

B-15



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Keyboarding Clerk 2
(M0248S), Maurice River Township
School District

Appointment Waiver Request

CSC Docket No. 2015-2455

ISSUED: APR 20 2015 (LDH)

Maurice River Township School District requests permission not to make an appointment from the September 22, 2014 certification for Keyboarding Clerk 2 (M0248S).

The record reveals that the appointing authority provisionally appointed Susan Senlick, pending open-competitive examination procedures to the title of Keyboarding Clerk 2, effective June 24, 2013. As a result of the provisional appointment, an examination was announced with a closing date of May 9, 2014. The resulting eligible list of 13 names, including Senlick's name, promulgated on September 18, 2014 and expires on September 17, 2017. 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 September 22, 2014, the names of 12 eligibles, including Senlick, who was tied as the 10th ranked eligible, were certified from the subject eligible list. The appointing authority returned the certification and requested an appointment waiver as it was unable to make an appointment due to fiscal constraints. It maintained that as a result it appointed Senlick to the non-competitive title of Keyboarding Clerk 1, effective October 22, 2014.

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,

the appointing authority asserts that it cannot make an appointment because of financial reasons. It states that it will be leaving the Keyboarding Clerk 2 position vacant and filling the lower titled position of Keyboarding Clerk 1 to lessen salary, as well as salary increases over future years. Lastly, it states that it is trying to be financially efficient in many areas because of reduction in the amount of \$42,888 in school choice aid.

Agency records reveal that Senlick was appointed to the non-competitive title of Keyboarding Clerk 1, effective October 22, 2014. Personnel records further reveal that there are no employees in the subject title serving provisionally, pending an open competitive examination, with the appointing authority.

A review of the job specification for Keyboarding Clerk 1 reveals that an individual in that title performs routine, repetitive clerical work involving the processing of documents in a variety of functions. A review of the job specification for Keyboarding Clerk 2 reveals that an individual in that title performs moderately complex and non-routine clerical work involving the processing of documents in a variety of functions

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 title of Keyboarding Clerk 2 was generated as a result of the provisional appointment of Senlick. After a complete certification was issued, the appointing authority indicated that Senlick was appointed to the non-competitive title of Keyboarding Clerk 1. A review of the job specification reveals that the non-competitive title of Keyboarding Clerk 1 performs lower level clerical duties than an individual in the title of Keyboarding Clerk 2. 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

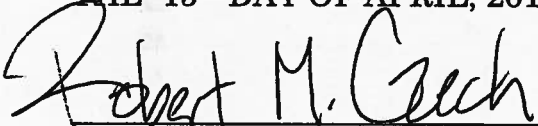
candidates have needlessly expended their time, effort and money to take these examinations in hopes of being considered for a permanent appointment. In the instant situation, the appointing authority requested that it not be charged for the examination process because of a reduction of school choice aid. Although the Commission is sympathetic to the fiscal constraints faced by the appointing authority, those constraints are no more significant than those faced by any other local jurisdiction. Thus, 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 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 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 15th DAY OF APRIL, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Patricia Powell
Kenneth Connolly
Beth Wood

