



STATE OF NEW JERSEY

In the Matter of Personnel Assistant
4 (S1023F), Statewide

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

CSC Docket No. 2025-2608

Appointment Waiver

ISSUED: July 22, 2026 (AMRG)

William Paterson University requests permission not to make an appointment from the February 18, 2025 certification for Personnel Assistant 4 (S1023F), Statewide.

The record reveals that the appointing authority provisionally appointed Nicola Skeet, pending open competitive examination procedures, to the subject title effective January 8, 2024. An examination was announced with a closing date of July 22, 2024, that resulted in a list of 19 eligibles, which promulgated on February 13, 2025 and is set to expire on February 12, 2027. While Skeet applied for the subject examination, the Division of Agency Services found that she did not meet the experience requirements indicated on the announcement and she was determined to be ineligible.¹ A certification (OS250048) was issued to the appointing authority on February 18, 2025, containing the names of seven eligibles.

The appointing authority returned the subject certification and requested a waiver of the appointment requirement, explaining that Skeet was reassigned from her provisional position and permanently appointed to the title of Professional Services Specialist 3 Administrative Services effective May 12, 2025. Additionally, there are currently no employees serving provisionally pending open competitive examination procedures in the subject title with the appointing authority.

¹ During the appeal process to the Civil Service Commission (Commission), Skeet provided clarifying information and she was admitted to the subject examination for prospective purposes.

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 explained that Skeet was hired provisionally with direct relevant experience required for the role and had performed successfully in the position for over a year. The appointing authority further explained that due to the division's limited capacity and other staff turnover, Skeet was reassigned to a critical vacancy where she took on additional responsibilities. As a result of this reassignment, the appointing authority decided to eliminate the Personnel Assistant 4 position, claiming that it is not financially feasible nor operationally sustainable to reinstate and support the additional position.

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 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 Skeet. However, after a complete certification was issued, the appointing authority requested an appointment waiver explaining, in

part, that Skeet was reassigned to a critical vacancy and as a result, the appointing authority decided to eliminate the Personnel Assistant 4 position. Given this, and in conjunction with the fact that there are no provisionals currently serving, there is 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 February 12, 2027, and the examination was announced Statewide. Thus, the list is of such duration and scope as to make utilization by 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.

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 22ND DAY OF JULY, 2026



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