



STATE OF NEW JERSEY

In the Matter of Purchasing
Assistant (M1057F), Passaic Valley
Water Commission

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

CSC Docket No. 2025-1335

Appointment Waiver

ISSUED: April 30, 2025 (AMR)

The Passaic Valley Water Commission requests permission not to make an appointment from the October 1, 2024, certification for Purchasing Assistant (M1057F).

The record reveals that the Passaic Valley Water Commission provisionally appointed John Tomic, pending open competitive examination procedures, to the subject title effective May 24, 2023. An examination was announced with a closing date of July 22, 2024, that resulted in a list of eight eligibles promulgating on September 26, 2024, and expiring on September 25, 2026. It is noted that Tomic was separated from his provisional position and was appointed provisionally, pending open competitive examination procedures, to the title of Assistant Buyer, effective December 18, 2024. Additionally, there are currently no employees serving provisionally pending open competitive procedures in the subject title with the appointing authority.

The appointing authority returned the subject certification and requested a waiver of the appointment requirement, indicating that due to budgetary constraints and organizational changes, it would be unable to make an appointment from the subject eligible list at this time. Furthermore, the appointing authority asserted it intends to request a certification before the September 25, 2026, expiration date once its Board of Commissioners approves the position to be filled.

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. 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 the subject title was generated as a result of the provisional appointment of Tomic. However, after a complete certification was issued, the appointing authority requested an appointment waiver claiming that, due to budgetary constraints and organizational changes, it would be unable to make an appointment from the subject eligible list at this time. Moreover, it is noted that Tomic was separated from his provisional position and was appointed provisionally, pending open competitive examination procedures, to the title of Assistant Buyer, effective December 18, 2024. 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 September 25, 2026. Furthermore, the appointing authority has indicated that it may make an appointment in the near future, before the expiration date of the subject eligible list. 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 September 25, 2026, 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 30TH DAY OF APRIL, 2025



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