

Agency records indicate that Abbott was provisionally appointed, pending open competitive requirements to the title of Keyboarding Clerk 3, effective June 1, 2013. Agency records also indicate that currently there are no individuals in the subject title with the appointing authority.

A review of the job specification for Keyboarding Clerk reveals that an individual in that title performs varied, complex clerical work involving the processing of documents in a variety of functions; takes the lead and/or performs the more difficult and complex clerical work requiring the utilization of keyboarding or typing skills and the application of independent judgment; formats and key enters/types correspondence, documents, reports, charts and other materials on a computer console, typewriter, or other key entry device used by the agency; and takes the lead over other clerical employees. A review of the job specification for Senior Employee Benefits Clerk reveals that an individual in that title performs responsible clerical work of moderate complexity and/or takes the lead over other employees involved in the processing of enrollments, adjustments, terminations and additions for employee insurance, hospitalization, benefits and pension plans.

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 the result of the provisional appointment of Abbott. However, after a complete certification was issued, the appointing authority requested an appointment waiver due to job expansion and indicated that as a result, Abbott was assigned different duties and was provisionally appointed, pending open competitive examination procedures to the title of Keyboarding Clerk 3. A review of the relevant job specifications indicates that an individual in the title of Keyboarding Clerk 3 performs sufficiently different duties than an individual in the title of Senior Employee Benefits Clerk. Moreover, agency records reveal that there are no employees serving in the subject title with the appointing authority. Based on the foregoing, there is 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 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

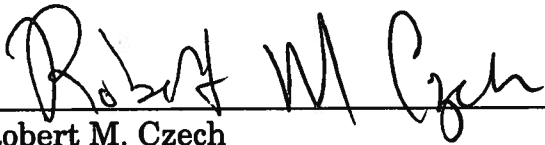
appointing authorities fail to utilize the resulting eligible lists to make appointments and candidates have needlessly expended their time, efforts and money to take these examinations in hopes of being considered for a permanent appointment. Moreover, reimbursement of selection costs pursuant to *N.J.S.A. 11A:4-5* and *N.J.A.C. 4A:10-2.2(a)2* does not place an undue burden on the appointing authority or prohibit it from looking towards other cost saving measures. Thus, although a waiver 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 the request for a waiver of the appointment requirement be granted. Additionally, the 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.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 16 DAY OF JULY, 2014



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