



on the duties of the position. Specifically, it noted that the subject position did not involve performing any supervisory duties; nor have to be concerned about the availability of sufficient funds; nor verifying subsidiary reports from field operations; nor initiating any action; nor preparing non-routine correspondence; nor reviewing work methods and processes to improve efficiency. Finally, the appointing authority requests that the costs of the selection process be waived.

Agency records reveal that Aftanis was appointed to the non-competitive title of Account Clerk, effective November 21, 2014. Personnel records further reveal that there are no employees in the subject title serving provisionally, pending an open competitive examination, with the appointing authority.

A review of the job specification for Account Clerk reveals that an individual in that title performs a variety of routine, repetitive, noncomplex clerical tasks which involve computing, classifying, verifying, and recording numerical data and the reconciliation of accounts, records, and documents to keep sets of financial records complete. A review of the job specification for Principal Account Clerk reveals that an individual in that title performs a variety of clerical duties of considerable difficulty and complexity which involve computing, classifying, verifying, and recording numerical data and reconciling accounts, records, and documents to keep sets of financial records complete.

## 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 the instant matter, the subject examination was generated as a result of the provisional appointment of Aftanis. After a complete certification was issued, the appointing authority indicated that it would not be making any appointments as the subject position was to be abolished. Moreover, agency records indicate that Aftanis received a regular appointment to the non-competitive title of Account Clerk, effective November 21, 2014. A review of the job specification reveals that the title of Account Clerk performs significantly different duties than an individual in the title of Principal Account Clerk. In addition, the appointing authority asserts that Aftanis did not perform any complex clerical duties involving computing, classifying, verifying or recording numerical data, nor did she perform any supervisory duties. Accordingly, based on the foregoing, there is sufficient justification for an appointment waiver.

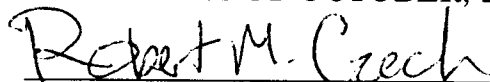
Although the appointment waiver is granted, both *N.J.S.A. 11A:4-5* and *N.J.A.C. 4A:10-2.2(a)2* state that if an appointing authority receives permission not to make an appointment, it can be ordered to reimburse the costs of the selection process. While administering examinations and providing the names of eligible job candidates to the jurisdictions under the Civil Service system are two of the primary activities of this agency, these costly efforts are thwarted when appointing authorities fail to utilize the resulting eligible lists to make appointments and candidates have needlessly expended their time, effort and money to take these examinations in hopes of being considered for a permanent appointment. Thus, although the request for a waiver is granted, it is appropriate that the appointing authority be assessed for the costs of the selection process.

### ORDER

Therefore, it is ordered that the appointment waiver be granted. Additionally, the Civil Service Commission orders that the appointing authority be assessed for the costs of the selection process in the amount of \$2,048 to be paid within 30 days of the issuance 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 7<sup>TH</sup> DAY OF OCTOBER, 2015



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