



STATE OF NEW JERSEY

In the Matter of Administrative
Analyst (M0617F), Vineland

CSC Docket No. 2025-2709

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

Appointment Waiver

ISSUED: July 1, 2026 (AMRG)

Vineland requests permission not to make an appointment from the January 13, 2025 certification for Administrative Analyst (M0617F), Vineland.

The record reveals that the appointing authority provisionally appointed Kristina Griffin, pending open competitive examination procedures, to the subject title effective October 16, 2023. An examination for the subject title was announced on May 1, 2024, with a closing date of May 21, 2024, the resulting eligible list of five names, including Griffin as the fourth ranked eligible, promulgated on January 9, 2025, and expires on January 8, 2027. The appointing authority provisionally appointed Michael Formisano,¹ pending open competitive examination procedures, to the subject title effective September 3, 2024. On January 13, 2025, a certification (OL250030), containing the names of all five eligibles was issued to the appointing authority. Agency records indicate that Formisano and Griffin separated from employment, effective April 13, 2025 and April 21, 2025, respectively.

The appointing authority returned the certification (OL250030) and requested a waiver of the appointment requirement. The appointing authority stated that at the time it was preparing to fill the position, it was also working on creating a new title to better fit its specific needs. It explained that between the time of the application process and when the eligible list was issued, the appointing authority's legal team,

¹ Agency records reveal that Formisano did not apply for the subject examination.

together with the Civil Service Commission (Commission), worked to create a new tentative title, Interconnection Compliance Specialist,² that would better align with the specific needs of the Vineland Municipal Electric Utility.

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 Commission to review.

Agency records indicate that there are no other employees serving provisionally pending open competitive examination procedures in the subject title with the appointing authority.

CONCLUSION

Initially, in examining the legislative history of *N.J.S.A. 11A:4-5*, in *Local 198 of I.A.F.F. v. Atlantic City*, Docket No. A-855-88T1F (App. Div. June 14, 1989), the court stated that this agency is required to issue a certification automatically where there is a provisional appointee or a vacancy. Moreover, the court concluded that *N.J.S.A. 11A:4-5* unambiguously stated that once the examination process has been initiated due to the appointment of a provisional employee, the appointing authority must make an appointment from the eligible list if there is a complete certification. Additionally, the court found that this agency was correct in interpreting *N.J.S.A. 11A:4-5* to find that it was a clear legislative response to pervasive violations of Title 11A, and that non-compliance with this statute is not a mere technical violation, but rather it undermined the purpose and intent of the constitutionally-based merit selection system. The court found that in circumstances such as these, it was appropriate to order the appointing authority to make an appointment. Thus, there is no doubt that the appointing authority must make an appointment from this list if there is a complete certification, that is, one containing the names of at least three interested and eligible candidates. Moreover, the Commission is specifically given the power to assess compliance costs and fines against an appointing authority, including all administrative costs and charges, as well as fines of not more than \$10,000, for noncompliance or violation of Civil Service law or rules or any order of the Commission. *N.J.S.A. 11A:10-3; N.J.A.C. 4A:10-2.1(a)2. See In the Matter of Fiscal Analyst (M1351H), Jersey City*, Docket No. A-4347-87T3 (App. Div. February 2, 1989).

Therefore, 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

² In *In the Matter of Interconnection Compliance Specialist* (CSC, decided October 15, 2025), the Commission approved the establishment of the noncompetitive title of Interconnection Compliance Specialist, effective October 20, 2025.

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 appointing authority's appointment of a provisional employee. However, after a complete certification was issued, the appointing authority requested a appointment waiver, explaining that it was in the process of creating a new title to better fit its specific needs and it would not be utilizing the subject title. Moreover, it is noted that the provisional appointments of Formisano and Griffin were terminated effective April 13, 2025 and April 21, 2025, respectively. 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 appointing authority did not take any action to obviate the need for the examination at the time of the announcement or prior to its processing. As noted above, the appointing authority has indicated that it will be utilizing a new title going forward rather than the subject title. Under these circumstances, there is no basis on which to waive the selection costs. Therefore, although an appointment waiver is granted, it is appropriate that the appointing authority be assessed \$2,048 for the costs of the selection process.

ORDER

Therefore, it is ordered that a waiver of the appointment requirement be granted. Additionally, the Commission orders that the appointing authority be assessed for the costs of the selection process in the amount of \$2,048 to be paid within 30 days of the issuance of this order.

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 1ST DAY OF JULY, 2026



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