

CSC
B-24



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Accounting Assistant
(M0522P), Irvington Township

Appointment Waiver

CSC Docket No. 2014-2125

ISSUED: OCT 22 2014 (HS)

Irvington Township requests permission not to make an appointment from the November 26, 2012 certification for Accounting Assistant (M0522P).

The record reveals that the appointing authority provisionally appointed Shazil Grisham, pending open-competitive examination procedures, to the title of Accounting Assistant, effective September 12, 2011. As a result of this provisional appointment, an examination for the title was announced with a closing date of July 9, 2012. Fourteen of the applicants, none of whom were veterans, were admitted to the examination which was processed as an evaluation of education and experience. Grisham applied for the examination but was deemed ineligible. The resulting eligible list of 14 names promulgated on November 22, 2012 and expires on November 21, 2015. The appointing authority took no action to obviate the need for the examination. On November 26, 2012, the names of all 14 eligibles were certified from the eligible list. Notices were sent to the appointing authority indicating that it was in violation of Civil Service rules based on its failure to dispose and return the certification. Subsequently, the appointing authority returned the certification, requesting cancellation of the certification and indicating that Grisham had been removed from the Accounting Assistant 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. The

appointing authority was afforded an opportunity to present arguments why such an assessment should not occur, but no further submissions were received.

Agency records indicate that Grisham was provisionally appointed, pending open-competitive examination procedures, to the title of Payroll Clerk, effective January 1, 2013. Grisham subsequently received a regular appointment to the title of Payroll Clerk, effective February 9, 2013.¹ Agency records also indicate that currently there are no individuals serving provisionally in the subject title with the appointing authority.

A review of the job specification for Accounting Assistant reveals that an individual in that title typically performs preliminary accounting work involved in preparing financial records and in maintaining an accounting system. A review of the job specification for Payroll Clerk reveals that an individual in that title typically does routine clerical work relating to the review, verification and preparation of payroll or personnel records and may keep time and work records.

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 examination for the subject title was generated as a result of the provisional appointment of Grisham. However, after a complete certification was issued, the appointing authority indicated that no appointment would be made and that Grisham had been removed from the subject title. In addition, the appointing authority appointed Grisham provisionally, pending open-competitive examination procedures, to the title of Payroll Clerk, and Grisham subsequently received a regular appointment to that title. A review of the relevant job specifications indicates that a Payroll Clerk performs duties sufficiently different from those of an Accounting Assistant. In this regard, an Accounting Assistant typically performs preliminary accounting work involved in preparing financial records and in maintaining an accounting system. However, a Payroll Clerk typically does routine clerical work relating to the review, verification and

¹ The Civil Service Commission reallocated the title of Payroll Clerk, among other titles, from the competitive division to the non-competitive division, effective February 9, 2013. Provisional employees serving in the title received regular appointments and began serving their working test period on the effective date. See *In the Matter of Reallocation of State, Local and Common Titles from the Competitive to the Non-Competitive Division of the Career Service, Phase 3* (CSC, decided February 6, 2013).

preparation of payroll or personnel records and may keep time and work records. Moreover, there is no one currently serving provisionally in the subject title with the appointing authority. Accordingly, based on the foregoing, sufficient justification exists for an appointment waiver.

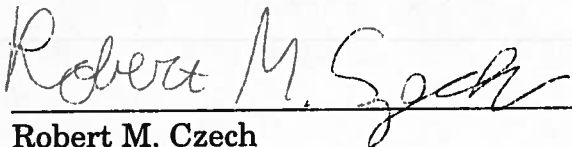
Although the appointment waiver is granted, both *N.J.S.A. 11A:4-5* and *N.J.A.C. 4A:10-2.2(a)2* state that if an appointing authority receives permission not to make an appointment, it can be ordered to reimburse the costs of the selection process. While administering examinations and providing the 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. In the instant situation, although a valid reason for not making an appointment from the subject eligible list exists, the appointing authority has failed to provide a sufficient basis for not being charged for the costs of the selection process which produced the subject eligible list. Therefore, it is appropriate that the appointing authority be assessed for the costs of the selection process.

ORDER

Therefore, it is ordered that the appointing authority be granted a waiver of the appointment requirement. Additionally, the Civil Service Commission orders that the appointing authority be assessed 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 22ND DAY OF OCTOBER, 2014



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