



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Accountant (C0607W),
Union County

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 25TH DAY OF SEPTEMBER, 2019



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