



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Supervisor of
Accounts (M0480P), City of Wildwood

CSC Docket No. 2016-3322

Appointment Waiver

ISSUED: **NOV 15 2016** (DASV)

The City of Wildwood requests permission not to make an appointment from the November 13, 2012 certification for Supervisor of Accounts (M0480P), City of Wildwood.

The record reveals that the appointing authority provisionally appointed Donna Dennis to the Supervisor of Accounts title effective June 29, 2011. An open-competitive examination (M0480P) was announced for the title, and the resulting eligible list promulgated on November 8, 2012 and expired on November 7, 2015. The eligible list contained the names of 13 eligibles, including Dennis, and was certified on November 13, 2012. Dennis was ranked 12th on the certification. Thereafter, the appointing authority advised that the Supervisor of Accounts title was not appropriate for Dennis' position. Consequently, the certification was placed on hold for a review of Dennis' position. The Division of Agency Services conducted an audit of the position and found that the proper classification of Dennis' position was Supervisor of Customer Service. Dennis was then appointed provisionally pending open-competitive examination procedures to Supervisor of Customer Service effective February 19, 2016.

Based on the foregoing, the appointing authority requested a waiver of the appointment requirement for the November 13, 2012 certification for Supervisor of Accounts (M0480P), City of Wildwood. The request was acknowledged, and the appointing authority 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. It is noted that the appointing authority took no action to obviate the need for the examination

at the time of the announcement or prior to its processing. Further, although provided with an opportunity, the appointing authority has not provided additional information or any reason why the costs of the selection process should not be assessed.

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 by the Civil Service Commission (Commission) 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 appointing authority's provisional appointment of Dennis. However, after a complete certification was issued, the appointing authority maintained that the Supervisor of Accounts title was inappropriate for Dennis' position. Thereafter, a review of Dennis' position resulted in a job reclassification to Supervisor of Customer Service effective February 19, 2016. Under these circumstances, the Commission finds that the appointing authority has presented adequate justification for an appointment waiver.

Although the appointing authority's petition for a 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, efforts and money to take these examinations in hopes of being considered for a permanent appointment. Additionally, the appointing authority did not take any action to obviate the need for the examination at the time of the announcement or prior to its processing. Therefore, although the appointing authority has shown a sufficient reason for not making an appointment from the subject eligible list, it has failed to present a sufficient basis for not being charged for the costs of the selection process which produced it. Accordingly, it is appropriate that the appointing authority be assessed for the costs of the selection process.

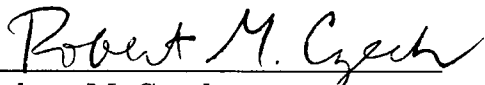
ORDER

Therefore, it is ordered that the request for the waiver of appointment requirement be granted. Additionally, the 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 10TH DAY OF NOVEMBER, 2016


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