



**STATE OF NEW JERSEY**

In the Matter of Clerk 2 (M0342B),  
Elizabeth Public Library

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

CSC Docket No. 2025-461

Administrative Appeal

**ISSUED:** November 7, 2024 (AMR)

In *In the Matter of Clerk 2 (M0342B), Elizabeth Public Library* (CSC, decided April 27, 2022), the Civil Service Commission (Commission) granted the request of Elizabeth Public Library for an appointment waiver for the August 17, 2021 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 one certification was issued from the subject eligible list on August 17, 2021. However, the certification was cancelled on May 4, 2022 and no appointments were made. Therefore, the Elizabeth Public Library was notified that since the eligible list was not utilized by its expiration date, which was August 11, 2024, the matter of the costs for the selection process in the amount of \$2,048 would be forwarded to the Commission for a determination. The Elizabeth Public Library responded by asking that the selection costs of \$2,048 be waived, claiming that there were 31 eligible candidates on the subject certification, nine of whom resided in Elizabeth. It maintained that while these candidates may have passed the Clerk 2 examination, they did not match the requirements for the job for which the library was hiring. It stated that the more appropriate title for the subject position should have been Office Manager. Additionally, the appointing authority presented that the candidates who sent applications had retail experience, and not office experience. It maintained that the candidates seemed capable of working as

cashiers and stock clerks, but they did not possess the ability or had the past experience of managing an office, creating purchase orders, scheduling room reservations, managing a schedule for a staff of 60, composing letters or taking minutes for board meetings. Therefore, the appointing authority asserted that as the announcement was inadvertently announced under an incorrect title, a waiver of the selection costs should be granted.

## 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 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.

By way of background, the appointing authority had previously shown a valid reason for not making an appointment from the subject eligible list. In that regard, the examination for the subject title was generated based on the appointing authority's appointment of a provisional employee. However, after a complete certification was issued, the appointing authority requested an appointment waiver, stating that the provisional position had been "discontinued" as of November 2021 and a permanent appointment would not be made. It also indicated that it could not "discount the possibility that [it would] use the symbol before it expires, as [it is] continually facing staff changes." The appointing authority also asked the Commission to consider the difficulties that COVID-19 had imposed upon it in considering its request for an appointment waiver. Upon review, the Commission granted the appointment waiver and deferred a determination as to the assessment of costs.

In the instant situation, agency records confirm that the appointing authority did not make an appointment before the August 11, 2024 expiration date. In response, the Elizabeth Public Library now maintains that the announcement was inadvertently announced under an incorrect title and the more appropriate title for the subject position should have been Office Manager. Therefore, it requested that the selection costs of \$2,048 be waived. Nonetheless, the fact remains that the appointing authority did not utilize the subject eligible list prior to its expiration, and although it now maintains that it utilized the incorrect title for the position, it did not take any action to obviate the need for the examination at the time of the announcement or prior to its processing. Moreover, it initially appointed an

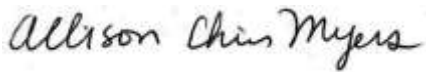
individual provisionally to the subject title. Under these circumstances, it is therefore appropriate that the appointing authority be assessed the costs of the selection process.

### ORDER

Therefore, it is ordered that the Elizabeth Public Library 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 6<sup>TH</sup> DAY OF NOVEMBER, 2024




---

Allison Chris Myers  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: Mary Faith Chmiel  
Division of Human Resource Information Services  
Division of Appeals and Regulatory Affairs  
Records Center