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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Senior Investigator
Parole & Secured Facilities
(PC0797M), Hudson County

Request for Enforcement

CSC Docket No. 2014-1207

ISSUED: OCT 23 2014 (SLD)

The Division of Classification and Personnel Management (CPM) seeks enforcement of the attached Civil Service Commission (Commission) decision rendered on June 5, 2013, which ordered Hudson County to immediately dispose of the June 17, 2011 certification of the Senior Investigator Parole & Secured Facilities (PC0797M) eligible list pursuant to *N.J.A.C. 4A:4-4.2(c)2i*, immediately remove Ariestides Lambos, against whom a salary disapproval was issued, and remit \$1,000 in compliance costs,¹ within 30 days from the issuance of the decision.

In its decision, the Commission also ordered that if Hudson County did not adhere to the timeframes for the proper certification disposition without an approved extension of time, it would be assessed fines of \$100 per day for each day of continued violation up to a maximum of \$10,000. However, Hudson County failed to properly dispose of the certification by July 5, 2013, 30 days from the issuance of the decision and did not request an extension. Consequently, on November 4, 2013, CPM requested enforcement of the Commission's June 5, 2013 decision.

As a result, Hudson County was notified that since it had failed to properly return the certification within 30 days, without an extension of time, the fine of \$100 per day began to accrue on July 5, 2013 and that to date a fine of \$10,000 was

¹ The record indicates that Hudson County has not remitted payment of the \$1,000 in compliance costs.

owed. However, despite an opportunity to respond, Hudson County failed to submit any arguments nor did it return the subject certification.

Agency records indicate that Lambos was returned to his permanent title of County Correction Sergeant on May 24, 2013.

CONCLUSION

In the prior decision, Hudson County was ordered to return the certification within 30 days of the issuance of the decision pursuant to *N.J.A.C. 4A:4-4.2(c)2i* and to immediately remove Lambos against whom a salary disapproval had been issued. However, Hudson County failed to return the certification for proper disposition by July 5, 2013 or to request an appointment waiver. Moreover, in response to the instant request for enforcement, Hudson County failed to provide any response nor did it return the certification.

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), Hudson County*, Docket No. A-4347-87T3 (App. Div. February 2, 1989). In the instant matter, despite numerous opportunities, Hudson County failed to properly dispose of the certification and it failed to request an extension of the disposition date. Consequently, the fine of \$10,000 for the failure to adhere to the timeframes in the prior decision is appropriate.

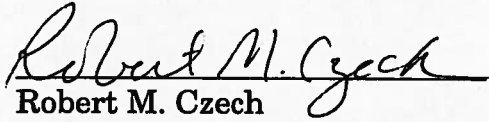
ORDER

Therefore, it is ordered that Hudson County properly dispose of the June 17, 2011 certification of the eligible list for Senior Investigator Parole & Secured Facilities (PC0797M) within 30 days of the issuance of this decision. Additionally, for the reasons stated above, the Commission orders the assessment of a fine in the amount of \$10,000, to be paid within 30 days of the issuance of this decision. Finally, Hudson County is ordered to immediately remit payment of the \$1,000 in compliance costs that was previously assessed.

If, at any time, Hudson County again does not adhere to the timeframes for the proper certification disposition without an approved extension of time, this matter will be referred to the Office of the Attorney General for enforcement and recovery of fines and further costs and penalties as provided by law.

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 22ND DAY OF OCTOBER, 2014**



**Robert M. Czech
Chairperson
Civil Service Commission**

**Inquiries
and
Correspondence**

**Henry Maurer
Director
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Attachment

**c: Elinor M. Gibney
Donald Palombi, DAG
Kenneth Connolly
Joseph Gambino
Beth Wood**

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STATE OF NEW JERSEY

In the Matter of Senior Investigator
Parole and Secured Facilities
(PC0797M), Hudson County

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2013-2404

Salary Disapproval

ISSUED: JUN 05 2013 (BYM)

The appointing authority's failure to dispose of the certification for Senior Investigator Parole and Secured Facilities (PC0797M), Hudson County, while a provisional is serving in the title, has been referred to the Civil Service Commission for enforcement.

The Civil Service Commission has reviewed the salary disapproval issued against the salary of Ariestides Lambos and has made the following findings of fact:

1. Civil Service Commission records indicate that Ariestides Lambos is currently serving provisionally in the title of Senior Investigator Parole and Secured Facilities.

2. There is a vacancy for the title of Senior Investigator Parole and Secured Facilities and an outstanding certification was issued on June 17, 2011 from list (PC0797M).

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 Civil Service Commission.

5. No such appeal was taken to the Civil Service Commission, 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 laws and rules.

In the instant matter, the appointing authority has refused to properly dispose of the certification issued to fill the vacancy occupied by a provisional employee. The appointing authority has not contested or appealed the findings of the Certification Manager. The payment of a salary for which there is a disapproval is illegal and contravenes civil service laws and rules.

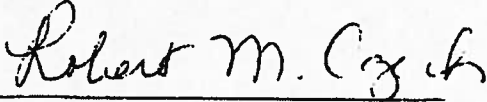
ORDER

The Civil Service Commission orders the appointing authority to immediately dispose of the outstanding certification by making a permanent appointment of a reachable and interested eligible. Additionally, the appointing authority is ordered to immediately separate any employee currently serving provisionally pending open competitive examination procedures in the subject title. Such disposition must be filed with the Certification Manager on or before thirty (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 interested eligible. 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 thirty (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 one hundred dollars (\$100.00) per day, beginning on the thirty-first day following the issuance of this order and continuing each day of continued violation, up to a maximum of ten thousand dollars (\$10,000.00). This matter 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 thirty 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 5TH DAY OF JUNE, 2013**



**Robert M. Czech
Chairperson
Civil Service Commission**

**Inquiries
and
Correspondence**

**Henry Maurer
Director
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**c: Elinor M. Gibney
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