

**STATE OF NEW JERSEY**

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

In the Matter of Community  
Relations Specialist (Special), City of  
Newark

Salary Disapproval Order

CSC Docket No. 2019-1635

**ISSUED: JUNE 5, 2020** (HS)

The City of Newark’s failure to dispose of the certification for Community Relations Specialist (Special), while provisionals are serving in the title, has been referred to the Civil Service Commission (Commission) for enforcement.

The Commission has reviewed the salary disapproval issued and has made the following findings of fact:

1. Patricia Clark, Angelo Di Federico and Hassaina Johnson are currently serving provisionally in the title of Community Relations Specialist.
2. There are vacancies for the title of Community Relations Specialist and an outstanding certification was issued on June 13, 2016 from the special reemployment list.
3. The certification has not been properly disposed of and the appointing authority was advised of the required date of disposition.
4. The Certification Manager issued a Notice of Salary Disapproval to the appointing authority and afforded it an opportunity to appeal such action to the Commission.

5. No such appeal was taken, and no proper disposition of the certification was received; the salary disapproval, therefore, became a final administrative action.
6. By not properly disposing of this certification, the appointing authority is in violation of Civil Service law and rules.

Despite additional opportunities to do so, the appointing authority has not properly returned the certification, 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 certification issued to fill 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 salary 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 certification 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 title who does not receive an appointment from the outstanding certification. Such disposition must be filed with the Certification Manager on or before 30 days from the issuance of this order. If no proper disposition is made within this time period, the Civil Service Commission orders the constructive appointment of the highest ranked interested eligibles. 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 Civil Service Commission further orders that the costs incurred in the compliance process be assessed against the appointing authority 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 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, beginning on the 31<sup>st</sup> day following the issuance of this order and continuing each day of continued violation, up to a maximum of \$10,000.00. 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), Jersey City*, 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 DAY 3<sup>RD</sup> OF JUNE, 2020



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