

Keyboarding Clerk 1. It also indicated that, on February 27, 2012, a determination was made that the employee's duties and responsibilities were commensurate with the title of Administrative Analyst. However, the Civil Service Commission conducted a pre-appointment eligibility evaluation on Pinkowitz and found that she was below the minimum requirements to hold the title of Administrative Analyst. In addition, it indicated that, per Civil Service Commission's direction, the previous Business Administrator reassigned Pinkowitz to her permanent title and duties. On April 12, 2012, Pinkowitz's title was changed to Senior Community Relations Specialist. Jersey City states that its records indicate that the transaction was rescinded, but not in the CAMPS system, which generated an announcement and a certification for Senior Community Relations Specialist. Therefore, it requests that the Civil Service Commission grant the request for an appointment waiver and waive the assessment of examination costs.

Jersey City supplemented its request and reiterated its previous arguments and explained that Pinkowitz was reassigned to her permanent title and duties due to a complete list or special reemployment list [for Administrative Analyst] created at that time. In addition, it argued that paperwork submitted in error via the CAMPS system caused Pinkowitz's title to be changed to Senior Community Relations Specialist and, according to Jersey City's records, that change was eventually rescinded. However, the transaction generated the announcement and certification (OL130810) for Senior Community Relations Specialist.

Personnel records reveal that Pinkowitz was separated from her provisional employment, effective April 12, 2013.

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 Pinkowitz. After a complete certification was issued, Jersey City requested an appointment waiver, stating that, although Pinkowitz's title was changed to Senior Community Relations Specialist, its records indicate that the transaction was rescinded, but not in the CAMPS system, which generated an announcement and a certification for Senior Community Relations Specialist. In addition, Personnel records reveal that Pinkowitz was separated from her provisional employment effective April 12, 2013. Accordingly, based on the foregoing, there is sufficient justification for an appointment waiver.

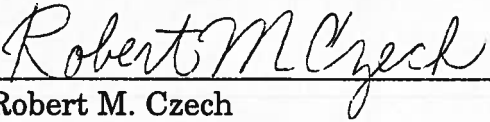
Although the appointment waiver is granted, both *N.J.S.A.* 11A:4-5 and *N.J.A.C.* 4A:10-2.2(a)2 state that if an appointing authority receives permission not to make an appointment, it can be ordered to reimburse the costs of the selection process. While administering examinations and providing the 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. In the instant situation, Jersey City states that it should not be assessed selection costs due to paperwork submitted in error via the CAMPS system, the change was eventually rescinded, and the transaction generated the announcement and certification for Senior Community Relations Specialist. However, it is the appointing authority's responsibility to notify the Civil Service Commission of the changes to employees' titles to update the CAMPS records. Accordingly, 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 Jersey City 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 22ND DAY OF OCTOBER 2014



Robert M. Czech
Chairperson
Civil Service Commission

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