



B-13

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Municipal Court
Administrator (M1037P), Monroe
Township

Enforcement Request

CSC Docket No. 2015-1850

ISSUED: JUL 16 2015

The Division of Agency Services (Agency Services) requests that the Civil Service Commission (Commission) order Monroe Township (Monroe) to return the April 4, 2013 certification of the eligible list for Municipal Court Administrator (M1037P) for proper disposition.

Monroe provisionally appointed Carrie Pappas, pending an open-competitive examination, to the title of Municipal Court Administrator, effective September 10, 2012. As a result, an examination for the subject title was announced with a closing date of December 17, 2012. The examination was open, in part, to individuals who possessed two years of experience in work related to the administrative operation of a court, law enforcement agency, law office or government agency, including the preparation and/or processing of legal documents. The examination also noted that:

Effective May 25, 2011, appointees must possess a Municipal Court Administrator certificate issued by the New Jersey Supreme Court, subject to the following exceptions:

- 1) A person appointed provisionally prior to May 25, 2011 but after May 25, 2006 will still have five years from the date of the provisional appointment to obtain the certificate, even if the provisional subsequently receives a regular appointment from an eligible list for the title but does not yet possess the certificate at the time of regular appointment.

- 2) Interim appointments of persons who do not possess a Municipal Court Administrator certificate may be made pursuant to the provision for L.2006, c.20.

In addition, effective September 13, 2011, all newly appointed non-certified municipal administrators must obtain conditional accreditation within six months of the date of appointment. All newly appointed, non-certified municipal court administrators must obtain full accreditation within three years of the date of appointment. A non-certified deputy municipal court administrator who fails to obtain conditional accreditation within the time frames provided above will be ineligible to remain in that title. The Municipal Court Administrator Certification Board may grant an extension of time upon a showing of good cause.

Twenty-two applicants, including Pappas, were admitted to the examination which was processed as a ranked unassembled examination, *i.e.*, applicants are scored based on their education and experience. The resulting eligible list of 22 names, including Pappas tied as the 20th ranked eligible, promulgated on March 28, 2013 and expires on March 27, 2016. On April 4, 2013, a certification containing 22 names was issued to Monroe. Monroe returned the certification on June 21, 2013 as follows:

<u>Position</u>	<u>Rank</u>	<u>Name</u>	<u>Disposition Code</u>
1	1	B.R.	B3 – Bypassed, lacks required license
2	2	S.L.	B3
3	3	T.M.	B3
4	4	E.M.	M4 – Removed, no response to certification notice
5	5	S.E.	B3
6	6	C.B.	B3
7	6	B.Z.	B3
8	8	J.C.	M4
9	8	P.M.	M4
10	10	D.D.	B3
11	10	G.S.	M4
12	10	S.W.	B3
13	13	J.M.	M4
14	13	W.T.	B3
15	15	T.B.	B3
16	15	M.C.	B3
17	15	T.W.	M4
18	18	L.A.	B3
19	18	R.S.	B3

20	20	E.F.	M4
21	20	Carrie Pappas	Appointed, effective June 4, 2013 ¹
22	22	B.D.	I3 – Retain, interested, others appointed, not in-line for appointment

Agency Services returned the certification to Monroe on December 16, 2014. It explained that the appointment of Pappas was outside of the rule of the three. Specifically, it noted that Monroe could not utilize the “B3” code to bypass the above-noted individuals, since the New Jersey Court Rules allowed an individual appointed to the title of Municipal Court Administrator six months to obtain the required certification.² In response, Monroe argued that the “accreditation” requirement only applied to interim Municipal Court Administrators, and since it was making a permanent appointment, the individual was required to possess a certification as a Municipal Court Administrator. Therefore, since it was making a regular appointment to the title of Municipal Court Administrator, and not an interim appointment, the individual selected was required to possess the certification pursuant to *N.J.S.A. 2B:12-11(d)*. In this regard, *N.J.S.A. 2B:12-11(d)* provides, in part, that:

Starting on the fifth anniversary of the effective date [May 25, 2006] of P.L.2006, c.20, no person shall be appointed as a municipal court administrator unless that person holds a municipal court administrator certificate issued by the Supreme Court.

Thereafter, Monroe 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)*.

In response, Monroe, represented by Michael J. DiPiero, Esq. asserts that a Municipal Court Administrator is required to possess a Supreme Court certification. In support, it submits a letter from Carole Cummings, Esq., with the Administrative Office of the Courts, who was named by the Assignment Judge to be part of the hiring committee. The appointing authority maintains that Pappas was the only eligible on the eligible list who met the requirements for the position of

¹ Agency records indicate Pappas continues to serve in the subject title.

² Court Rule 1:41-3(d) provides that:

All newly appointed non-certified municipal court directors, municipal court administrators, and deputy municipal court administrators shall obtain conditional accreditation within six months of the date of appointment. All newly appointed non-certified municipal court directors, municipal court administrators, and deputy municipal court administrators shall obtain full accreditation within three years of the date of appointment.

