



STATE OF NEW JERSEY

In the Matter of Investigator County
Welfare Agency (C0373C),
Cumberland County

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

CSC Docket No. 2022-2076

Appointment Waiver

ISSUED: MAY 23, 2022 (AMR)

Cumberland County requests permission not to make an appointment from the December 13, 2021 certification for Investigator County Welfare Agency (C0373C), Cumberland County.

The record reveals that Cumberland County requested an examination for the non-bilingual Investigator County Welfare Agency title due to the impending retirement of Carmen Amberths, who was serving permanently in the Investigator County Welfare Agency, Bilingual in Spanish and English title. An examination was announced with a closing date of September 21, 2021, that resulted in a list of eight eligibles promulgating on December 9, 2021 with an expiration date of December 8, 2024. It is noted that on February 25, 2022, Amberths notified Cumberland County that she was rescinding her retirement application. Therefore, there was no longer an anticipated vacancy for the non-bilingual title. It is further noted that 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 certification and requested a waiver of the appointment requirement, stating that the rescinding of Amberths' retirement negated the need to hire for the subject title.

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appointing authority reaffirmed that Amberths had rescinded her retirement and requested a waiver of the selection cost.

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 impending retirement of Amberths. However, after a complete certification was issued, the appointing authority requested an appointment waiver, explaining that Amberths had rescinded her retirement request, and there was no longer a need to fill a position with the subject title.¹ Thus, in conjunction with the fact that there are no provisionals currently serving in the subject title, 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's determination that it no longer needed to appoint an Investigator County Welfare Agency after it requested an examination does not provide a basis on which to waive the selection costs. Thus, although a waiver of the appointment requirement is granted, it is appropriate that the appointing authority be assessed \$2,048 for the costs of the selection process.

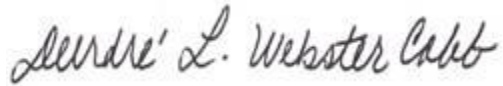
ORDER

Therefore, it is ordered that a waiver of the appointment requirement be granted. Additionally, the 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 order.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

¹ As noted, Amberths is serving in the bilingual title and the subject title is the non-bilingual title.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 18TH DAY OF MAY, 2022



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