



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Senior Data Control
Clerk (M0389U), Vineland School
District

Appointment Waiver

CSC Docket No. 2018-413

ISSUED: OCT 06 2017 (HS)

Vineland School District requests permission not to make an appointment from the March 20, 2017 certification for Senior Data Control Clerk (M0389U).

The record reveals that the appointing authority provisionally appointed Meredith Suppi, pending open competitive examination procedures, to the title of Senior Data Control Clerk, effective March 16, 2015. As a result of this provisional appointment, an examination for the title was announced with a closing date of June 6, 2016. Fifty-two of the applicants were admitted to the examination, which was processed as a written test. Suppi applied for the examination but did not appear. The resulting eligible list of 31 names promulgated on March 16, 2017 and expires on March 15, 2020. On March 20, 2017, the names of seven non-veteran eligibles were certified from the eligible list. Subsequently, the appointing authority requested an appointment waiver. In its request, the appointing authority indicated that it was confronting a budget deficit and had instituted a hiring freeze, vacant position elimination and other cost-saving initiatives and that Suppi was no longer serving provisionally in the subject title.

The appointing authority'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. In response, the appointing authority submitted a check for the selection costs. However, it submitted no additional arguments.

Agency records indicate that Suppi was returned to her permanent title of Data Processing Technician, effective June 15, 2017. Agency records also indicate that currently there are no individuals serving in the subject title with the appointing authority.

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 Suppi. However, after a complete certification was issued, the appointing authority indicated that no appointment would be made due to budgetary issues. It also noted that Suppi was returned to her permanent title of Data Processing Technician. Moreover, there is no one currently serving in the subject title 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 that 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.

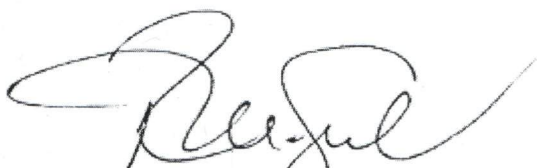
ORDER

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 4TH DAY OF OCTOBER, 2017



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