

B-14



STATE OF NEW JERSEY

In the Matter of Court Clerk  
(M0411P), Jersey City

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-1827

Request for Enforcement

ISSUED: DEC 19 2014 (CAG)

The Division of Classification and Personnel Management (CPM)<sup>1</sup> requests that Jersey City be ordered to return the January 30, 2013 certification (OL130156) of the eligible list for Court Clerk (M0411P), Jersey City for proper disposition.

By way of background, Jersey City provisionally appointed Arsenio Abuan, Thomas Bryant, Sr., Thomas Bryant, Jr., Jennifer Mejias, and Jacqueline Torres, pending open-competitive examination procedures, to the title of Court Clerk effective August 19, 2011. These provisional appointments generated an examination announcement (M0411P) for the subject title with a closing date of June 11, 2012, which resulted in a list of 39 eligibles, including Abuan, Bryant, Sr., Bryant, Jr., Mejias, and Torres, that promulgated on January 24, 2013 and expires on January 23, 2016. Rocio Mora-Puig was also provisionally appointed to the subject title on April 27, 2012. However, Mora-Puig failed the test. The examination was administered as a written examination on December 6, 2012. A certification was issued on January 30, 2013 and consisted of 19 eligibles. However, Jersey City failed to return the certification as required. Subsequently, CPM referred the matter to the Civil Service Commission (Commission) for enforcement.

The appointing authority was notified that the matter had been referred to the Commission for enforcement. Despite several opportunities to do so, Jersey City has not returned the certification as requested nor has it submitted any additional information. Personnel records reveal that Abuan, Mejias, Mora-Puig and Torres

<sup>1</sup> Now the Division of Agency Services.

were separated from their provisional appointments effective June 3, 2014, April 27, 2012, March 3, 2014 and March 3, 2014, respectively. However, Bryant, Sr. and Bryant, Jr. continue to serve provisionally in the subject title.

### CONCLUSION

*N.J.A.C. 4A:4-4.8(b)* requires an appointing authority to notify CPM of the disposition of a certification by the disposition due date in the manner prescribed by this agency. Clearly, Jersey City has 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. *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, Jersey City is ordered to return the certification with the requested documentation within 20 days of the issuance of this decision. If, at any time, Jersey City 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 up to a maximum of \$10,000.

### ORDER

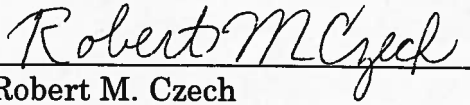
Therefore, it is ordered that Jersey City properly dispose of the January 30, 2013 certification (OL130156) of the eligible list for Court Clerk (M0411P) within 20 days of the issuance of this decision.

Furthermore, the Commission orders that the costs incurred by this agency in the compliance process be assessed against Jersey City 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 issuance of this decision.

If no proper disposition is made within 30 days of the issuance of this decision, without an approved extension of time, the Commission orders that Jersey City be assessed a fine in the amount of \$1,000 for its failure to properly dispose of the certification. Thereafter, Jersey City shall be assessed fines of \$100 per day for each day of continued violation up to a maximum 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 17<sup>TH</sup> DAY OF DECEMBER 2014



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