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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Electronics Systems
Technician (M0526R), Vineland
School District

Appointment Waiver

CSC Docket No. 2014-2898

ISSUED: **AUG 14 2014** (HS)

Vineland School District requests permission not to make an appointment from the November 12, 2013 certification for Electronics Systems Technician (M0526R).

The record reveals that Vineland School District provisionally appointed Andrew Nelson, pending open-competitive examination procedures, to the title of Electronics Systems Technician, effective March 18, 2013. As a result of this provisional appointment, an examination for the title was announced with a closing date of June 3, 2013. Nelson and four 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 five names, including Nelson as the fourth ranked non-veteran eligible, promulgated on November 7, 2013 and expires on November 6, 2016. On November 12, 2013, the names of all five eligibles, including three veterans, were certified from the eligible list. Vineland School District returned the certification and requested an appointment waiver.

In its request for an appointment waiver, Vineland School District asserted that it was not filling the position of Electronics Systems Technician due to budgetary constraints. It also requested that this agency "consider waiving any violation."

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, Vineland School District submitted a check in the amount of \$2,048.

Agency records indicate that Nelson was provisionally appointed, pending open-competitive examination procedures, to the title of Heating and Air Conditioning Mechanic, effective May 19, 2014. Agency records indicate there is currently no one serving provisionally in the subject title with the appointing authority.

A review of the job specification for Electronics Systems Technician reveals that an individual in that title typically tests, troubleshoots and repairs electrical components, microprocessors, computer board components, audiovisual equipment, fire and security alarm systems and wiring systems; monitors network frequencies; and provides technical advice to staff, peers and management. A review of the job specification for Heating and Air Conditioning Mechanic reveals that an individual in that title maintains and repairs heating, ventilating and air conditioning equipment under direction.

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 Nelson. After a complete certification was issued, Vineland School District requested an appointment waiver due to budgetary constraints. In addition, Vineland School District appointed Nelson provisionally, pending open-competitive examination procedures, to the title of Heating and Air Conditioning Mechanic. A review of the relevant job specifications indicates that a Heating and Air Conditioning Mechanic performs sufficiently different duties than an Electronics Systems Technician. In this regard, an Electronics Systems Technician typically tests, troubleshoots and repairs electrical components, microprocessors, computer board components, audiovisual equipment, fire and security alarm systems and wiring systems. However, a Heating and Air Conditioning Mechanic maintains and repairs heating, ventilating and air conditioning equipment. Moreover, there is no one currently serving provisionally in the subject title. Accordingly, based on the foregoing, Vineland School District has presented sufficient justification for an appointment waiver.

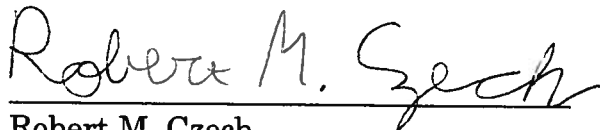
Although Vineland School District's petition for a waiver is granted, both *N.J.S.A. 11A:4-5* and *N.J.A.C. 4A:10-2.2(a)2* state that if an appointing authority receives permission not to make an appointment, it can be ordered to reimburse the costs of the selection process. While administering examinations and providing the names of eligible job candidates to the jurisdictions under the merit 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 Vineland School District 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. Moreover, Vineland School District submitted a check in the amount of \$2,048 for the costs of the selection process. Therefore, since Vineland School District has conceded that it is responsible for those costs, it is appropriate that Vineland School District 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 Vineland School District be assessed for the costs of the selection process but notes that the costs have already been remitted.

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 13TH DAY OF AUGUST, 2014



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