

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. No further arguments were received.

Agency records reveal that Bickerton was appointed to the non-competitive title of Biologist Trainee, effective January 26, 2015. Personnel records further reveal that no employees are serving in the subject title with the appointing authority.

A review of the job specification for Biologist, Mosquito Extermination reveals that an individual in that title performs laboratory field work requiring application of biological and closely related principles and techniques. A review of the job specification for Biologist Trainee reveals that an individual in that title works in a specialized field requiring the application of biological principles.

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 subject examination was generated as a result of the provisional appointment of Bickerton. After a complete certification was issued, the appointing authority indicated that Bickerton was appointed to the non-competitive title of Biologist Trainee. A review of the job specification reveals that the non-competitive title of Biologist Trainee performs significantly different duties than an individual in the title of Biologist, Mosquito Extermination. 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 budgetary constraints. Although the Commission is

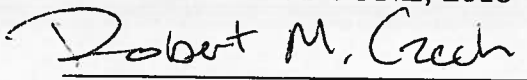
sympathetic to the fiscal constraints faced by the appointing authority, those constraints are no more significant than those faced by any other local jurisdiction. Thus, although the request for a waiver is granted, it is appropriate that the appointing authority be assessed for the costs of the selection 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 3rd DAY OF JUNE, 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: John O. Grun
Kenneth Connolly
Joseph Gambino
Beth Wood