



STATE OF NEW JERSEY

In the Matter of Food Service
Manager (C0539W), Bergen County

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

CSC Docket No. 2022-1024

Administrative Appeal

ISSUED: FEBRUARY 18, 2022 (BW)

The matter of Bergen County’s failure to make an appointment from the OL180976 certification of the Food Service Manager (C0539W), Bergen County list, has been referred to the Civil Service Commission (Commission) for review.

In *In the Matter of Food Service Manager (C0539W), Bergen County* (CSC, decided September 25, 2019), the Commission granted the request of Bergen County for an appointment waiver from the September 17, 2018, OL181204 certification and ordered that no selection costs would be assessed at that time since there was a possibility that the list could be utilized prior to its expiration. However, the appointing authority did not utilize the subject eligible list prior to its October 24, 2021, expiration and the matter of the assessment of costs is now before the Commission.

Agency records show that one certification was issued from the subject eligible list on September 17, 2018. However, no appointments were made, and no additional certifications were requested. Therefore, Bergen County was notified that since the eligible list was not utilized by its expiration date, the matter of the costs for the selection process in the amount of \$2,084 would be forwarded to the Commission for a determination. However, no response was received.

CONCLUSION

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 impeded 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. The amount of \$2,048 has been determined to be the cost of the selection process for open competitive examinations for local government positions.

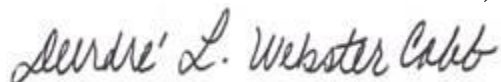
In the instant matter, the appointing authority has failed to provide a sufficient basis for not being charged for the costs of the selection process which produced the subject eligible list. In this regard, the Commission granted the request for an appointment waiver and deferred costs noting that the appointing authority could still use the subject eligible list prior to its expiration on September 12, 2021. However, agency records indicate that it failed to do so and has not responded to the instant matter. Thus, it is appropriate that the appointing authority be assessed the costs of the selection process.

ORDER

Therefore, it is ordered that Bergen County be assessed 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 16TH DAY OF FEBRUARY, 2022



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