Municipal Court Administrator. In this regard, Ms. Cummings notes that none of the candidates, other than Pappas, possessed any municipal court experience, attended any of the Principles of Municipal Court Administration classes or was a certified municipal court administrator. Without having attended any Principles of Municipal Court Administration classes, the candidates could not perform any statutory duties in the court. See Court Rule 1:41-3(f) and 1:41-3(g), which provide that only certified, conditionally accredited, or accredited municipal court directors, municipal court administrators, and deputy municipal court administrators may perform quasi-judicial duties in a court, if authorized by the municipal court judge, and managerial duties in a court, except as provided in R. 1:41-3(h). Moreover, other than Pappas, none of the other eligibles on the subject certification possessed the required certification and thus, could be appointed pursuant to *N.J.S.A. 2B:12-11(d)*.

Ms. Cummings also asserts that this agency has confused "accreditation" and "certification" in the Court Rules. In this regard, she notes that to obtain certification by the New Jersey Supreme Court, candidates must take and successfully pass all four levels of Principles of Municipal Court Administration, a written and oral examination, and submit and complete a project request to the certification committee, and as noted above, only a certified municipal court administrator can be appointed, pursuant to *N.J.S.A. 2B:12-11(d)*. However, a conditional accreditation is achieved by taking and successfully passing the first two levels of Principles of Municipal Court Administration, and full accreditation is achieved by a candidate taking and successfully passing the remaining levels of Principles of Municipal Court Administration.

CONCLUSION

Initially, Agency Services indicated that Monroe could not bypass individuals for not possessing the required certification as the Court Rules provides that an individual who does not possess the "certification" at the time that they are appointed, has six months in which to obtain the certification. However, the Commission does not agree. Initially, it must be noted that Agency Services incorrectly notes that the Court Rules provide six months from appointment for an individual to obtain his or her municipal court administrator certification. Rather, Court Rule 1:41-3(d) provides non-certified municipal court directors, municipal court administrators, and deputy municipal court administrators six months from the date of appointment to obtain *conditional accreditation*, and three years from the date of appointment to obtain *full accreditation*. Moreover, a review of the record reveals that there are two separate processes for Municipal Court Administrators, accreditation and certification. The New Jersey Superior Court issued an Overview of the Municipal Court Administrator Certification Program, in which it explains that for the certification process, Phase I includes 120 contact hours on four progressing levels of Principles of Municipal Court Administration

Curriculum; Phase II includes passing a written examination, with a minimum grade of 80 and an oral examination; and Phase III includes developing a written court improvement project. See <https://www.judiciary.state.nj.us/mcs/certbook.pdf>. See also, *M.C.A.C.B. Reg. 5, et seq.* However, conditional accreditation is achieved by taking and successfully passing the first two levels of the Principles of Municipal Court Administration Curriculum, and full accreditation is achieved by a candidate taking and successfully passing the remaining levels of Principles of Municipal Court Administration. See *M.C.A.C.B. Reg. 6, et seq.* As noted above, *N.J.S.A. 2B:12-11(d)* specifically provides that since May 25, 2011, no person shall be appointed as a municipal court administrator unless that person holds a municipal court administrator *certificate* issued by the Supreme Court (emphasis added).

Monroe explains that the accreditation process, described above, only applies to individuals who are appointed on an interim basis, for one year terms. See *N.J.S.A. 2B:12-11(e)*.³ However, an appointment from a certification, and upon successful completion of the working test period, is a permanent appointment. See *N.J.S.A. 11A:4-13(a)* and *N.J.A.C. 4A:4-1.1(a)*. Accordingly, since the appointment from the subject eligible list was a regular appointment, and not an interim appointment, according to *N.J.S.A. 2B:12-11(d)*, the candidate appointed must possess a municipal court administrator certificate. Therefore, the Commission finds that Monroe correctly utilized the disposition code of “B3” to bypass those individuals who did not possess a municipal court administrator certificate on the April 4, 2013 certification from the Municipal Court Administrator (M1037P) eligible list.

Finally, since it has been determined that an eligible is required to possess a municipal court administrator certificate, prior to a permanent appointment from an eligible list for Municipal Court Administrator, it is recommended that Agency Services review the requirements for the subject title, and make any necessary changes.

³ *N.J.S.A. 2B:12-11(e)* provides that:

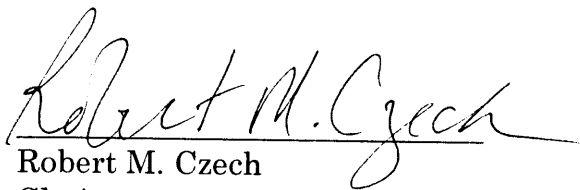
Starting on the fifth anniversary of the effective date [May 25, 2006] of P.L.2006, c.20, after a vacancy in the office of municipal court administrator, the governing body may appoint a person who does not hold a municipal court administrator certificate to serve as a municipal court administrator, on an *interim basis*, for a period not to exceed one year commencing on the date of the appointment. Any person so appointed may, in consultation with the judge of the municipal court, be reappointed as a municipal court administrator, on an interim basis, for two subsequent one-year terms. The municipal court administrator appointed on an interim basis may be reappointed for a fourth, and if necessary, a fifth additional one-year term, provided the municipal court administrator is currently enrolled in the certification program and needs additional time to complete that program. (Emphasis added.)

ORDER

Therefore, it is ordered that the request for enforcement be denied and the April 4, 2013 certification from the Municipal Court Administrator (M1037P) be disposed as returned by Monroe.

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 15TH DAY OF JULY, 2015**



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