



STATE OF NEW JERSEY

 FINAL ADMINISTRATIVE ACTION
 OF THE
 CIVIL SERVICE COMMISSION

 In the Matter Secretarial Assistant
 City of Vineland, Department of
 Administration

Appointment Waiver

CSC Docket No. 2020-2431

ISSUED: SEPTEMBER 18, 2020 (BW)

The City of Vineland requests permission not to make an appointment from the February 3, 2020 certification for Secretarial Assistant (M0326A), City of Vineland.

The record reveals that an examination announcement was issued in response to a provisional appointment with a closing date of April 22, 2019 and resulted in a list of eight eligibles with an expiration date of January 29, 2022. A certification containing the names of the eight eligibles was issued on February 3, 2020.

The appointing authority returned the certification requesting an appointment waiver indicating that a permanent appointment would not be made from the subject list. Specifically, it explained that it no longer had a need for the position due to a reorganization of the Economic Development Division in the Administration Department.

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 acknowledged that it took the selection cost into account when requesting the appointment waiver.

It is noted that there are currently no employees serving provisionally pending open competitive examination procedures in the subject title with the appointing authority.¹

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 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 a provisional appointment. However, after a complete certification was issued, the appointing authority requested an appointment waiver, indicating that a permanent appointment would not be made from the subject list. Specifically, it explained that it no longer had a need for the position due to a reorganization of the Economic Development Division in the Administration Department. Accordingly, there is a sufficient justification for an appointment waiver.

Although an appointment waiver is granted in this matter, 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 for 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. In this case, the appointing authority's separation of the provisional employee and its determination that a permanent appointment would not be made from the subject list due to a reorganization of the Economic Development Division in the Administration Department are sufficient for an appointment waiver but do not provide a basis to waive the assessment of costs.

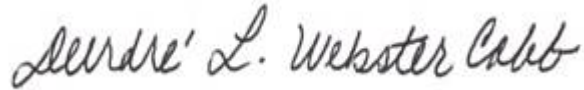
ORDER

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.

¹ It is noted that Adrianna Velazquez, the provisional employee, who was reachable on the certification, was returned to her previous title of Clerk 1 on March 15, 2020.

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 DAY 16th OF SEPTEMBER, 2020



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