



**STATE OF NEW JERSEY**

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

In the Matter of Eight Various Lists,  
Essex County

CSC Docket Nos. 2019-735 *et al.*

Salary Disapproval

**ISSUED:** December 10, 2018 (RE)

Essex County’s failure to dispose of the certifications for eight lists, Essex County, while provisionals are serving in the title, has been referred to the Civil Service Commission (Commission) for enforcement. These lists include: Admissions and Records Officer (C0448V) (OL171171); Keyboarding Clerk 4 (PC0520U) (PL161118); Administrative Analyst (C0259T) (OL160433); Office Services Manager (C0056U) (OL160819); Rent and Housing Coordinator Welfare (C0080T) (OL151056); Program Coordinator Special Events (C0155T) (OL151008); General Supervisor Public Works (C0498V) (OL171221); and Probate Assistant (C0934U) (OL170598).

The Commission has reviewed the salary disapprovals issued against the salaries of various provisionals and has made the following findings of fact:

1. One provisional incumbent is currently serving each of the titles. These incumbents are, respectively, Byron Ellis, Donnie Nickelson-Barrett, Claudia Gonzalez, Frank Marsella, Joseph Lopez, Caitlin Sharp, Drew Lillis, and Geraldine Ficklin.
2. There are vacancies for these titles and outstanding certifications have been issued.
3. The certifications have not been properly disposed of and the appointing authority was advised of the required dates of dispositions.

4. The Certification Manager issued Notices of Salary Disapproval to the appointing authority and afforded it an opportunity to appeal such actions to the Commission.
5. No appeals were submitted, and no proper disposition of the certifications was received; the salary disapprovals, therefore, became final administrative actions.
6. By not properly disposing of these certifications, the appointing authority is in violation of Civil Service law and rules.

In the instant matter, the appointing authority has refused to properly dispose of the certifications issued to fill the vacancies occupied by provisional employees. The appointing authority has not contested or appealed the findings of the Certification Manager. The payment of salaries for which there is a disapproval is illegal and contravenes Civil Service law and rules.

The appointing authority, despite being given the opportunity, did not submit any arguments or documentation for the Commission's review.

### **ORDER**

The Civil Service Commission orders the appointing authority to immediately dispose of the outstanding certifications by making permanent appointment of a reachable and interested eligible. Additionally, the appointing authority is ordered to immediately separate any employee serving provisionally pending open competitive examination or promotional procedures in the subject titles who do not receive an appointment from an outstanding certification. Such dispositions must be filed with the Certification Manager on or before thirty (30) days from the issuance of this order. If no proper dispositions are made within this time period, the Civil Service Commission orders the constructive appointments of the highest ranked interested eligibles from each list. *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 per violation, 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 per violation, 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). *See N.J.S.A.*

11A:10-3; *N.J.A.C.* 4A:10-2.1(a)2; *In the Matter of Fiscal Analyst (M1351H), Jersey City*, Docket No. A-4347-87T3 (App. Div. February 2, 1989). These matters 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 5<sup>th</sup> DAY OF DECEMBER, 2018



Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

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and  
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c: Byron Ellis (CSC Docket No. 2019-735)  
Donnie Nickelson-Barrett (CSC Docket No. 2019-736)  
Claudia Gonzalez (CSC Docket No. 2019-737)  
Frank Marsella (CSC Docket No. 2019-738)  
Joseph Lopez (CSC Docket No. 2019-739)  
Caitlin Sharp (CSC Docket No. 2019-740)  
Drew Lillis (CSC Docket No. 2019-742)  
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