



STATE OF NEW JERSEY

In the Matter of Supervisor of
Professional Residential Services
(PS4037K), Department of Human
Services

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

CSC Docket No. 2025-1541

Appointment Waiver

ISSUED: May 21, 2025 (HS)

The Department of Human Services requests permission not to make an appointment from the August 23, 2024 certification for Supervisor of Professional Residential Services (PS4037K) (Title Code 60635).

The record reveals that the appointing authority provisionally appointed Yolanda Parker, pending promotional examination procedures, to the title of Supervisor of Professional Residential Services, effective December 31, 2022. As a result of this provisional appointment, an examination for the title was announced with a closing date of November 21, 2023. Nine applicants were admitted to the examination, which was processed using the Supervisory Test Battery. Parker applied for the examination but did not pass. The resulting eligible list of three non-veterans promulgated on June 6, 2024 and expires on June 5, 2026. On August 23, 2024, their names were certified from the eligible list. Subsequently, the appointing authority requested an appointment waiver to maintain efficiency in the Green Brook Regional Center Residential Services Department. Specifically, it stated that given the recent appointment of a Director of Professional/Residential Services and current budgetary restraints and hiring directives, the subject position was not mission critical at this time and Parker was no longer serving provisionally in the title. However, the appointing authority indicated that as it looked to restructure and streamline operational effectiveness, it may have plans to utilize the eligible 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 \$1,602. No additional arguments were submitted.

Agency records indicate that Parker was returned to her permanent title of Head Cottage Training Supervisor, effective January 11, 2025. Agency records also indicate that currently there are no individuals serving in the subject title with the appointing authority.

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 for a list 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 Parker. However, after a complete certification was issued, the appointing authority indicated that no appointment would be made as the position was not mission critical in light of current budgetary restraints and hiring directives. It also noted that Parker was returned to her permanent title of Head Cottage Training Supervisor. Moreover, there is no one currently serving in the subject title with the appointing authority. Accordingly, based on the foregoing circumstances, there is sufficient justification for an appointment waiver.

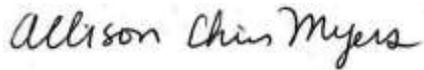
Although the appointment waiver is granted, both *N.J.S.A.* 11A:4-5 and *N.J.A.C.* 4A:10-2.2(a)2 state that if an appointing authority receives permission not to make an appointment, it can be ordered to reimburse the costs of the selection process. While administering examinations and providing the 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. Nevertheless, the Civil Service Commission notes the appointing authority's indication that it may in the future utilize the eligible list. 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. In the event it fails to utilize the list by its expiration date of June 5, 2026, this matter can be reviewed in such a situation to ascertain whether an assessment for the costs of the selection process should be made. *See e.g., In the Matter of Supervising Administrative Analyst (PS1837I), Department of Corrections* (MSB, decided March 22, 2006) (not appropriate to assess the Department of Corrections for the costs of the selection process since it had indicated its intention to utilize the eligible list prior to its expiration date); *In the Matter of Supervising Administrative Analyst (PS1837I), Department of Corrections* (MSB, decided April 11, 2007) (costs assessed upon the expiration of the eligible list since the Department of Corrections failed to utilize the eligible list and there was no evidence that it had even attempted to utilize the eligible list).

ORDER

Therefore, it is ordered that the appointment waiver 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 21ST DAY OF MAY, 2025



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