



**STATE OF NEW JERSEY**

In the Matter of Family Counselor  
(C0110A), Bergen County

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

CSC Docket No. 2023-57

Administrative Appeal

**ISSUED: October 12, 2022 (AMR)**

In *In the Matter of Family Counselor (C0110A), Bergen County* (CSC Decided December 4, 2019), the Civil Service Commission (Commission) granted the request of Bergen County for an appointment waiver for the July 8, 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 one certification was issued from the subject eligible list on July 8, 2019. However, the certification was cancelled on December 17, 2019 and no appointments were made. Therefore, Bergen County 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 \$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.

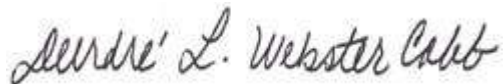
In the instant situation, although the appointing authority had shown a valid reason for not making an appointment from the subject eligible list, it has not provided a sufficient basis for not being charged for the costs of the selection process which produced the subject eligible list. In this regard, the examination for the subject title was generated based on the appointing authority's need to fill a vacancy. However, after a complete certification was issued, the appointing authority requested an appointment waiver, stating that a permanent appointment would not be made from the subject eligible list because the provisional appointee was no longer serving. It also indicated that it planned on using the subject eligible list before it expired on July 3, 2022. Bergen County was given the opportunity to utilize the eligible list within three years; 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 Bergen County 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 12<sup>TH</sup> DAY OF OCTOBER, 2022



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