



**STATE OF NEW JERSEY**

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

In the Matters of Senior Program  
Monitor (Special), Program Monitor  
(Special) and Administrative Analyst  
(Special/C0628U), Bergen County

CSC Docket Nos. 2019-690  
2019-691  
2019-692

Request for Enforcement

**ISSUED:** January 22, 2019 (RE)

The Division of Agency Services (Agency Services) requests that Bergen County be ordered to return the following certifications for proper disposition: the February 6, 2017 certification (OL170140) of the eligible list for Senior Program Monitor (Special); the July 5, 2017 certification (OL170803) of the eligible list for Program Monitor (Special); and the February 13, 2017 certification (OL170179) of the eligible list for Administrative Analyst (Special/C0628U).

By way of background, on February 6, 2017, a certification (OL170140) of one name from a special reemployment list (SRL) for Senior Program Monitor was issued to Bergen County. Bergen County returned the certification indicating that the individual on the SRL was to be retained as a provisional appointee was serving and the list was incomplete (I9). On July 5, 2017, a certification (OL170803) of seven names for Program Monitor was issued to Bergen County. Bergen County returned the certification indicating that six candidates were removed for not responding to the certification, and the seventh individual on the SRL was to be retained, as a provisional appointee was serving and the list was incomplete (I9).

On February 13, 2017, a certification (OL170179) of two names, one from a SRL and one from the C0628U eligible list for Administrative Analyst was issued to Bergen County. The list was returned indicating that both candidates were to be retained as a provisional appointee was serving and the list was incomplete (I9). It is noted that the same individual, Rose Inguanti, appears on all three SRLs. Additionally, Inguanti responded as interested to all of the subject certifications. Agency Services informed Bergen County that an SRL was complete with one name

and that an appointment must be made. It also notified Bergen County that the certifications were overdue and requested that it return the certifications. However, Bergen County failed to return the certifications. Subsequently, Agency Services referred the matter to the Civil Service Commission (Commission) for enforcement.

Bergen County was notified that the matters had been referred to the Commission for enforcement and it was advised that any failure on its part to return the certifications could subject it to the assessment of costs, charges and fines.

Despite additional opportunities to do so, Bergen County has not returned the certifications as requested nor has it submitted any additional information.

### CONCLUSION

*N.J.S.A.* 11A:4-8 and *N.J.A.C.* 4A:4-4.8(a)1 indicates that, upon receipt of a certification, an appointing authority shall appoint the eligible whose name has been certified from the special reemployment list. Consequently, as Inguanti has indicated her interest in the positions at issue, the subject certifications are considered complete. *See N.J.S.A.* 11A:4-8 and *N.J.A.C.* 4A:4-4.2(c)1. As the certifications are considered complete, a provisional may not continue to serve in the subject titles. *See N.J.A.C.* 4A:4-4.2. Accordingly, Inguanti must be appointed to her choice of one of the three subject titles.

*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, Bergen County has repeatedly 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, Bergen County is ordered to return the subject certifications for proper disposition within 30 days of the issuance date on this decision and pay \$3,000 (\$1,000 per certification) for the costs of the compliance process. *See N.J.S.A.* 11A:10-3 and *N.J.A.C.* 4A:10-3.2(a)5. If, at any time, Bergen County 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 the maximum of \$10,000 for each outstanding certification.

One final comment is warranted. As indicated above, as Inguanti responded as interested to each certification, should her appointment to one of the positions not occur within 30 days of issuance of this decision, additional fines will be assessed.

**ORDER**

Therefore, Bergen County is ordered to return the certifications within 30 days of the issuance date on this decision. Further, the Commission orders that the costs incurred so far in the compliance process be assessed against that the appointing authority in the amount of \$3,000, pursuant to *N.J.S.A. 11A:10-3* and *N.J.A.C. 4A:10-3.2(a)5*.

If, at any time, Bergen County 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 outstanding certification.

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 16<sup>th</sup> DAY OF JANUARY, 2019



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