

CSC
B-63



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Administrative
Assistant 3 (M0320R), Hillside

Request for Enforcement

CSC Docket No. 2015-234

ISSUED: FEB 06 2015 (EG)

The Division of Classification and Personnel Management (CPM) requests that the Civil Service Commission (Commission) order Hillside to return the August 9, 2013 certification (OL131116) of the eligible list for Administrative Assistant 3 (M0320R) for proper disposition.

By way of background, on August 19, 2013, a certification (OL131116) was issued to Hillside. CPM notified Hillside that the certification was overdue on December 23, 2013 and January 27, 2014¹ and requested that Hillside return the certification. However, Hillside failed to return the certification. Subsequently, CPM referred the matter to the Commission for enforcement.

Hillside was notified that the matter had been referred to the Commission for enforcement and it was advised that any failure on its part to return the certification could subject it to the assessment of costs, charges and fines pursuant to *N.J.A.C. 4A:10-2.2(b)*.

Despite additional opportunities to do so, Hillside has not returned the certification as requested nor has it submitted any additional information.

¹ The January 27, 2014 notice was a salary disapproval issued against the salary of Pamela Gennaro, the provisional serving in the title. Official records indicate that on December 18, 2013, Hillside requested that Gennaro's title be changed from Administrative Analyst 3 to Systems Analyst. This change was recorded on December 19, 2013.

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, Hillside 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, Hillside is ordered to return the certification within 10 days of receipt of this decision. If, at any time, Hillside 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

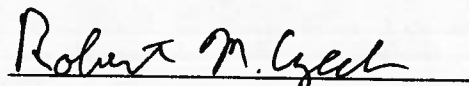
Therefore, it is ordered that Hillside properly dispose of the August 9, 2013 certification (OL131116) of the eligible list for Administrative Assistant 3 (M0320R) within 10 days.

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

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 4TH DAY OF FEBRUARY, 2015


Robert M. Czech
Chairperson
Civil Service Commission

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and
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