



STATE OF NEW JERSEY

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

In the Matter of Accountant
(M0076S), Newark

Request for Enforcement

CSC Docket No. 2021-54

ISSUED: SEPTEMBER 18, 2020 (HS)

The Division of Agency Services (Agency Services) seeks enforcement of the attached Civil Service Commission (Commission) decision rendered on September 2, 2015, which ordered Newark to dispose of the June 9, 2014 certification of the Accountant (M0076S) eligible list (Title Code 00004) and separate any employee serving provisionally pending open competitive examination procedures who did not receive an appointment from the certification.

Newark returned a disposition for the certification, which was received by Agency Services on September 20, 2019. The certification contained the names of 12 non-veteran eligibles. Newark indicated that Pauline Salmon-Parkinson, the ninth-listed eligible and the provisional employee against whom the salary disapproval had been issued, was regularly appointed, effective September 2, 2019. No proper disposition was provided for V.P., the third-listed eligible.¹ Newark also indicated that the 10 remaining eligibles on the certification were to be removed from the eligible list based on their failure to respond to the certification notice. On July 6, 2020, Agency Services requested enforcement of the Commission’s September 2, 2015 decision.

As a result, Newark was notified that it had not properly returned the certification as it had not provided a proper disposition code for V.P. However, despite an opportunity to respond, Newark did not submit any additional information or return the certification with an updated disposition code.

¹ Newark simply noted “NO” next to V.P.’s name.

The County and Municipal Personnel System (CAMPS) indicates that Salmon-Parkinson continues to serve provisionally in the subject title.

CONCLUSION

In the prior decision, Newark was ordered to return the certification and separate Salmon-Parkinson unless she received an appointment from the certification. Ultimately, Newark did return the certification for disposition, albeit with a relatively minor deficiency. In this regard, Newark provided proper dispositions for 11 out of the 12 eligibles listed on the certification by noting that Salmon-Parkinson was regularly appointed, *see N.J.A.C. 4A:4-4.8(b)*, and that 10 eligibles were to be removed from the eligible list for failure to respond to the certification notice. *See N.J.A.C. 4A:4-4.7(a)6*. Newark only failed to indicate a proper disposition for V.P. Whatever Newark's intentions were in indicating "NO" next to V.P.'s name, it clearly did not intend to appoint her. In light of the dispositions for the other 11 eligibles on the certification, V.P. could have been bypassed. *See N.J.A.C. 4A:4-4.8(a)3*. Therefore, it is appropriate for Agency Services to record the disposition of the certification as returned by Newark and with V.P.'s name being reflected as bypassed.

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). As such, the Commission shall assess compliance costs in the amount of \$1,000.

ORDER

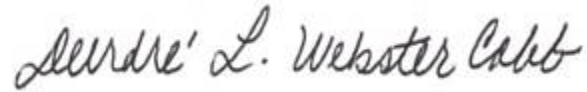
Therefore, it is ordered that the disposition of the June 9, 2014 certification of the eligible list for Accountant (M0076S) be recorded in accordance with this decision.

Furthermore, the Commission orders that the costs incurred by this agency in the compliance process be assessed against Newark 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 receipt of this decision.

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 DAY 16th OF SEPTEMBER, 2020



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Written Record Appeals Unit
Civil Service Commission
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

- c. Pauline Salmon-Parkinson
Kenyatta K. Stewart, Corporation Counsel
Division of Agency Services
Records Center
Beth Wood

B-16



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Accountant
(M0076S), Newark

CSC Docket No. 2016-416

Salary Disapproval

ISSUED: SEP - 3 2015 (WR)

The appointing authority's failure to dispose of the certification for Accountant (M0076S), Newark, while a provisional is serving in the title, has been referred to the Civil Service Commission (Commission) for enforcement.

The Commission has reviewed the salary disapproval issued against the salary of Pauline Salmon-Parkinson and has made the following findings of fact:

1. Salmon-Parkinson is currently serving provisionally in the title of Accountant.
2. There is a vacancy for the title of Accountant and an outstanding certification was issued on June 9, 2014 from the M0076S eligible list.
3. The certification has not been properly disposed of and the appointing authority was advised of the required date of disposition.
4. The Certification Manager issued a Notice of Salary Disapproval to the appointing authority and afforded it an opportunity to appeal such action to the Commission.

5. No such appeal was taken, and no proper disposition of the certification was received; the salary disapproval, therefore, became a final administrative action.
6. By not properly disposing of this certification, 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 certification issued to fill a vacancy occupied by a provisional employee. The appointing authority has not contested or appealed the findings of the Certification Manager. The payment of salary 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.

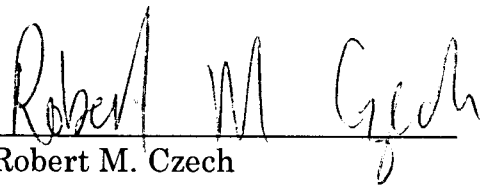
ORDER

The Civil Service Commission orders the appointing authority to immediately dispose of the outstanding certification by making a 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 procedures in the subject title who does not receive an appointment from the outstanding certification. Such disposition must be filed with the Certification Manager on or before thirty (30) days from the issuance of this order. If no proper disposition is made within this time period, the Civil Service Commission orders the constructive appointment of the highest ranked interested eligible. 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, 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, 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). This matter 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 2nd DAY OF SEPTEMBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Pauline Salmon-Parkinson
Michael Greene
Kenneth Connolly
Donald Palombi, DAG
Joseph Gambino
Beth Wood

