CSC
B-29

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Storekeeper (M0576R), Vineland

Appointment Waiver

CSC Docket No. 2014-2405

ISSUED: OCT 2 2 2014 (HS)

Vineland requests permission not to make an appointment from the November 12, 2013 certification for Storekeeper (M0576R).

The record reveals that the appointing authority provisionally appointed Robert Von-Suskil, pending open-competitive examination procedures, to the title of Storekeeper, effective April 8, 2013. As a result of this provisional appointment, an examination for the title was announced with a closing date of June 12, 2013. Von-Suskil and five of the applicants were admitted to the examination which was processed as a qualifying examination, *i.e.*, applicants who met the announced requirements were given the same score, except that veterans were ranked first. The resulting eligible list of six names promulgated on November 7, 2013 and expires on November 6, 2016. 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 November 12, 2013, the names of all six eligibles, including Von-Suskil as the first ranked veteran eligible, were certified from the eligible list. The appointing authority returned the certification and requested an appointment waiver. In its request for an appointment waiver, the appointing authority asserted that it was not filling the position of Storekeeper due to budgetary constraints and that the provisional employee had been returned to his permanent 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 Von-Suskil was returned to his permanent title of Laborer 1, effective March 10, 2014. Agency records also indicate that currently there are no individuals serving in the subject title with the appointing authority.

A review of the job specification for Storekeeper reveals that an individual in that title typically has charge of and coordinates the receiving, storing, inventorying and issuing of supplies, parts and equipment. A review of the job specification for Laborer 1 reveals that an individual in that title typically performs varied types of manual and unskilled laboring work and may drive a truck in connection with laboring work on occasion.

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 Von-Suskil. After a complete certification was issued, the appointing authority requested an appointment waiver due to budgetary constraints. In addition, the appointing authority returned Von-Suskil to his permanent title of Laborer 1. A review of the relevant job specifications indicates that a Laborer 1 performs duties sufficiently different from those of a Storekeeper. In this regard, a Storekeeper has charge of and coordinates the receiving, storing, inventorying and issuing of supplies, parts and equipment. However, a Laborer 1 performs varied types of manual and unskilled laboring work and may drive a truck in connection with laboring work on occasion. Moreover, there is no one currently serving in the subject title with the appointing authority. Accordingly, based on the foregoing, the appointing authority has presented sufficient justification for an appointment waiver.

Although the appointing authority's petition for a 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 the appointing authority has shown a valid reason for not making an appointment from the subject eligible list, it 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 request for the waiver of the appointment requirement be granted. 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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