

## STATE OF NEW JERSEY

In the Matter of Senior Community Relations Specialist (M0787P), Jersey City

CSC Docket No. 2014-2159

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Appointment Waiver Request

ISSUED: OCT 2 4 2014

(CAG)

Jersey City requests permission not to make an appointment from the June 17, 2013 certification for Senior Community Relations Specialist (M0787P), Jersey City.

The record reveals that Jersey City provisionally appointed Robin Pinkowitz, pending open-competitive examination procedures, to the title of Senior Community Relations Specialist effective April 12, 2012. Thereafter, an examination (M0787P) was announced with a closing date of September 19, 2012. Pinkowitz did not apply for the examination. However, four applicants were admitted to the written examination which was held on May 23, 2013. The resulting eligible list of four names promulgated on June 13, 2013 and expires on June 12, 2016. On June 17, 2013, the names of all four eligibles were certified (OL130810) from the subject eligible list. Jersey City took no action to obviate the need for the examination at the time of the announcement or prior to the administration of the examination. Jersey City did not return the certification.

Jersey City was advised that it could request an appointment waiver and, if its request were granted, it could be assessed for the costs of the selection process in the amount of \$2,048.

In response, Jersey City did not return the certification and requested an appointment waiver. It indicated that the matter originated from a request made two years ago by Pinkowitz to have a classification review in the title of Keyboarding Clerk 1. It also indicated that, on February 27, 2012, a determination was made that the employee's duties and responsibilities were commensurate with the title of Administrative Analyst. However, the Civil Service Commission conducted a pre-appointment eligibility evaluation on Pinkowitz and found that she was below the minimum requirements to hold the title of Administrative Analyst. In addition, it indicated that, per Civil Service Commission's direction, the previous Business Administrator reassigned Pinkowitz to her permanent title and duties. On April 12, 2012, Pinkowitz's title was changed to Senior Community Relations Specialist. Jersey City states that its records indicate that the transaction was rescinded, but not in the CAMPS system, which generated an announcement and a certification for Senior Community Relations Specialist. Therefore, it requests that the Civil Service Commission grant the request for an appointment waiver and waive the assessment of examination costs.

Jersey City supplemented its request and reiterated its previous arguments and explained that Pinkowitz was reassigned to her permanent title and duties due to a complete list or special reemployment list [for Administrative Analyst] created at that time. In addition, it argued that paperwork submitted in error via the CAMPS system caused Pinkowitz's title to be changed to Senior Community Relations Specialist and, according to Jersey City's records, that change was eventually rescinded. However, the transaction generated the announcement and certification (OL130810) for Senior Community Relations Specialist.

Personnel records reveal that Pinkowitz was separated from her provisional employment, effective April 12, 2013.

## 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 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 Pinkowitz. After a complete certification was issued, Jersey City requested an appointment waiver, stating that, although Pinkowitz's title was changed to Senior Community Relations Specialist, its records indicate that the transaction was rescinded, but not in the CAMPS system, which generated an announcement and a certification for Senior Community Relations Specialist. In addition, Personnel records reveal that Pinkowitz was separated from her provisional employment effective April 12, 2013. Accordingly, based on the foregoing, there is sufficient justification for an appointment waiver.

Although the appointment 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, effort and money to take these examinations in hopes of being considered for a permanent appointment. In the instant situation, Jersey City states that it should not be assessed selection costs due to paperwork submitted in error via the CAMPS system, the change was eventually rescinded, and the transaction generated the announcement and certification for Senior Community Relations Specialist. However, it is the appointing authority's responsibility to notify the Civil Service Commission of the changes to employees' titles to update the CAMPS records. Accordingly, although the request for a waiver is granted, it is appropriate that the appointing authority be assessed for the costs of the selection process.

## ORDER

Therefore, it is ordered that the appointment waiver be granted. Additionally, the Civil Service Commission orders that Jersey City 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 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 22<sup>ND</sup> DAY OF OCTOBER 2014

Robert M. Czech

Chairperson

Civil Service Commission

Inquiries and Correspondence Henry Maurer
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Robert J. Kakoleski Kenneth Connolly Joseph Gambino Beth Wood