW)

The City of Trenton’s (Trenton) failure to dispose of the certifications for Assistant Supervisor of Customer Service (PM1506W); Clinic Attendant (M0489U); Principal Accountant (PM2248W); Public Health Nurse (PM0295U); and Senior Data Control Clerk (PM2409W), while provisionals are serving in the titles, has 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 various provisionals and has made the following findings of fact:

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

Assistant Supervisor of Customer Service: Donnetta Smith;

Clinic Attendant: Ricardo Hearn and Sade Miller;

Principal Accountant: Binh Truong;

Public Health Nurse: Jeanette Oliveras and Madeline Oliveras;

Senior Data Control Clerk: Betsy Nieves.

2. There are vacancies for these titles and outstanding certifications were issued on August 6, 2018 (PL181049), August 22, 2016 (OL161010), September 24, 2018 (PL181227), June 17, 2016 (PL160749), and November 5, 2018 (PL181406), respectively.
3. The certifications have not been properly disposed of and the appointing authority was advised of the required dates of dispositions.
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 was 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, Trenton 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

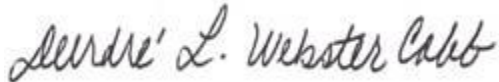
The Civil Service Commission orders the appointing authority to immediately dispose of the outstanding certifications by making permanent appointments of reachable and interested eligibles. Additionally, the appointing authority is ordered to immediately separate any employee serving provisionally pending 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). These matters will be referred to the Office of the Attorney General for enforcement and for recovery of illegal payments and fines as assessed herein if full compliance is not effected within 30 days.

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 31ST DAY OF, JULY 2019



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Civil Service Commission

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