



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Personnel Officer  
(M0053V), Rockaway Township

CSC Docket No. 2018-753

Request for Appointment Waiver

ISSUED: NOV - 2 2017 (AMR)

Rockaway Township requests permission not to make an appointment from the June 8, 2017, certification for Personnel Officer (M0053V).

The record reveals that Rockaway Township requested a list for the position of Personnel Officer on November 4, 2016. Accordingly, an examination was announced with a closing date of January 27, 2017 that resulted in a list of 9 eligibles with an expiration date of May 17, 2019.

The appointing authority returned the certification indicating that a permanent appointment would not be made from the subject list. It explained that due to significant changes in the staff at Rockaway, specifically, the retirement of a Keyboarding Clerk 3 who was replaced by a Confidential Secretary, the departure of the previous Business Administrator, and augmentation of staff in the Business Administrator's office, the position of Personnel Officer is no longer warranted. Therefore, Rockaway Township requested a waiver of the appointment requirement.

Rockaway Township'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. The Township responded by reiterating its position with regard to the necessity for the appointment waiver due to the restructuring of its functions.

## 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, an examination for the title of Personnel Officer was generated as a result of a request by the appointing authority. However, after a complete certification was issued, Rockaway Township requested an appointment waiver, explaining that as a result of the transitions in positions, the assignment of additional personnel and for matters related to budgetary constraints, it would be not practical to appoint a Personnel Officer. Further, official records indicate that there are currently no employees serving provisionally in the subject title. Accordingly, based on the foregoing, there is sufficient justification for an appointment waiver.

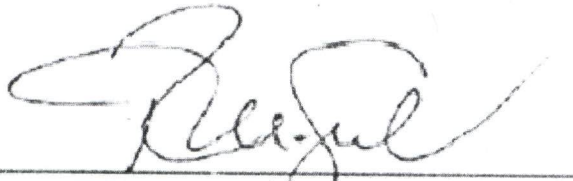
Although the appointment waiver is granted, both *N.J.S.A. 11A:4-5* and *N.J.A.C. 4A:10-2.2(a)2* state that if an appointing authority receives permission not to make an appointment, it can be ordered to reimburse the costs of the selection process. While administering examinations and providing the 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 this case, the appointing authority's determination that it could reorganize its functions without the need of appointing a Personnel Officer after it requested an examination for the subject title does not provide a basis on which to waive the selection costs. Thus, 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 a waiver of the appointment requirement 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 order.

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 1<sup>st</sup> DAY OF NOVEMBER, 2017



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