



STATE OF NEW JERSEY

In the Matter of Fiscal Analyst
(M1793F), Belleville

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

CSC Docket No. 2026-1028

Appointment Waiver

ISSUED: August 12, 2026 (AMRG)

Belleville requests permission not to make an appointment from the May 27, 2025 certification for Fiscal Analyst (M1793F).

The record reveals that Belleville provisionally appointed Karen Lojo, pending open competitive examination procedures, to the subject title effective August 20, 2024. An examination was announced with a closing date of December 23, 2024, that resulted in a list of 13 eligibles promulgating on May 22, 2025 and expiring on May 21, 2027. A certification containing all 13 names was issued to the appointing authority on May 27, 2025.

The appointing authority returned the subject certification and requested a waiver of the appointment requirement, stating that it originally requested the certification to address an anticipated operational need within the Finance Department. However, as the department's structure and responsibilities evolved, an internal review was conducted and it was determined that the required duties and functions for the subject position would not fully align with the Fiscal Analyst title. It believed that making an appointment from the subject certification would have resulted in the employee performing out of title duties. As a result, it:

. . . re-evaluated and restructured the function and transitioned the position into a role that better reflects the Township's fiscal management and oversight responsibilities, thereby aligning duties and

avoiding out-of-title work. Additionally, due to budgetary constraints, establishing a separate position to accommodate the redefined responsibilities was not feasible.

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. The appointing authority responded, reiterating their position in the matter.

Agency records indicate that Lojo was returned to her permanent title of Clerk 1, and placed on a leave of absence, effective May 1, 2025, and appointed to the unclassified title of Municipal Treasurer, effective May 2, 2025. Additionally, agency records indicate that there are currently no 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 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 an appointment waiver after Lojo was separated from her provisional position to accept an appointment to the unclassified title of Municipal Treasurer effective May 2, 2025. In addition, it conducted an internal review and determined that the duties and functions required would not fully align with the Fiscal Analyst title. Thus, 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 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. Nor did it claim that it will endeavor to utilize the subject eligible list prior to its expiration. Under these circumstances, there is not a 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 12TH DAY OF AUGUST, 2026



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