



**STATE OF NEW JERSEY**

In the Matter of Human Resource  
Coordinator (M0842E), Roselle

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

CSC Docket No. 2024-2078

Appointment Waiver

**ISSUED: July 3, 2024 (AMR)**

Roselle requests permission not to make an appointment from the February 12, 2024 certification for Human Resource Coordinator (M0842E).

The record reveals that Roselle provisionally appointed Kheesha Walls, pending open competitive examination procedures, to the subject title, effective February 28, 2022. An examination was announced with a closing date of August 21, 2023, that resulted in a list of eight eligibles with an expiration date of February 7, 2027. It is noted that Walls was separated from her provisional position effective December 21, 2023. 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 due to ongoing restructuring aimed at streamlining operational efforts, it would be unable to make an appointment from the subject eligible list at this time. Additionally, the appointing authority stated that it plans to utilize the list in the future.

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 Walls. However, after a complete certification was issued, the appointing authority requested an appointment waiver claiming that, due to ongoing restructuring aimed at streamlining operational efforts, it would be unable to make an appointment from the subject eligible list at this time and that it plans to utilize the list in the future. Moreover, Walls was separated from her provisional position effective December 21, 2023. Thus, in conjunction with the fact that there are no provisionals currently serving, there is a sufficient justification for an appointment waiver.

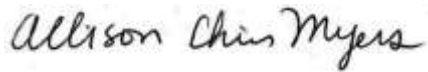
Although an appointment waiver is granted in this matter, both *N.J.S.A.* 11A:4-5 and *N.J.A.C.* 4A:10-2.2(a)2 state that if an appointing authority receives permission not to make an appointment, it can be ordered to reimburse for the costs of the selection process. While administering examinations 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 February 7, 2027. Further, the appointing authority has indicated that although an appointment will not be made at this time, it intends to utilize the subject eligible list in the future. 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 February 7, 2027, 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 3<sup>RD</sup> DAY OF JULY, 2024



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