



**STATE OF NEW JERSEY**

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

In the Matter of Supervising  
Mechanic Fire Apparatus (M0167W),  
Mount Laurel

CSC Docket No. 2020-1194

Appointment Waiver

**ISSUED:** January 16, 2020 (RE)

Mount Laurel requests permission not to make an appointment from the November 7, 2018 certification for Supervising Mechanic Fire Apparatus (M0167W).

The record reveals that Mount Laurel permanently appointed Steven Rockhill to the title of Mechanic Fire Apparatus, effective December 8, 2012. As it desired to appoint him to the subject title, an examination was announced with a closing date of March 7, 2018. The resulting eligible list of six eligibles promulgated on October 11, 2018 and expires on October 10, 2021. Rockhill was found to be ineligible, filed an appeal, and was admitted for prospective appointment only based on clarification of his duties. On November 7, 2018, the names of all six eligibles were certified from the eligible list. On October 9, 2019, Mount Laurel requested a waiver of the appointment requirement stating that it will no longer use the title. Mount Laurel explains that it found that two individuals declined appointment, one was not suitable based on a criminal history, and the remaining three candidates were unsuitable as they did not have experience working on fire apparatus, fire pumps, water tanks, foam systems, ground ladders, aerial cable tensioning, emergency lighting/warning devices and emergency communication systems. As a result, because the position had been vacant since March 1, 2018, it determined that it would abolish its use of the title and outsource specific repairs to ensure that repairs are done by personnel with fire apparatus repair and maintenance expertise.

Mount Laurel'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. Personnel records reveals that there are no employees serving provisionally in the subject title with Mount Laurel.

### **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 title of Supervising Mechanic Fire Apparatus was generated and after a complete certification was issued, Mount Laurel indicated that it no longer will use this title. 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 this regard, Mount Laurel's subsequent determination that it will not use the title 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 the request for the waiver of the appointment requirement be granted. Additionally, the Commission orders that the appointing authority 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 15<sup>th</sup> DAY OF JANUARY, 2020



Deirdré L. Webster Cobb  
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: John Colucci  
Kelly Glenn  
Diane Lukasewycz  
Records Center