



**STATE OF NEW JERSEY**

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

In the Matter of Police Aide  
(M0554T), Irvington Township

Request for Enforcement

CSC Docket No. 2018-1059

**ISSUED: JUNE 8, 2018** (HS)

The Division of Agency Services (Agency Services) requests that Irvington Township be ordered to return the March 7, 2016 certification (OL160244) of the eligible list for Police Aide (M0554T) for proper disposition.

By way of background, the appointing authority provisionally appointed 14 individuals, pending open-competitive examination procedures, to the title of Police Aide in late 2014 and early 2015. As a result, an examination for Police Aide (M0554T) was announced with a closing date of August 10, 2015. Three hundred and six applicants were admitted to the examination, which was conducted as a written test on February 11, 2016. The resulting eligible list of 133 names promulgated on March 4, 2016 and expires on March 3, 2019. On March 7, 2016, the names of all 133 eligibles were certified (OL160244) from the eligible list with a disposition due date of June 7, 2016.<sup>1</sup> On September 23, 2016, the appointing authority returned the certification requesting its cancellation. On October 13, 2016, Agency Services returned the certification to the appointing authority for proper disposition and notified it that action was to be taken to either make regular appointments or request an appointment waiver. However, the appointing authority failed to exercise one of these options, and Agency Services subsequently referred the matter to the Civil Service Commission (Commission) for enforcement.

<sup>1</sup> It is noted that the Provisional Appointment Listing attached to the certification listed the names of 15 individuals who were serving provisionally, pending open-competitive examination procedures.

The appointing authority was notified that the matter had been referred to the Commission for enforcement. It was also advised that a review of personnel records indicated that seven individuals were serving provisionally in the title of Police Aide and that if it wished to seek an appointment waiver, no employees could be serving provisionally in that title. The appointing authority was further advised that any failure on its part to properly dispose of 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 several opportunities to do so, the appointing authority has not properly disposed of the certification as requested nor has it submitted any additional information.

Personnel records indicate that the following seven individuals continue to serve provisionally, pending open-competitive examination procedures, in the title of Police Aide with the appointing authority: Hattie E. Brown; Kou Garnett; Melvin Hall; Waneka Halley; Khary Jackson; Darahn A. Worilds; and Walter Zamoor. These individuals either did not apply for or did not pass the examination.

The remainder of the 15 provisional appointees' personnel records indicate that those individuals were either terminated or appointed to a different title.

## CONCLUSION

In accordance with *N.J.S.A. 11A:4-5*, once the examination process has been initiated due to the appointment of a provisional employee or due to an appointing authority's request for a list to fill a vacancy, the appointing authority must make an appointment from the resulting eligible list if there are three or more interested and eligible candidates. The only exception to this mandate may be made for a valid reason such as fiscal constraints. In this matter, the examination for the title of Police Aide was generated as a result of multiple provisional appointments. Even though a complete certification of 133 names was issued, the appointing authority returned the certification requesting its cancellation though several individuals were still serving provisionally in the title of Police Aide. Subsequently, the appointing authority was notified that the matter had been referred to the Commission for enforcement and that seven individuals were still serving provisionally in the title of Police Aide. However, the appointing authority did not submit any information or documentation in response. Although the appointing authority updated the personnel records of eight of the employees who had been serving provisionally in the subject title to either indicate those employees' termination or appointment to a different title, it failed to indicate the status of the remaining seven provisional employees. Moreover, despite multiple opportunities, it has failed to respond to this matter. As such, it appears that the appointing authority is attempting to circumvent Civil Service law and rules.

*N.J.A.C.* 4A:4-4.8(b) requires an appointing authority to notify Agency Services of the disposition of a certification by the disposition due date in the manner prescribed by this agency. Clearly, the appointing authority 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)*, Jersey City, Docket No. A-4347-87T3 (App. Div. February 2, 1989). Therefore, the appointing authority is ordered to properly return the certification within 10 days of receipt of this decision. It is noted that the appointing authority has previously been advised of the need to properly dispose of certifications. See *In the Matter of Police Aide (M1372L)*, Irvington Township (CSC, decided July 17, 2013) (appointing authority ordered to properly dispose of certification and assessed \$1,000 in compliance costs); *In the Matter of Fire Fighter (M1540T)*, Irvington Township (CSC, decided November 1, 2017) (same). As such, it is appropriate to assess not only compliance costs in the amount of \$1,000 but also a fine in the amount of \$1,500 for the appointing authority's noncompliance with the rules for proper certification disposition. If, at any time, the appointing authority does not adhere to the timeframes for the proper certification disposition without an approved extension of time, it shall be assessed further fines of \$100 per day for each day of continued violation up to a maximum of \$10,000.

### ORDER

Therefore, it is ordered that the appointing authority properly dispose of the March 7, 2016 certification (OL160244) of the eligible list for Police Aide (M0554T) within 10 days.

Moreover, the Civil Service Commission orders that the costs incurred by this agency in the compliance process in the amount of \$1,000 and a fine for the appointing authority's noncompliance as stated above in the amount of \$1,500 be assessed against the appointing authority 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 decision.

If, at any time, the appointing authority does not adhere to the timeframes for the proper certification disposition without an approved extension of time, it shall be assessed further 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 6<sup>TH</sup> DAY OF JUNE, 2018



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