



**STATE OF NEW JERSEY**

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

In the Matter of Sewage Meter  
Repairer (C0287A), Bergen County  
Utilities Authority

Appointment Waiver

CSC Docket No. 2020-2279

**ISSUED: MAY 22, 2020 (BW)**

The Bergen County Utilities Authority requests permission not to make an appointment from the October 22, 2019 certification for Sewage Meter Repairer (C0287A), Bergen County Utilities Authority.

The record reveals that the appointing authority requested an announcement to fill a vacant position in the subject title. An examination was announced with a closing date of March 21, 2019 that resulted in a list of six eligibles with an expiration date of June 19, 2022. A certification containing the names of the six eligibles was issued on October 22, 2019.

The appointing authority returned the certification indicating that a permanent appointment would not be made from the subject list. Specifically, it explained that they elected to keep the Sewage Meter Repairer title vacant for reasons of economy and efficiency.

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 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 as a result of the appointing authority request to fill a vacancy. However, after a complete certification was issued, the appointing authority requested an appointment waiver, explaining that they elected to keep the Sewage Meter Repairer title vacant for reasons of economy and efficiency. Accordingly, 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 determination that they elected to keep the Sewage Meter Repairer title vacant for reasons of economy and efficiency. However, the appointing authority indicates that it plans to reevaluate the need to fill the position from the subject list prior to its expiration date of June 19, 2022. 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 June 19, 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  
20<sup>TH</sup> DAY OF MAY, 2020

*Deirdre L. Webster Cobb*

---

Deirdre 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: Robert E. Laux  
Kelly Glenn  
Diane Lukasewycz