



STATE OF NEW JERSEY

In the Matter of Senior Data Control Clerk (M0389U), Vineland Public Schools and In the Matter of Meredith Suppi, Senior Data Control Clerk (M0389U), Vineland Public Schools	:	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
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	:	Appointment Waiver and Make-up Examination
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	:	
CSC Docket Nos. 2018-31 and 2017-3206	:	
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ISSUED: April 6, 2018 (AMR)

Vineland Public Schools requests permission not to make an appointment from the March 20, 2017 certification for Senior Data Control Clerk (M0389U). Meredith Suppi requests a make-up for the open competitive examination for Senior Data Control Clerk (M0389U), Vineland Public Schools. These requests have been consolidated due to common issues presented.

The record reveals that the Vineland Public Schools provisionally appointed Meredith Suppi, pending open competitive examination procedures to the subject title, effective March 16, 2015. An examination was announced with a closing date of June 6, 2016 that resulted in a list of 31 eligibles with an expiration date of March 15, 2020. It is noted that Suppi is no longer serving as a Senior Data Control Clerk and there are currently no employees serving provisionally pending open competitive examination procedures in the subject title with the appointing authority. It is also noted that Suppi has been returned to her previous permanent title of Data Processing Technician.

The appointing authority returned the certification indicating that a permanent appointment would not be made from the subject list because the provisional appointee was no longer serving. Specifically, it explained that due to a \$5.6 million budget deficit, a hiring freeze, and vacant position elimination, it no longer has the need to maintain a position in that title.

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. However, the

appointing authority did not provide any additional information for the Civil Service Commission (Commission) to review.

Additionally, Suppi submitted an appeal to the Commission requesting a make-up for the subject examination, due to a change in her address that was not reported to this Agency and her failure to receive the examination notification timely.

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 the provisional appointment of Suppi, who is no longer serving in the subject title. However, after a complete certification was issued, the appointing authority requested an appointment waiver, explaining that due to budget constraints, the Senior Data Control Clerk position was no longer warranted. In conjunction with the fact that there are no provisionals currently serving, 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 determination that it no longer needs to maintain the position of Senior Data Control Clerk 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.

As the Commission has granted the request for an appointment waiver based on the appointing authority's statement that it no longer has a need to maintain a position in the title, Suppi's request for a make-up appears to be moot. Regardless, even if the appointment waiver had not been granted, no basis exists to grant Suppi's request for a make-up. *N.J.A.C.* 4A:4-3.2(e) states that it shall be the

responsibility of an eligible to keep a current address on file with the Commission. In this case, as the names of 31 eligibles are on the subject list, no basis exists to relax the provisions of *N.J.A.C. 4A:4-3.2(e)* or *N.J.A.C. 4A:4-2.9* to grant a make-up.

ORDER

Therefore, it is ordered that a waiver of the appointment requirement be granted. 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. Additionally, the matter of the Suppi's request for a make-up is denied.

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 4th DAY OF APRIL , 2018



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