



STATE OF NEW JERSEY

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

In the Matter of Erik Blount, *et al.*,
Newark

Enforcement

CSC Docket Nos. 2021-154, *et al.*

ISSUED: SEPTEMBER 7, 2020 (SLK)

Erik Blount, Tashia Jones, Norberto Soares and Michael Chirico, represented by Giovanna Giampa, Esq., request enforcement of *In the Matter of Erik Blount* (CSC, decided June 17, 2020), *In the Matter of Tashia Jones* (CSC, decided June 17, 2020), *In the Matter of Norberto Soares* (CSC, decided June 17, 2020) and *In the Matter of Michael Chirico* (CSC, decided June 17, 2020), where Newark was ordered to either reinstate the petitioners or commence departmental hearings.

By way of background, the petitioners were initially served Preliminary Notices of Disciplinary Action (PNDAs) suspending them “indefinitely” without pay and charging them with violating various rules and regulations. Thereafter, limited hearings were held, and the petitioners were served Final Notices of Disciplinary Actions (FNDAs) which sustained the charges and continued their indefinite suspensions without pay. Subsequently, the petitioners petitioned the Civil Service Commission (Commission) for interim relief arguing that they could not be indefinitely suspended. In response, this agency advised Newark that since the specifications in the FNDAs did not indicate that the petitioners were subject to pending criminal charges, it could not indefinitely suspend them without pay and that departmental hearings needed to be held within 30 days of issuing the PNDAs. Therefore, this agency requested that Newark comply with the applicable administrative provisions and either immediately hold departmental hearings on the merits of the charges and issue new FNDAs indicating the disposition of the charges and the penalty, if applicable, or amend the FNDAs indicating that the suspensions

were with pay and the reasons for the continued suspensions. Despite being provided this opportunity, Newark did not respond.

Thereafter, in the above-mentioned cases, the Commission ordered that within 20 days of the issuance dates of the decisions, the petitioners were to be reinstated or departmental hearings on the merits of the charges must be commenced.¹ The Commission also warned Newark that if it failed to hold departmental hearings and issue new FNDA's or reinstate the petitioners within the specified time frame, upon the Commission finding that Newark had not complied with these orders, the Commission would impose fines up to \$10,000 pursuant to *N.J.A.C. 4A:10-2.1*.

In the current matters, the petitioners contend that Newark has not made any attempts to comply with the Commission's prior decisions. Despite given the opportunity, Newark did not respond to the requests for enforcement.

CONCLUSION

In the above-mentioned decisions, the Commission found that Newark failed to comply with the applicable administrative provisions regarding the disciplinary process. Therefore, it ordered Newark to comply with these provisions by either reinstating the petitioners or holding departmental hearings on the merits. Additionally, the Commission warned Newark that if it failed to comply, the Commission would impose fines up to \$10,000. Clearly, Newark has violated the vital regulations concerning the disciplinary process and failed to comply with the Commission's orders. 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). Accordingly, as Newark has not complied with the applicable administrative provisions and above-mentioned orders, despite several opportunities to do so, it is appropriate to impose a \$4,000 fine, which is a \$1,000 fine for each of the above orders, for its current lack of compliance. Further, Newark is ordered within 20 days of the issuance date of this decision to either reinstate the petitioners or commence departmental hearings on the merits of the charges. If, at any time, Newark does not adhere to the timeframes for either the reinstatements or departmental hearings on the merits of the charges for each petitioner without an approved extension of time, it shall be assessed additional fines of \$100 per day for each day of continued violation

¹ The Commission also ordered that the petitioners were to receive back pay until they were either reinstated or issued a new FNDA. Specifically, Erik Blount and Tashia Jones were to be awarded back pay from March 25, 2020 forward, and Norberto Soares and Michael Chirico were to be awarded back pay from March 20, 2020 forward.

up to a maximum of \$40,000, which is a maximum of \$10,000 for each separate violation.

ORDER

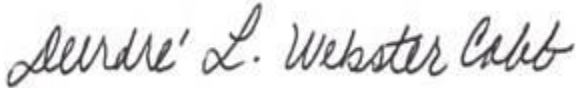
Therefore, it is ordered that the Newark either reinstate the petitioners or commence departmental hearings on the merits of the charges within 20 days of the issuance of this decision.

Moreover, the Commission orders that Newark be assessed fines in the amount of \$4,000 to be remitted within 30 days of the issuance of this order.

If, at any time, Newark does not adhere to the timeframes above without an approved extension of time, it shall be assessed additional fines of \$100 per day for each day of continued violation up to a maximum of \$40,000, which is a maximum of \$10,000 for each separate continued violation.

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 2020



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and
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