

B-11
CSC



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Assistant Director of
Finance (M0866R), Sparta Township

Appointment Waiver

CSC Docket No. 2015-1643

ISSUED: **DEC 17 2015** (HS)

Sparta Township requests permission not to make an appointment from the April 1, 2014 certification for Assistant Director of Finance (M0866R).

The record reveals that the appointing authority provisionally appointed Mary Jones, pending open-competitive examination procedures, to the title of Assistant Director of Finance, effective May 13, 2013. As a result of this provisional appointment, an examination for the title was announced with a closing date of October 8, 2013. Six of the applicants, none of whom were veterans, were admitted to the examination, which was processed as a qualifying examination, *i.e.*, applicants who met the announced requirements were given the same score, except that veterans, if any, were ranked first. Jones applied for the examination but was deemed ineligible. The resulting eligible list of six names promulgated on March 27, 2014 and expires on March 26, 2016. On April 1, 2014, the names of all six eligibles were certified from the eligible list. The appointing authority returned the certification indicating that no appointments would be made. Specifically, it noted that Jones was no longer serving provisionally in the subject title.¹ It also noted that its budget permitted it to fill only one position in the Finance Department. Therefore, the appointing authority requested an appointment waiver.

The appointing authority's request for an appointment waiver was acknowledged, and it was advised that if its request were granted, it could be

¹ Agency records indicate Jones was appointed to the unclassified title of Municipal Treasurer, effective June 2, 2014.

assessed for the costs of the selection process in the amount of \$2,048. In response, the appointing authority submitted a check for the selection costs. However, it submitted no additional arguments.

In *In the Matter of Mary Jones* (CSC, decided July 16, 2014), the Civil Service Commission (Commission) denied Jones' appeal of her ineligibility for the subject examination and ordered a classification review of her provisional Assistant Director of Finance position since it appeared that she may not have been performing duties consistent with that title. In *Jones*, the Commission also stayed the disposition of the April 1, 2014 certification until the classification of Jones' position was resolved. On November 2, 2015, the Division of Agency Services (Agency Services) completed its classification review of Jones' position and determined that the primary duties of the position included, among other duties, serving as signer on all Township bank accounts; participating in the negotiation of loans and the sale of bonds; assisting in the soliciting of bids and selecting the lowest interest rate; reviewing the status of loans and bonds; determining how to proceed in consultation with various parties; disbursing funds, including water, sewer, general and capital funds; reviewing each department's budget requests and determining necessity and appropriate projections; preparing budget requests; processing all Township receivables; assisting with the auditing of funds; and authorizing payment of bills, transfer of funds and wire payments. Based on the foregoing, Agency Services determined that the appellant's assigned duties and responsibilities were commensurate with the title of Municipal Treasurer, and thus, the position was properly classified by that title.

Agency records indicate that currently there are no individuals serving in the subject title or the Director of Finance title with the appointing authority.

A review of the job specification for Assistant Director of Finance reveals that an individual in that title assists the Director of Finance in planning, directing and administering work pertaining to the management of financial resources of an entire municipality, county or autonomous agency. A review of the job specification for Municipal Treasurer reveals that an individual in that title, under direction, supervises and performs the work involved in the disbursement, accounting and auditing of funds received and disbursed, and in negotiation of loans and sale of bonds.

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 examination for the subject title was generated as a result of the provisional appointment of Jones. However, after a complete certification was issued, the appointing authority indicated that no appointment would be made since Jones was no longer serving in the subject title as she was appointed to the title of Municipal Treasurer. A review of the relevant job specifications indicates that a Municipal Treasurer performs duties sufficiently different from those of an Assistant Director of Finance. In this regard, an Assistant Director of Finance assists the Director of Finance in planning, directing and administering work pertaining to the management of financial resources of an entire municipality, county or autonomous agency. However, a Municipal Treasurer, under direction, supervises and performs the work involved in the disbursement, accounting and auditing of funds received and disbursed, and in negotiation of loans and sale of bonds. Moreover, after a classification review, Agency Services determined that Jones' position was properly classified as Municipal Treasurer. Further, there is no one currently serving in the subject title or the title of Director of Finance with the appointing authority. Accordingly, based on the foregoing circumstances, 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. In the instant situation, although valid reasons exist for not making an appointment from the subject eligible list, the appointing authority has failed to provide a sufficient basis for not being charged for the costs of the selection process which produced the subject eligible list. Moreover, the appointing authority submitted a check for the costs of the selection process. Therefore, since the appointing authority has conceded that it is responsible for those costs, it is appropriate that the appointing authority be assessed for the costs of the selection process.

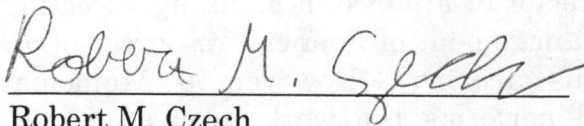
ORDER

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 but notes that the costs have already been remitted.

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 16TH DAY OF DECEMBER, 2015**



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