



STATE OF NEW JERSEY

In the Matter of Program Coordinator
Mental Health (S0036V), Department
of Military and Veterans Affairs

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

CSC Docket No. 2021-413

Administrative Appeal

ISSUED: FEBRUARY 23, 2021 (AMR)

In In the Matter of Program Coordinator Mental Health (S0036V), Department of Military and Veterans Affairs (CSC, decided April 18, 2018), the Civil Service Commission (Commission) granted the request of the Department of Military and Veterans Affairs for an appointment waiver for the September 29, 2017 certification and ordered that no selection costs would be assessed at that time since there was a possibility that the list could be utilized prior to its expiration. A copy of that decision is attached hereto and incorporated herein. However, the appointing authority did not utilize the subject eligible list and the matter of the assessment of costs is now before the Commission.

Agency records reveal that two certifications were issued from the subject eligible list: one on September 29, 2017 for the Department of Military and Veterans Affairs and one on December 13, 2017 for Ancora Psychiatric Hospital, Department of Health. However, both certifications were cancelled and no appointments were made. Therefore, the Department of Military and Veterans Affairs was notified that since the eligible list was not utilized by its expiration date, the matter of the costs for the selection process in the amount of \$8,285 would be forwarded to the Commission for a determination. However, no response was received.

CONCLUSION

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. The amount of \$8,285 has been determined to be the cost of the selection process for open competitive examinations for State government positions.

In the instant situation, although the appointing authority had shown a valid reason for not making an appointment from the subject eligible list in the prior decision, it has failed to provide a sufficient basis for not being charged for the costs of the selection process which produced the subject eligible list. It is noted that the provisional employee was still serving at the time of the certification on September 29, 2017. In that regard, the employee was provisionally appointed to the title of Program Coordinator Mental Health in September 2016 and worked in that capacity until approximately August 2017 when it was discovered that he was acting in the capacity of Deputy Superintendent. A request was made to have the employee's title evaluated for proper classification to a title that was commensurate with his duties being performed. The review subsequently determined that the title of Special Staff Officer 1 was deemed appropriate, and the employee was appointed to that title effective January 30, 2018. At no time prior to the foregoing did the appointing authority inform this agency to cancel the examination announcement. Nonetheless, the Commission granted the request for an appointment waiver and noted that the appointing authority may still use the subject eligible list prior to its expiration on September 27, 2020. However, agency records indicate that the appointing authority failed to do so. It has also not responded to the instant matter. Finally, the eligible list has not been utilized by this or any State agency. Thus, it is appropriate that the appointing authority be assessed the costs of the selection process.

ORDER

Therefore, it is ordered that the Department of Military and Veterans Affairs be assessed the costs of the selection process in the amount of \$8,285 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 17TH DAY OF FEBRUARY, 2021

Deirdre' L. Webster Cobb

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