



## STATE OF NEW JERSEY

 FINAL ADMINISTRATIVE  
ACTION OF THE  
CIVIL SERVICE COMMISSION

 In the Matter of Accountant  
(C0607W), Union County

CSC Docket No. 2022-2073

Administrative Appeal

ISSUED: MAY 23, 2022 (AMR)

In *In the Matter of Accountant (C0607W), Union County* (CSC decided September 25, 2019, the Civil Service Commission (Commission) granted the request of Union County for an appointment waiver for the January 24, 2019 certification and ordered that no selection costs would be assessed at that time since there was a possibility that the eligible list could be utilized prior to its expiration. A copy of that decision is attached hereto and incorporated herein. However, the appointing authority did not utilize the subject eligible list and the matter of the assessment of costs is now before the Commission.

Agency records reveal that one certification was issued from the subject eligible list on January 24, 2019. However, the certification was cancelled on October 1, 2019 and no appointments were made. Therefore, Union County was notified that since the eligible list was not utilized by its expiration date, the matter of the costs for the selection process in the amount of \$2,048 would be forwarded to the Commission for a determination. In response, the appointing authority stated that it “will be accepting the cost for the selection process.”

## CONCLUSION

*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. The amount of \$2,048 has been determined to be the cost of the selection process for open-competitive examinations for local government positions.

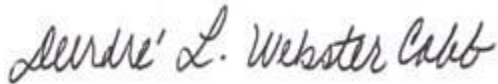
In the instant situation, although the appointing authority had shown a valid reason for not making an appointment from the subject eligible list, it has not provided a sufficient basis for not being charged for the costs of the selection process which produced the subject eligible list, nor is it challenging the costs in this matter. In this regard, the examination for the subject title was generated based on the appointing authority's need to fill a vacancy. However, after a complete certification was issued, the appointing authority requested an appointment waiver due to budgetary constraints. It also indicated that it planned on using the subject eligible list before it expired on January 23, 2022. However, agency records indicate that it failed to do so. Thus, based on the foregoing, it is appropriate that the appointing authority be assessed the costs of the selection process.

### **ORDER**

Therefore, it is ordered that Union County be assessed 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 18<sup>TH</sup> DAY OF MAY, 2022



---

Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

Attachment

c:     Laura M. Scutari  
        Melinda Allen  
        Division of Agency Services  
        Division of Appeals and Regulatory Affairs  
        Records Center



**STATE OF NEW JERSEY**

In the Matter of Accountant (C0607W),  
Union County

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

CSC Docket No. 2020-349

Appointment Waiver

**ISSUED: SEPTEMBER 26, 2019 (BW)**

The County of Union requests permission not to make an appointment from the January 24, 2019 certification for Accountant (C0607W).

The record reveals that Union County requested an examination for the title of Accountant to fill a vacancy. An examination was announced with a closing date of May 7, 2018 that resulted in a list of 13 eligibles with an expiration date of January 23, 2022. A certification containing the names of the 13 eligibles was issued on January 16, 2019.

The appointing authority returned the certification requesting an appointment waiver indicating that a permanent appointment would not be made from the subject list due to budgetary issues that it was not aware of at the time the certification was requested. It also indicated that there were no provisional serving in the title and that it planned on using the list before it expires on January 23, 2022.

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.

It is noted that there are currently no employees serving provisionally as an Accountant 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 based on the appointing authority's request to fill a vacancy. However, after a complete certification was issued, the appointing authority requested an appointment waiver indicating budgetary issues. It also indicated that it plans on using the list before it expires on January 23, 2022. As there is no provisional employee currently serving in this title, there is adequate justification to grant 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. Under these circumstances, given that the appointing authority has presented that it plans to utilize the list prior to its expiration, there is also justification for a deferral of the imposition of costs. Nevertheless, in the event the appointing authority fails to utilize the list by its expiration date of January 22, 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 25<sup>TH</sup> DAY OF SEPTEMBER, 2019



Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: Michael M. Yuska  
Kelly Glenn  
Diane Lukasewycz