



STATE OF NEW JERSEY

In the Matter of Supervising Medical
Security Officer (S0039E), Statewide

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

CSC Docket No. 2024-1272

Appointment Waiver

ISSUED: February 28, 2024 (AMR)

Trenton Psychiatric Hospital, Department of Health, requests permission not to make an appointment from the June 23, 2023 certification for Supervising Medical Security Officer (S0039E), Statewide.

The record reveals that Trenton Psychiatric Hospital requested an announcement for the subject title to fill available vacancies. Thereafter, an examination was announced with a closing date of January 23, 2023, that resulted in a list of 12 eligibles promulgating on May 11, 2023, and expiring on May 10, 2026. The resulting eligible list was certified on June 23, 2023 with a due date of September 25, 2023. It is noted that 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 subject certification and requested a waiver of the appointment requirement, stating that since it had never previously utilized the Supervising Medical Security Officer title, it caused the recruitment process to be more lengthy than anticipated. Thus, the appointing authority was unable to provide appointment dates for the selected candidates that would fall within the due date of the certification. As a result, no appointments were made. However, the appointing authority presented that it would endeavor to request that the subject eligible list be recertified once it is able to confirm hire dates for the selected candidates.

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 \$8,285. Despite the opportunity, the appointing authority did not provide any additional information for the Civil Service Commission (Commission) to review.

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 Supervising Medical Security Officer was generated as a result of Trenton Psychiatric Hospital's request to fill available vacancies. However, after a complete certification was issued, the appointing authority requested an appointment waiver, stating that since it had never previously utilized the Supervising Medical Security Officer title, it caused the recruitment process to be more lengthy than anticipated. Thus, the appointing authority was unable to provide appointment dates for the selected candidates that would fall within the life of the certification. As a result, no appointments were made. Thus, in conjunction with the fact that there are no provisionals currently serving with the appointing authority, 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 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. However, the Commission notes that the list in question will not expire until May 10, 2026, and the appointing authority may be able to use the list in the future. Furthermore, the examination was announced statewide. Thus, the list is of such duration and scope as to make utilization by this or other State appointing authorities probable. 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 that the subject eligible list is not utilized by its expiration date of May 10, 2026, this matter

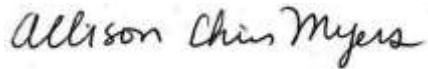
can be reviewed to ascertain whether an assessment for the costs of the selection process should be made against the appointing authority.

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 28TH DAY OF FEBRUARY, 2024



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