



STATE OF NEW JERSEY

In the Matter of Equipment Operator
(M0712A), Town of Dover

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2020-1738

Appointment Waiver

ISSUED: FEBRUARY 14, 2020 (BW)

The Town of Dover requests permission not to make an appointment from the December 9, 2019 certification for Equipment Operator (M0712A), Town of Dover.

The record reveals that the Town of Dover provisionally appointed Raymond Turpin, pending open competitive examination procedures, to the subject title, effective May 15, 2017. An examination was announced with a closing date of August 21, 2019 that resulted in a list of four eligibles with an expiration date of December 4, 2022. A certification containing the names of four eligibles was issued on December 9, 2019.

The appointing authority returned the certification indicating that a permanent appointment would not be made from the subject list. Specifically, it indicated that the recent municipal elections enlisted a new Governing Body and, thus, appointments would be placed on hold and the position would not be filled at this time.

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 indicates while it does not have a current need to fill the position, it expects to utilize the list prior to its expiration.

It is noted that there are currently no employees serving provisionally pending open competitive examination procedures in the subject title 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 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 Raymond Turpin, 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 as a result of the recent municipal elections enlisting a new Governing Body, appointments were placed on hold and the position would not be filled at this time. 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 determination to place appointments on hold after it appointed a provisional to that title which resulted in an examination would not normally provide a basis on which to waive the selection costs. However, it indicates that it plans on utilizing the list prior to its expiration. Accordingly, under the particular circumstances of this matter, it would not be appropriate to assess the appointing authority for the costs of the selection process at this time. Nevertheless, in the event the appointing authority fails to utilize the list by its expiration date of December 4, 2022, this matter can be reviewed to ascertain whether an assessment for the costs of the selection process should be made.

ORDER

Therefore, it is ordered that the request for the waiver of the appointment requirement be granted and no selection costs presently be assessed.

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 12TH DAY OF FEBRUARY, 2020



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