



STATE OF NEW JERSEY

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

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

CSC Docket No. 2023-56

Administrative Appeal

ISSUED: October 12, 2022 (AMR)

In *In the Matter of Sewage Meter Repairer (C0287A), Bergen County Utilities Authority* (CSC Decided May 20, 2020), the Civil Service Commission (Commission) granted the request of Bergen County Utilities Authority for an appointment waiver for the October 22, 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 October 22, 2019. However, the certification was cancelled on June 24, 2020 and no appointments were made. Therefore, the Bergen County Utilities Authority 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. The Bergen County Utilities Authority responded by asking that the selection cost of \$2,048 be waived, claiming that it did not receive the May 20, 2020 decision which granted an appointment waiver and deferred costs in anticipation of it utilizing the list before the June 19, 2022 expiration date. Alternatively, it stated that the decision may have gone “unnoticed and was inadvertently neglected by the former Personnel Manager who has since retired.” The appointing authority also noted that some of the administrative tasks during the COVID-19 pandemic were “incomplete,” and the

date was not placed on the appointing authority's calendar. The appointing authority emphasized that the subject position has remained vacant for economic reasons.

It is noted that agency records indicate that the original decision was emailed to the Bergen County Utilities Authority human resource representative on May 20, 2020 and was not returned as undeliverable.

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.

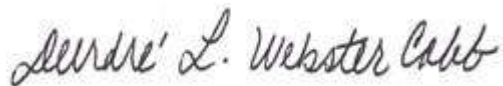
In the instant situation, the appointing authority had shown a valid reason for not making an appointment from the subject eligible list. The examination for the subject title was generated based on the appointing authority's need to fill a vacancy. However, after a complete certification was issued, the appointing authority requested an appointment waiver, stating that it elected to keep the Sewage Meter Repairer title vacant for reasons of economy and efficiency. It also indicated that it planned to reevaluate the need to fill the position from the subject eligible list before it expired on June 19, 2022. Agency records confirm that it did not make an appointment before the expiration date. In response, the Bergen County Utilities Authority maintains that it did not receive the Commission's May 20, 2020 decision or that it went unnoticed and was inadvertently neglected, and therefore, requests that the selection cost of \$2,048 be waived. However, a copy of the decision was emailed to a human resource representative, and it was not returned as undeliverable. Nonetheless, the fact remains that the appointing authority did not utilize the subject eligible list prior to its expiration, and although it emphasizes that the subject position has remained vacant due to economic reasons, it has not presented a sufficient reason to specifically waive the cost of the selection process at this juncture. It is therefore appropriate, for the reasons set forth above, that the appointing authority be assessed the costs of the selection process.

ORDER

Therefore, it is ordered that the Bergen County Utilities Authority 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 12TH DAY OF OCTOBER, 2022



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