

STATE OF NEW JERSEY

In the Matter of County Correctional  
Police Officer (S9999A), Mercer  
County

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket Nos. 2023-724

Request for Enforcement

ISSUED: November 23, 2022 (SLK)

The Division of Agency Services (Agency Services) requests that the Civil Service Commission (Commission) order Mercer County to properly dispose of the September 16, 2021, certification of the eligible list for County Correctional Police Officer (S9999A).

By way of background, the September 16, 2021, (OL210853) certification containing 501 names was issued to Mercer County. Mercer County returned the certification on March 8, 2022. By letter dated April 5, 2022, Agency Services returned the certification to Mercer County stating that it needed to provide documentation and/or reasons 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 Mercer County needed to provide documentation to support the removal and/or bypass of more than 30 eligibles. Additionally, Agency Services indicated that reasons for removal, bypass, or non-selection were not acceptable for 19 other eligible. After multiple emails from Agency Services, on July 14, 2022, it emailed Mercer County indicating that there were still 32 active deficiencies. However, Mercer County did not respond to Agency Services' July 14, 2022, communication regarding this certification and the matter was referred to the Division of Appeals and Regulatory Affairs (DARA) for enforcement.

Subsequently, DARA sent a letter to Mercer County regarding the outstanding certification, 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, Mercer

County has not returned the certification 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, Mercer County has violated this vital regulation for certification OL210853 as it has not remedied the numerous deficiencies identified. Therefore, Mercer County is ordered to return the certification within 20 days of the issuance of this decision with any requested documentation. 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, given this Agency's efforts thus far to secure compliance, it is appropriate to assess compliance costs in the amount of \$1,000 at this time. If, at any time, Mercer County 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 that it fails to adhere to the timeframes, up to a maximum fine of \$10,000.

### ORDER

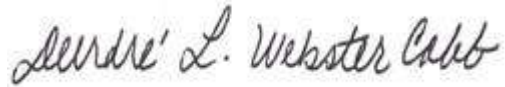
Therefore, it is ordered that Mercer County properly dispose of the September 16, 2021, certification of the eligible list for County Correctional Police Officer (S9999A) within 20 days of the issuance of this decision.

Moreover, the Commission orders that the costs incurred by this agency in the compliance process be assessed against Mercer County 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.

If, at any time, Mercer County 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 that it fails to adhere to the timeframes, up to a maximum fine of \$10,000.

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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