

B-54



STATE OF NEW JERSEY

In the Matter of Advocate Victim
Witness Program (C0655T), Camden
County

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

CSC Docket No. 2016-3664

Request for Appointment Waiver

ISSUED: DEC 22 2016 (EG)

Camden County requests permission not to make an appointment from the January 8, 2016 certification for Advocate Victim Witness Program (C0655T).

The record reveals that Camden County requested an open competitive examination for the subject title. As a result, an examination was announced with a closing date of September 14, 2015. The subject list promulgated on January 7, 2016 and contained the names of 12 eligibles. Thereafter, Camden County requested a waiver of the appointment requirement due to its conclusion that current staffing levels for Advocate Victim Witness Program was sufficient and it would not be making an appointment from the list.

Camden County's request for an appointment waiver was acknowledged, and it was advised that if its request were granted, it could be assessed for the costs of the selection process in the amount of \$2,048. Camden County did not provide a response to this advisement.

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 title of Advocate Victim Witness Program was generated as a result of a request from Camden County to fill an anticipated vacancy. After a complete certification was issued, Camden County returned the certification and indicated that it determined that its current staffing level for Advocate Victim Witness Program was sufficient and it would not be making an appointment. 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. In the instant situation, Camden County's determination to not utilize the list after it requested such a list supports the imposition of the costs of the selection process.

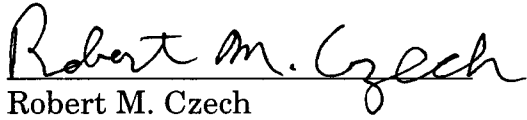
Accordingly, although a waiver is granted, it is appropriate that the appointing authority be assessed \$2,048 for the costs of the selection process.

ORDER

Therefore, it is ordered that the appointment waiver be granted. Additionally, the Civil Service Commission orders that Camden County 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 21ST DAY OF DECEMBER, 2016



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