



## STATE OF NEW JERSEY

## FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Principal Account Clerk (M0349S), Middle Township School District

CSC Docket No. 2015-2626

Appointment Waiver

ISSUED: **CT 13 2015** 

(LDH)

Middle Township School District requests permission not to make an appointment from the October 16, 2014 certification for Principal Account Clerk (M0349S).

The record reveals that the appointing authority provisionally appointed Dawn Aftanis, pending open-competitive examination procedures to the title of Principal Account Clerk, effective August 19, 2013. As a result of the provisional appointment, an examination was announced with a closing date of June 5, 2014. The resulting eligible list of five names, including Aftanis' name, promulgated on October 9, 2014 and expires on October 8, 2017. The appointing authority took no action to obviate the need for the examination at the time of the announcement or prior to the administration of the examination. On October 16, 2014, the names of five eligibles, including Aftanis, who was tied as the fourth ranked eligible, were certified from the subject eligible list. The appointing authority returned the certification noting that the subject position was abolished.

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. In response, the appointing authority states that it paid attention to the requirements of the position and the job description before it decided to eliminate the subject position. Subsequently, it decided that the title of Account Clerk was more appropriate based

on the duties of the position. Specifically, it noted that the subject position did not involve performing any supervisory duties; nor have to be concerned about the availability of sufficient funds; nor verifying subsidiary reports from field operations; nor initiating any action; nor preparing non-routine correspondence; nor reviewing work methods and processes to improve efficiency. Finally, the appointing authority requests that the costs of the selection process be waived.

Agency records reveal that Aftanis was appointed to the non-competitive title of Account Clerk, effective November 21, 2014. Personnel records further reveal that there are no employees in the subject title serving provisionally, pending an open competitive examination, with the appointing authority.

A review of the job specification for Account Clerk reveals that an individual in that title preforms a variety of routine, repetitive, noncomplex clerical tasks which involve computing, classifying, verifying, and recording numerical data and the reconciliation of accounts, records, and documents to keep sets of financial records complete. A review of the job specification for Principal Account Clerk reveals that an individual in that title preforms a variety of clerical duties of considerable difficulty and complexity which involve computing, classifying, verifying, and recording numerical data and reconciling accounts, records, and documents to keep sets of financial records complete.

## 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 for a list 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 subject examination was generated as a result of the provisional appointment of Aftanis. After a complete certification was issued, the appointing authority indicated that it would not be making any appointments as the subject position was to be abolished. Moreover, agency records indicate that Aftanis received a regular appointment to the non-competitive title of Account Clerk, effective November 21, 2014. A review of the job specification reveals that the title of Account Clerk performs significantly different duties than an individual in the title of Principal Account Clerk. In addition, the appointing authority asserts that Aftanis did not perform any complex clerical duties involving computing, classifying, verifying or recording numerical data, nor did she perform any supervisory duties. Accordingly, based on the foregoing, there is sufficient justification for an appointment waiver.

Although the appointment waiver is granted, 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. Thus, although the request for a waiver is granted, it is appropriate that the appointing authority be assessed for the costs of the selection process.

## **ORDER**

Therefore, it is ordered that the appointment waiver be granted. Additionally, the Civil Service 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 decision.

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 7<sup>TH</sup> DAY OF OCTOBER, 2015

Robert M. Czech Chairperson

Civil Service Commission

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