



STATE OF NEW JERSEY

In the Matter of Chief Clerk
(C0534W), Bergen County Clerk

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

CSC Docket No. 2022-1532

Administrative Appeal

ISSUED: MARCH 25, 2022 (AMR)

In *In the Matter of Chief Clerk (C0534W), Bergen County Clerk* (CSC, decided August 14, 2019), the Civil Service Commission (Commission) granted the request of the Bergen County Clerk for an appointment waiver for the February 4, 2019 certification and ordered that no selection costs would be assessed at that time since there was a possibility that the eligible list could be utilized prior to its expiration. 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 a certification was issued to the appointing authority from the subject eligible list on February 4, 2019. However, the certification was cancelled, and no appointments were made. Therefore, the Bergen County Clerk was notified that since the subject eligible list was not utilized by its expiration date, the matter of the costs for the selection process in the amount of \$2,048 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 \$2,048 has been determined to be the cost of the selection process for open-competitive examinations for local government positions.

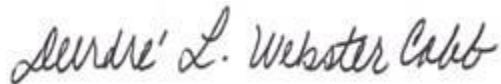
In the instant situation, although the appointing authority had shown a valid reason for not making an appointment from the subject eligible list, it has failed to provide a sufficient basis for not being charged for the costs of the selection process which produced the subject eligible list. In this regard, the examination for the subject title was generated based on the appointing authority's appointment of a provisional employee. However, after a complete certification was issued, the appointing authority requested an appointment waiver since the provisional resigned on February 22, 2019. The appointing authority also indicated that it planned on using the subject eligible list before it expired on December 26, 2021. However, agency records indicate that it failed to do so. Thus, it is appropriate that the appointing authority be assessed the costs of the selection process.

ORDER

Therefore, it is ordered that the Bergen County Clerk be assessed 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 23RD DAY OF MARCH, 2022



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