



STATE OF NEW JERSEY

In the Matter of Accounting Assistant
(C1113D and C0761E),
Bergen County

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

CSC Docket No. 2024-2186

Appointment Waiver

ISSUED: July 24, 2024 (AMR)

Bergen County requests permission not to make an appointment from the November 2, 2023 certification for Accounting Assistant (C1113D and C0761E).

The record reveals that Bergen County provisionally appointed Carol Matiz, pending open competitive examination procedures, to the subject title effective March 20, 2023. An examination (C0761E) was announced with a closing date of July 21, 2023, that resulted in a list of five eligibles with an expiration date of November 1, 2026.¹ It is noted that Matiz was separated from her provisional position when she was appointed provisionally to the title of Program Monitor, Bilingual Spanish and English effective March 1, 2024. Additionally, there are currently no employees serving provisionally pending open competitive 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 it would endeavor to utilize the eligible lists (C1113D and C0761E) prior to their expiration dates.

¹ It is noted that an examination (C1113D) was announced for Accounting Assistant on September 1, 2022 that only resulted in an incomplete eligible list with one eligible which promulgated on December 15, 2022 and expires on December 14, 2025. Therefore, the eligible candidate was certified first with the certification for C0761E.

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.

In response, the appointing authority states that it had been determined that the Accounting Assistant title was not appropriate based on Matiz's role, and therefore, she was appointed provisionally to the title of Program Monitor, Bilingual Spanish and English. Thus, it maintains that there is no need to hire an Accounting Assistant at this time.

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 (C0761E) for the subject title was generated as a result of the provisional appointment of Matiz. However, after a complete certification was issued, the appointing authority requested an appointment waiver stating that it would endeavor to utilize the eligible lists prior to their expiration. Moreover, it noted that the Accounting Assistant title was not appropriate, and therefore, Matiz was separated from her provisional position and was appointed provisionally to the title of Program Monitor, Bilingual Spanish and English effective March 1, 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 eligible lists (C1113D and C0761E) will not expire until December 14, 2025 and November 1, 2026, respectively. Further, the appointing authority has indicated that although an appointment will not be made at this time, it will endeavor to utilize the subject eligible lists prior to their expiration. Accordingly, under the particular

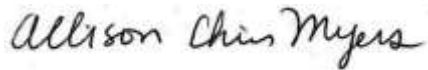
circumstances of this matter, it would not be appropriate to assess the appointing authority for the costs of the selection process at this time. Nevertheless, in the event it fails to utilize the subject eligible lists by their expiration, this matter can be reviewed to ascertain whether an assessment 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 24TH DAY OF JULY, 2024



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