



STATE OF NEW JERSEY

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

In the Matter of Keyboarding Clerk
2, Bilingual in Spanish and English
(PM1094A), Vineland School District

Request for Enforcement

CSC Docket No. 2020-2568

ISSUED: AUGUST 26, 2020 (RE)

The Division of Agency Services (Agency Services) requests that Vineland School District be ordered to return the December 12, 2019 certification of the eligible list for Keyboarding Clerk 2, Bilingual in Spanish and English (PM1094A) for proper disposition.

By way of background, Vineland School District provisionally appointed Sabrina Santiago, pending promotional examination procedures, to the title of Keyboarding Clerk 2, Bilingual in Spanish and English, effective March 7, 2019. The provisional appointment generated an examination announcement (PM1094A) for the subject title with a closing date of August 21, 2019. The resulting list of two eligibles promulgated on December 12, 2019 and expires on December 11, 2022. A certification (PL191838) was issued on December 12, 2019 and consisted of both eligibles, one of which was Santiago. At the time of certification, each eligible candidate was required to take the Bilingual Communicative Ability Test (BICAT). Santiago took the test but did not achieve a passing score. Vineland School District returned the certification, which was received January 22, 2020, permanently appointing Santiago, effective January 10, 2020. However, Agency Services could not dispose of the certification because Santiago did not pass the BICAT. On February 20, 2020, Agency Services issued a Notice of Violation to the appointing authority indicating that the disposition was not signed, that the permanent appointment was not acceptable as the eligible failed the BICAT, and to take corrective action within ten days of the notice. No further communication was received.

Upon receipt of Agency Services' request, staff from the Division of Appeals and Regulatory Affairs advised the appointing authority by letter that it could be assessed costs, charges and fines for its failure to properly dispose and return the certification. The appointing authority was also advised that the matter would be decided on the basis of written argument and documentation and provided it the opportunity to present reasons to the Civil Service Commission (Commission) as to why an assessment for these costs should not be made. Despite being provided this opportunity, the appointing authority did not provide any arguments or documentation for the Commission to review in this matter.

CONCLUSION

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, Vineland School District 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, Vineland School District is ordered to return the certification within 20 days of the issuance of this decision with the required documentation in support, and separate Santiago from her provisional appointment retroactive to December 17, 2019. If, at any time, Vineland School District 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 Vineland School District properly dispose of the December 12, 2019 certification (PL191838) of the eligible list for Keyboarding Clerk 2, Bilingual in Spanish and English (PM1094A) within 20 days of the issuance of this decision.

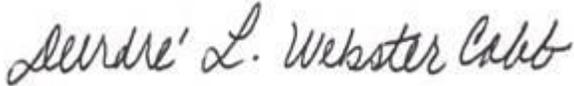
Furthermore, the Commission orders that the costs incurred by this agency in the compliance process be assessed against Vineland School District in the amount of \$1,000, pursuant to *N.J.S.A.* 11A:10-3 and *N.J.A.C.* 4A:10-3.2(a)5, to be remitted within 30 days of the issuance of this decision.

If no proper disposition is made within 20 days of the issuance date on this decision, without an approved extension of time, the Commission orders that

Vineland School District 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 19TH DAY OF AUGUST 2020



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