



STATE OF NEW JERSEY

In the Matter of Social Worker
(C1163A), Bergen County

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2023-1646

Administrative Appeal

ISSUED: May 3, 2023 (AMR)

In *In the Matter of Social Worker (C1163A), Bergen County* (CSC, decided June 29, 2022), the Civil Service Commission (Commission) granted the request of Bergen County for an appointment waiver for the February 6, 2020 certification and ordered that no selection costs would be assessed at that time since there was a possibility that the eligible list could be utilized prior to its expiration. However, the appointing authority did not utilize the subject eligible list and the matter of the assessment of costs is now before the Commission.

Agency records reveal that the February 6, 2020 certification was issued from the subject eligible list. The certification was cancelled on July 6, 2022 and no appointments were made.¹ Therefore, Bergen County was notified that since the eligible list was not utilized by its February 5, 2023 expiration date, the matter of the costs for the selection process in the amount of \$2,048 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

¹ It is noted that a second certification was issued on January 11, 2023 from the subject eligible list for the Bergen County Board of Social Services. However, it was cancelled since a promotional eligible list was requested.

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. 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 situation, although the appointing authority had shown a valid reason for not making an appointment from the subject eligible list, it has not provided a sufficient basis for not being charged for the costs of the selection process which produced the subject eligible list, nor is it challenging the costs in this matter. In this regard, the examination for the subject title was generated based on the appointing authority's need to fill a vacancy. However, after a complete certification was issued, the appointing authority requested an appointment waiver due to the separation of the provisional appointee. It also indicated that it would "endeavor to make an appointment prior to expiration" of the subject eligible list. However, agency records indicate that it failed to do so. Thus, based on the foregoing, it is appropriate that the appointing authority be assessed the costs of the selection process.

ORDER

Therefore, it is ordered that the 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 3RD DAY OF MAY, 2023



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