



**STATE OF NEW JERSEY**

In the Human Resource Coordinator  
(M0542B), Newark School District

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

CSC Docket No. 2022-3045

Appointment Waiver

**ISSUED: AUGUST 3, 2022 (AMR)**

Newark School District requests permission not to make an appointment from the March 14, 2022 certification for Human Resource Coordinator (M0542B), Newark School District.

The record reveals that Newark School District provisionally appointed Daphne Hatcher-Randall, pending open competitive examination procedures, to the subject title, effective August 27, 2019. An examination was announced with a closing date of July 21, 2020, that resulted in a list of 13 eligibles with an expiration date of March 9, 2025. It is noted that while Hatcher-Randall filed for the subject examination and sat for the test, she did not receive a passing score. It is also noted that Hatcher-Randall resigned in good standing effective April 14, 2022. Furthermore, there are currently no employees serving provisionally pending open competitive examination procedures in the subject title with the appointing authority.

The appointing authority returned the certification and requested a waiver of the appointment requirement, stating that Hatcher-Randall separated from the subject title, and that due to budgetary constraints, the position will remain vacant. However, the appointing authority indicated that it intends to make a future appointment when a position becomes available.

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. Although the appointing authority did not provide any additional information for the Civil Service Commission (Commission) to review, it acknowledged the possible assessment of the selection costs.

## 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 provisional appointment of Hatcher-Randall. However, after a complete certification was issued, the appointing authority requested an appointment waiver, explaining that Hatcher-Randall separated from subject title, and there was no longer a need to fill the position due to budget constraints. Thus, in conjunction with the fact that there are no provisionals currently serving, 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 Commission notes that the list in question will not expire until March 9, 2025. Further, the appointing authority has indicated that it may use the subject eligible list before it expires once a position becomes available. However, at this time, due to budgetary constraints, the position will remain vacant. 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 it fails to utilize the subject eligible list by its expiration date of March 9, 2025, this matter can be reviewed to ascertain whether an assessment for the costs of the selection process should be made.

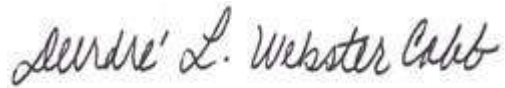
## ORDER

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 3<sup>RD</sup> DAY OF AUGUST 2022



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Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Nicholas F. Angiulo  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Dr. Yolanda Mendez  
Nafisah Hunter  
Division of Agency Services  
Division of Appeals and Regulatory Affairs  
Records Center