



STATE OF NEW JERSEY

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

In the Matter of Alexandra
Cavagrotti, Environmental Specialist
(C0707A), Morris County

Administrative Appeal

CSC Docket No. 2020-2749

ISSUED: NOVEMBER 6, 2020 (SLK)

Morris County, on behalf of Alexandra Cavagrotti, requests that her name be added to the current outstanding certification OL200294 so that she may be considered for an appointment as an Environmental Specialist from the Environmental Specialist (C0707A), Morris County eligible list.

By way of background, the education requirements for the subject examination was a Bachelor’s degree in environmental, biological or chemical sciences or in environmental engineering. The experience requirements were one year of experience in environmental control work including field investigations and inspections and environmental impact analysis by the August 21, 2019 closing date. A total of 13 individuals applied for the subject examination and five were found eligible. The list promulgated on March 12, 2020 and expires on March 11, 2023. The five names on the eligible list were certified to the appointing authority on March 16, 2020. The disposition of the subject examination has not yet been recorded.

On her application, Cavagrotti indicated that she possessed a Bachelor’s degree in Environmental Studies. Personnel records indicate that she was provisionally serving in the subject title from May 2019 to the August 21, 2019 closing date. She also indicated that she was a Watershed Ambassador for AmeriCorps for a program that was administered by the appointing authority from September 2017 to the present and a part-time Environmental Educator for Ramapo College from October 2018 to May 2019. Additionally, Cavagrotti was a Summer Camp Intern from June 2017 to August 2017 for the Morris County Park System, a Watershed Ambassador for AmeriCorps from September 2016 to July 2017, and a Teaching Assistant/Junior Educator for Ramapo College from February 2015 to August 2016. The Division of Agency Services (Agency Services) credited her with having met the

education requirements, but determined that she lacked the required experience. On initial appeal, Cavagrotti clarified her experience and, based on this clarification, Agency Services added her name to the subject list for prospective opportunities only.

In its request, the appointing authority presents that it received certification OL200294 on March 23, 2020 with a disposition due date of June 16, 2020. Thereafter, due to the current health pandemic, it requested an extension and was given to August 17, 2020 to return the subject certification. It presents that Cavagrotti received July 16, 2020 and July 22, 2020 letters from this agency which first informed her that she was admitted to the subject examination and then provided her score and rank on the subject eligible list. However, these letters did not indicate that she was admitted to the subject examination for future certifications only. Therefore, the appointing authority claims that it was surprised when it received this agency's notification, dated July 27, 2020, which indicated Cavagrotti, its provisional appointee, was being added to the eligible list for future certifications only. Consequently, it requests that Cavagrotti's name be added to certification OL200294 since her initial appeal was approved within the certification extension time. The appointing authority states that it suspects that Cavagrotti was only given prospective relief since the appeal unit was unaware that the certification period was extended. It asserts that it does not want Cavagrotti penalized due to the pandemic and the State shutdown.

CONCLUSION

N.J.A.C. 4A:4-2.1(g) provides that the Civil Service Commission can accept clarifying information in eligibility appeals. For example, information submitted on appeal pertaining to duties in a given position that expands or enlarges information previously submitted is considered clarifying and is accepted.

Initially, it is noted the subject request is untimely. A review of the record indicates that the appointing authority received this agency's July 27, 2020 notification indicating that Cavagrotti was to be added to the subject eligible list for future certifications only on July 30, 2020. The subject request to re-open this matter was received on October 19, 2020, which is well after 20 days from when the appointing authority and/or Cavagrotti knew, or should have known, that her name was added to the subject eligible list for future certifications only. *See In the Matter of Joe Moody, Jr.* (CSC, decided January 15, 2020) and *N.J.A.C.* 4A:2-1.1(b).

Regarding the merits, Agency Services correctly determined that Cavagrotti was initially ineligible for the subject examination because her environmental impact analysis duties were unclear on her application. Specifically, while she stated on her application that she performed visual and biological assessments as a Watershed Ambassador, she did not clearly explain what these duties involved and thus, was properly not credited for that experience. Applicants are required to unambiguously

indicate relative experience on the application. It is impractical, given the thousands of applications reviewed by this agency each year, as well as likely to create inequities in the initial screening process, for reviewers in Agency Services to infer every logical relationship of an applicant's duties to those announced in the requirements. Thus, although it is not unreasonable to assume performance of the required duties, applicants are required to clearly demonstrate that their experience matches that required in the announcement. *See In the Matter of Marcella Longo* (MSB, decided November 4, 2004) and *In the Matter of Rui Reguinho* (MSB, decided October 6, 2004). Similarly, the Appellate Division noted that the onus is not on Agency Services to flesh out the scope of an applicant's prior experience. *See In the Matter of William A. Bailey, Assistant Supervisor, Sewers/Assistant Supervisor, Water*, Docket No. A-5283-02T2 (App. Div. December 30, 2004)

On initial appeal, Cavagrotti explained these duties in more detail and Agency Services thereafter agreed that she met the experience requirements. However, clarifying information that is accepted on appeal **is only for prospective purposes** where there is no error by this agency in its initial determination. *See In the Matter of Michael Lenz* (CSC, decided May 16, 2012). As no such error existed in this matter, but rather, it was Cavagrotti's failure to fully detail her experience, her name was properly not added to the outstanding certification. The rationale for providing this limited remedy is twofold. First, the omission must ensure that candidates compete on a level playing field. Thus, when accepting clarifying information regarding a candidate's eligibility, it would be inherently unfair if the remaining candidates, who did not have an opportunity to add information, were adversely impacted by the equitable remedy that is provided. Secondly, since the onus is on an applicant to demonstrate on the initial application that he or she was qualified for an examination, and Cavagrotti failed to do so, she should not be entitled to any additional benefit. *See In the Matter of Richard Snyder* (MSB, decided October 24, 2007).

ORDER

Therefore, it is ordered that this request be denied.

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 4TH DAY OF NOVEMBER 2020

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