STATE OF NEW JERSEY

In the Matter of Sign Maker 3 (C0863G), Union County	:	**FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION**
CSC Docket No. 2026-1427	:	Appointment Waiver

ISSUED: September 23, 2026**(AMRG)**

Union County requests permission not to make an appointment from the September 15, 2025 certification for Sign Maker 3 (C0863G).

The record reveals that the appointing authority provisionally appointed Patricio Perez, pending open competitive examination procedures, to the subject title, effective April 7, 2025. An examination[1] was announced with a closing date of July 21, 2025, that resulted in a list of four eligibles that promulgated on September 11, 2025, and is set to expire on September 10, 2027. Agency records indicate that although Perez applied for the subject examination, he was found ineligible. A certification (OL251214) was issued to the appointing authority on September 15, 2025 and contained the names of all four eligibles.

The appointing authority returned the certification and requested a waiver of the appointment requirement, stating it was not utilizing the subject eligible list at this time and that the provisional appointee would be removed from the subject title.[2]

---

[1] Applicants were required to have completed a vocational, technical or specialized training program in graphic arts, graphic and printing communications or graphic arts technology; and three years of experience in work involving sign design, layout, and lettering, or graphic arts. Applicants could substitute an additional year of the indicated experience for the educational requirement.

[2] A review of the available record finds that Perez was appointed to the title of Sign Maker 1, pending open competitive examination procedures, effective December 12, 2025. The job specification for Sign Maker 1, indicates that eligibles are required to have completed a vocational, technical or specialized training program in graphic arts, graphic and printing communications or graphic arts technology; and one year of experience in work involving sign design, layout, and lettering, or graphic arts.

The appointing authority's request for an appointment waiver was acknowledged, and it was advised that if such request were granted, it could be assessed for the costs of the selection process in the amount of $2,048. The appointing authority responded, reiterating their position in the matter. Additionally, it requested to have the selection cost waived at this time in the event that it becomes necessary to make a future appointment from the eligible list before the expiration date.

CONCLUSION

Initially, in examining the legislative history of *N.J.S.A.* 11A:4-5, in *Local 198 of I.A.F.F. v. Atlantic City*, Docket No. A-855-88T1F (App. Div. June 14, 1989), the court stated that this agency is required to issue a certification automatically where there is a provisional appointee or a vacancy. Moreover, the court concluded that *N.J.S.A.* 11A:4-5 unambiguously stated that once the examination process has been initiated due to the appointment of a provisional employee, the appointing authority must make an appointment from the eligible list if there is a complete certification. Additionally, the court found that this agency was correct in interpreting *N.J.S.A.* 11A:4-5 to find that it was a clear legislative response to pervasive violations of Title 11A, and that non-compliance with this statute is not a mere technical violation, but rather it undermined the purpose and intent of the constitutionally-based merit selection system. The court found that in circumstances such as these, it was appropriate to order the appointing authority to make an appointment. Thus, there is no doubt that the appointing authority must make an appointment from this list if there is a complete certification, that is, one containing the names of at least three interested and eligible candidates. Moreover, the Commission is specifically given the power to assess compliance costs and fines against an appointing authority, including all administrative costs and charges, as well as fines of not more than $10,000, for noncompliance or violation of Civil Service law or rules or any order of the Commission. *N.J.S.A.* 11A:10-3; *N.J.A.C.* 4A:10-2.1(a)2. *See In the Matter of Fiscal Analyst (M1351H), Jersey City*, Docket No. A-4347-87T3 (App. Div. February 2, 1989).

Therefore, 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 Perez. Upon receipt of the complete certification, the appointing authority returned the certification and requested an

---

Applicants who do not possess the required education, could substitute an additional year of the indicated experience.

appointment waiver. In support, it stated that it currently was not utilizing the subject eligible list but may in the future. In addition, Perez, the provisional appointee, is no longer serving in the title of Sign Maker 3. Rather, he received a provisional appointment, pending open-competitive examination procedures, to the title of Sign Maker 1. 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 September 10, 2027, and the appointing authority noted that there is a possibility of appointment before the expiration of the 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. Nevertheless, in the event it fails to utilize the subject eligible list by its expiration date of September 10, 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 23RD DAY OF SEPTEMBER, 2026



Mary Cruz
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Colleen Sullivan
Edwin T. Oatman, County Manager
Laura Scutari
Division of Human Resources Information Services
Division of Appeals and Regulatory Affairs
Records Center