



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Recreation
Supervisor (M0699R), Morristown

Request for Appointment Waiver

CSC Docket No. 2015-2430

ISSUED: **JUN 23 2015** (EG)

Morristown, represented by Jennifer Roselle, Esq., requests permission not to make an appointment from the January 21, 2014 certification for Recreation Supervisor (M0699R).

The record reveals that Morristown provisionally appointed Timothy Roetman, pending open-competitive examination procedures, to the title of Recreation Supervisor, effective June 24, 2013. As a result of the provisional appointment, an examination was announced with a closing date of August 6, 2013. The subject eligible list promulgated on January 16, 2014, with 17 eligibles. Roetman was ranked fifth along with 10 other applicants. Upon returning the certification, Morristown was informed by the Division of Agency Services (Agency Services) that the reasons it provided for the removal/bypass/non-selection of several eligibles were inappropriate. Morristown had listed candidates as "lacks requirements" and was informed that such a disposition was not acceptable based on the job specification and announcement. Thereafter, Morristown requested a waiver of the appointment requirement due to a lack of qualified candidates for its particular position. It explained that its intended use for a Recreation Supervisor varied greatly from the official job description for this title.

Morristown'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. Morristown did not provide a response to this advisement.

Personnel records reveal that Roetman's provisional appointment was terminated, effective January 2, 2015. Personnel records also reveal that there are currently no employees serving provisionally in the title of Recreation Supervisor 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 title of Recreation Supervisor was generated as a result of the provisional appointment of Roetman. After a complete certification was issued, Morristown indicated that Roetman had been removed from his provisional position. It also argued that there was lack of qualified candidates for its particular position as its intended use for a Recreation Supervisor varied greatly from the official job description for this title. Personnel records also reveal that there are currently no employees serving provisionally in the title of Recreation Supervisor with the appointing authority. Accordingly, based on the foregoing, there is sufficient justification for an appointment waiver.

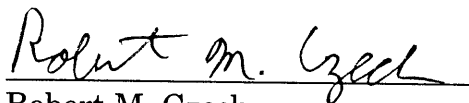
Although the appointment waiver is granted, both *N.J.S.A.* 11A:4-5 and *N.J.A.C.* 4A:10-2.2(a)2 state that if an appointing authority receives permission not to make an appointment, it can be ordered to reimburse the costs of the selection process. While administering examinations and providing the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

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Jennifer Roselle, Esq.
Michael F. Rogers
Kenneth Connolly
Beth Wood

