



**STATE OF NEW JERSEY**

In the Matter of Police Aide (M0686E),  
Union Township

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

CSC Docket No. 2024-1959

Appointment Waiver

**ISSUED: June 12, 2024 (AMR)**

Union Township requests permission not to make an appointment from the November 13, 2023 certification for Police Aide (M0686E), Union Township.

The record reveals that Union Township provisionally appointed Dragan Ristovski, pending open competitive examination procedures, to the subject title effective February 1, 2022. An examination was announced with a closing date of July 21, 2023, that resulted in a list of 19 eligibles promulgating on November 9, 2023 and expiring on November 8, 2026. It is noted that Ristovski was separated from his provisional position when he was appointed permanently to the title of Community Service Aide effective March 2, 2024. Additionally, there are currently no employees serving provisionally pending open competitive examination procedures in the subject title with the appointing authority.

The appointing authority returned the subject certification and requested a waiver of the appointment requirement, indicating that due to budget constraints, it would be unable to make an appointment at this time. Additionally, the appointing authority stated that it would “reconsider this position at a later date when funds are more available.”

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. Despite the opportunity,

the appointing authority did not provide any additional information for the Civil Service Commission (Commission) to review.

## 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 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 subject title was generated as a result of the provisional appointment of Ristovski. However, after a complete certification was issued, the appointing authority requested an appointment waiver claiming that, due to budgetary constraints, it was unable to make an appointment at this time and that it would reconsider the position when funds are more available. Moreover, it is noted that Ristovski was separated from his provisional position when he was appointed permanently to the title of Community Service Aide effective March 2, 2024. Thus, in conjunction with the fact that there are no provisionals currently serving, there is a sufficient justification for an appointment waiver.

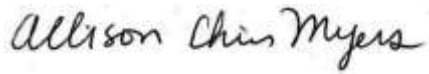
Although an appointment waiver is granted in this matter, both *N.J.S.A.* 11A:4-5 and *N.J.A.C.* 4A:10-2.2(a)2 state that if an appointing authority receives permission not to make an appointment, it can be ordered to reimburse for the costs of the selection process. While administering examinations 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, efforts and money to take these examinations in hopes of being considered for a permanent appointment. In this case, the Commission notes that the list in question will not expire until November 8, 2026. Further, the appointing authority has indicated that although an appointment will not be made at this time, it may reconsider the position, and hence, utilize the subject eligible list once its budgetary constraints have been lifted. Accordingly, under the particular circumstances of this matter, it would not be appropriate to assess the appointing authority for the costs of the selection process at this time. Nevertheless, in the event it fails to utilize the subject eligible list by its expiration date of November 8, 2026, this matter can be reviewed to ascertain whether an assessment for the costs of the selection process should be made.

**ORDER**

Therefore, it is ordered that the request for the waiver of the appointment requirement be granted and no selection costs presently be assessed.

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 12<sup>TH</sup> DAY OF JUNE, 2024



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