



STATE OF NEW JERSEY

In the Matter of Program
Coordinator, Drug and Alcohol Abuse
(C0101W), Ocean County Board of
Health

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

CSC Docket No. 2019-1112

Appointment Waiver

ISSUED: MARCH 8, 2019 (SLK)

The Ocean County Board of Health (Board of Health) requests permission not to make an appointment from the July 2, 2018 certification for Program Coordinator, Drug and Alcohol Abuse (C0101W).

The record reveals that in July 2017, the Board of Health provisionally appointed Seranda Ceka, pending open competitive examination procedures, to the subject title. The C0101W examination resulted in an employment roster of four eligibles, which promulgated on June 28, 2018 and expires on June 27, 2021. On July 2, 2018, a certification was issued which contained the names of the four eligibles. Thereafter, Ceka was removed from the title and the Board of Health requested an appointment waiver.

The Division of Appeals and Regulatory Affairs indicated to the Board of Health that it received its request for an appointment waiver in this matter. Moreover, it was advised that if an appointment waiver was granted, it could be assessed for the costs of the selection process in the amount of \$2,048 and that it could submit reasons why costs of the selection process should not be assessed. However, although given this opportunity, the Board of Health did not respond. Further, it is noted that the Board of Health took no action to obviate the need for this examination at the time of the announcement or prior to its administration. *See N.J.A.C. 4A:10-2.2(a)1.*

A review of agency records indicates that there are no other employees recorded as serving provisionally pending open competitive examination procedures in the subject title with the Board of Health.

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 the result of the provisional appointment of Seranda Ceka to the subject title. However, after a complete certification was issued, the appointing authority indicated that Ceka was removed from the subject title. Consequently, since there are no provisionals serving in the title at issue, there is sufficient justification for an appointment waiver.

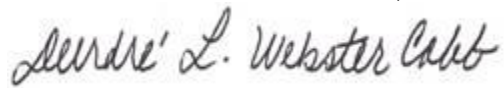
Although an appointment waiver is granted in this matter, both *N.J.S.A.* 11A:4-5 and *N.J.A.C.* 4A:10-2.2(a)2 state that if an appointing authority receives permission not to make an appointment, it can be ordered to reimburse for the costs of the selection process. While administering examinations 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 regard, the removal of the provisional is insufficient to support a waiver of the costs of the selection process. Thus, although a waiver is granted, it is appropriate that the appointing authority be assessed \$2,048 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 Board of Health 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 order.

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 6th DAY OF MARCH, 2019



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Brian Rumpf
Kelly Glenn
Records Center
Beth Wood