

STATE OF NEW JERSEY

In the Matter of Campus Police  
Officer Recruit (S9997U), The College  
of New Jersey, *et al.*

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket Nos. 2023-264, *et al.*

Request for Enforcement

ISSUED: November 23, 2022 (SLK)

The Division of Agency Services (Agency Services) requests that the Civil Service Commission (Commission) order The College of New Jersey (TCNJ) to return and properly dispose of the April 10, 2021, certification of the eligible list for Campus Police Officer Recruit (S9997U), the December 14, 2021, certification of the eligible list for Mechanic Non-Automotive (PS1029J), and the February 6, 2020, certification of the eligible list for Senior Repairer (PS7850J) and (PS0533J). These appeals have been consolidated due to common issues presented.

By way of background, the April 10, 2021, (OS210135) certification containing 20 names was issued to TCNJ. TCNJ returned the certification on October 12, 2021. However, by letter dated April 7, 2022, Agency Services returned the certification to TCNJ stating that it needed to provide documentation to support its requests to remove and/or bypass eligibles from the list within 10 days from the date of the letter. Specifically, Agency Services indicated that the first eligible was coded as BO (bypassed-other) without a reason provided and the documentation for the removal and/or bypass was missing for eligibles one, three (N1-retained-not interested in county), four (R3 – removed unsatisfactory background report), five (N1), seven (M3 – removed - false statement of material facts) and 10 (N1). Agency Services also sent follow-up emails on June 2, 2022, and July 25, 2022. TCNJ did not respond to Agency Services’ disposition deficiency notice and follow-up emails.

The December 14, 2021, (PS211395) certification containing two names was issued to TCNJ. Although the certification disposition due date was March 14, 2022, TCNJ did not return it. On July 25, 2022, Agency Services sent TCNJ an email advising that certification PS211395 was outstanding. Further, on August 9, 2022, Agency Services sent TCNJ another email indicating that since it had not responded, the matter was being sent to the Division of Appeals and Regulatory Affairs (DARA)

to request enforcement. However, TCNJ did not respond to any of Agency Services' communications regarding this certification.

The February 6, 2020, (PS200216) certification containing two names was issued to TCNJ. Although the certification disposition due date was May 6, 2020, TCNJ did not return it. On July 25, 2022, Agency Services sent TCNJ an email advising that certification PS200216 was outstanding. Further, on August 9, 2022, Agency Services sent TCNJ another email indicating that since it had not responded, the matter was being sent to the DARA to request enforcement. However, TCNJ did not respond to any of Agency Services communications regarding this certification.

Subsequently, DARA sent letters to TCNJ regarding the outstanding certifications, indicating that pursuant to *N.J.S.A. 11A:4-5* and *N.J.A.C. 4A:10-2.2(a)2*, the Commission may assess examination costs and/or order an appointment from the certifications at issue. Additionally, pursuant to *N.J.A.C. 4A:10.2.2(b)*, the Commission may also take any action set forth in *N.J.A.C. 4A:10-2.1* including the assessment of costs, charges and fines. Despite several opportunities to do so, TCNJ has not returned the certifications as requested nor has it submitted any additional information for the Commission to review in this matter.

## 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, TCNJ has violated this vital regulation for certifications OS210135, PS211395, and PS200216. 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, TCNJ is ordered to return the certifications within 20 days of the issuance of this decision with any requested documentation. If, at any time, TCNJ does not adhere to the timeframes for the proper certification disposition without an approved extension of time for each certification, it shall be assessed fines of \$100 per day for each day of continued violation, for each certification that it fails to adhere to the timeframes, up to a maximum of \$10,000, for each certification, which is a potential maximum fine of \$30,000. Moreover, given this Agency's efforts thus far to secure compliance, it is appropriate to assess compliance costs in the amount of \$1,000 per certification at this time.

## ORDER

Therefore, it is ordered that The College of New Jersey properly dispose of the

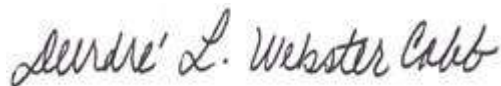
April 10, 2021, certification of the eligible list for Campus Police Officer Recruit (S9997U), the December 14, 2021, certification of the eligible list for Mechanic Non-Automotive (PS1029J), and the February 6, 2020, certification of the eligible list for Senior Repairer (PS7850J) and (PS0533J) within 20 days of the issuance of this decision.

Moreover, the Commission orders that the costs incurred by this agency in the compliance process be assessed against The College of New Jersey in the amount of \$1,000 for each certification, a total of \$3,000, 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.

If, at any time, The College of New Jersey 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 for each certification that it fails to adhere to the timeframes, up to a maximum of \$10,000 for each certification, which is a potential maximum fine of \$30,000.

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 23<sup>RD</sup> DAY OF NOVEMBER, 2022



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