



STATE OF NEW JERSEY

In the Matter of Contract
Administrator 2 (S1216E), Statewide

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

CSC Docket No. 2025-1658

Appointment Waiver

ISSUED: August 13, 2025 (AMR)

The Department of Health requests permission not to make an appointment from the January 22, 2025 certification for Contract Administrator 2 (S1216E), Statewide.

The record reveals that the Department of Health provisionally appointed Lovely Randle, pending open competitive examination procedures, to the subject title effective September 9, 2023. An examination was announced with a closing date of December 21, 2023, that resulted in a list of 14 eligibles, which promulgated on January 16, 2025 and is set to expire on January 15, 2027. It is noted Randle resigned from her provisional position effective January 24, 2025. Additionally, 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 due to Randle resigning from her provisional position as Contract Administrator 2, the certification is no longer needed for her to secure a permanent appointment. Additionally, the appointing authority noted that Randle's position cannot be backfilled at this time due to the Statewide hiring freeze, nor does it have approval to appoint from the certification to a different vacancy within the Department. However, the appointing authority asserted that it may endeavor to utilize the list before the January 15, 2027 expiration date.

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. When given the opportunity to respond, the appointing authority reiterated its position with regard to requesting an appointment waiver.

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 Randle. However, after a complete certification was issued, the appointing authority requested an appointment waiver explaining that Randle resigned and the position cannot be filled due to the Statewide hiring freeze, nor does it have approval to appoint from the certification to a different vacancy within the Department. Moreover, the appointing authority asserted that it may endeavor to utilize the list before the January 15, 2027 expiration date. 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 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 January 15, 2027, 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 probable¹. 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.

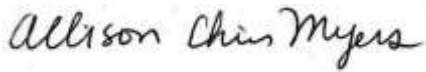
¹ It is noted that Certification OS250202 was issued from the subject eligible list to the Department of Corrections on April 17, 2025. No appointments have been made at this time.

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 13TH DAY OF AUGUST, 2025



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