



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Police Aide  
(C0015V), Camden County

CSC Docket No. 2018-2482

Request for Appointment Waiver

ISSUED: May 2, 2018 (AMR)

Camden County requests permission not to make an appointment from the October 12, 2017 certification for Police Aide (C0015V).

The record reveals that due to the appointing authority's request, an examination for the subject title (C0015V) was announced with a closing date of January 9, 2017. The resulting eligible list of 54 names promulgated on July 6, 2017 and expires on July 5, 2020. The appointing authority took no action to obviate the need for the examination at the time of the announcement or prior to the processing of the examination. At the request of the appointing authority, a certification containing 16 names was issued on October 12, 2017. It is noted that there are currently no employees serving provisionally pending open competitive examination procedures in the subject title with the appointing authority.

The appointing authority returned the certification indicating that a permanent appointment would not be made from the subject list due to budgetary constraints. Specifically, it explained that at the time that the certification for Police Aide was requested, another certification for the title of County Police Officer was also requested. Both of these requests were issued in 2017 and the need for the County Police Officer title took precedent. The appointing authority therefore entered the new fiscal year with the inability to replace the Police Aide title due to its budgetary constraints.

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.

### 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 appointing authority's request. After a complete certification was issued, the appointing authority requested an appointment waiver since it no longer had the funding to fill the vacancy. Additionally, personnel records indicate that no employees are currently serving in the subject title. Accordingly, based on the foregoing, the appointing authority has presented sufficient justification for an appointment waiver.

Although the appointing authority's petition for a 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. However, the Civil Service Commission notes that the list in question will not expire until July 5, 2020. 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 July 5, 2020, this matter can be reviewed to ascertain whether an assessment for the costs of the selection process should be made. *See e.g., In the Matter of Supervising Administrative Analyst (PS1837I), Department of Corrections* (MSB, decided April 11, 2007) (Board assessed costs upon the expiration of the eligible list since the Department of Corrections failed to utilize the eligible list and there was no evidence that it had even attempted to utilize the eligible list).

**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 2<sup>nd</sup> DAY OF MAY, 2018



Deirdré L. Webster Cobb  
Acting Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
Director  
Merit System Practices  
and Labor Relations  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Frank Cirii  
Emeshe Arzon, Esq.  
Kelly Glenn  
Diane Lukasewycz