



STATE OF NEW JERSEY

In the Matter of Principal Library Assistant (C0607S) and (C0938U), Ocean County Library

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

CSC Docket No. 2018-2619

Appointment Waiver

ISSUED: May 24, 2018 (AMR)

The Ocean County Library requests permission not to make an appointment from the September 28, 2017 certification for Principal Library Assistant (C0607S) and (C0938U).

The record reveals that the Ocean County Library provisionally appointed Muriel Odrick, pending open competitive examination procedures to the subject title, effective July 16, 2015. The (C0607S) examination was announced with a closing date of July 29, 2014 that resulted in a list of 17 eligibles and expired on December 17, 2017. The (C0938U) examination was announced with a closing date of December 22, 2016 that resulted in a list of 13 eligibles with an expiration date of May 10, 2020. ¹ It is noted that Odrick is no longer serving as a Principal Library Assistant and 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 because the provisional appointee was no longer serving. Specifically, it explained that Odrick was removed to her previous permanent title of Library Assistant.

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. The

¹ The September 28, 2017 certification contained the names of the eligibles from both the (C0607S) and (C0938U) eligible lists.

appointing authority asserted that it intends to make a future appointment from this list within the next three to six months and therefore requested a waiver of the selection cost.

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 Muriel Odrick, 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 Odrick's demotion, it was not going to make an appointment at this time. 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 intention to use the list to make an appointment in the very near future provides a basis on which to waive the selection costs. Thus, the waiver is granted and it is appropriate that the appointing authority not be assessed for the costs of the selection process.

ORDER

Therefore, it is ordered that a waiver of the appointment requirement be granted. Additionally, the Civil Service Commission orders that the appointing authority not be assessed for the costs of the selection process at this time.

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 23rd DAY OF MAY, 2018



Deirdré L. Webster Cobb
Acting 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: Jennifer Doderer
Kelly Glenn
Diane Lukasewycz