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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Personnel Officer  
(M0010T), Willingboro

Request for Appointment Waiver

CSC Docket No. 2015-2555

ISSUED: JUN 23 2015 (EG)

Willingboro requests permission not to make an appointment from the February 12, 2015, certification for Personnel Officer (M0010T).

The record reveals that Willingboro requested an open competitive examination for the subject title. As a result, an examination was announced with a closing date of January 5, 2015. The subject eligible list promulgated on February 12, 2015, with four eligibles. Thereafter, Willingboro requested a waiver of the appointment requirement due to an internal decision that it could obtain a better candidate through the Intergovernmental Transfer Program. In this regard, it indicated that it had found an extremely qualified candidate who would be interested in transferring into the position.

Willingboro'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. Willingboro 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 Personnel Officer was generated as a result of a request from Willingboro. After a complete certification was issued, Willingboro determined that it could obtain a better candidate through the Intergovernmental Transfer Program and had found an extremely qualified candidate who would be interested in transferring into the position. Accordingly, based on the foregoing, there is sufficient justification for an appointment waiver.

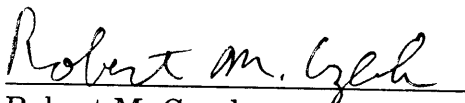
Although the appointment waiver is granted, both *N.J.S.A. 11A:4-5* and *N.J.A.C. 4A:10-2.2(a)2* state that if an appointing authority receives permission not to make an appointment, it can be ordered to reimburse the costs of the selection process. While administering examinations and providing the 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, Willingboro does not argue that it should not be assessed selection costs. Accordingly, it is assessed selection costs of \$2,048.

### ORDER

Therefore, it is ordered that the appointment waiver be granted. Additionally, the Civil Service Commission orders that Willingboro 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 17TH DAY OF JUNE, 2015



Robert M. Czech

Chairperson

Civil Service Commission

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and  
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