



STATE OF NEW JERSEY

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

In the Matter of Lynne Cox, Office
Supervisor (PS4341K), Department
of Children and Families

Administrative Appeal

CSC Docket No. 2020-924

ISSUED: NOVEMBER 8, 2019 (HS)

Lynne Cox appeals the determinations of the Division of Agency Services (Agency Services) to admit J.S. and Y.R.¹ to the promotional examination for Office Supervisor (PS4341K), Department of Children and Families (DCF).

The subject examination was announced with a closing date of June 21, 2018 and was open to employees who possessed five years of experience in clerical work, three years of which shall have been in a supervisory capacity. The examination was administered as a written test on September 12, 2019. The resulting eligible list containing the names of 15 eligibles, including the appellant and Y.R., promulgated on October 24, 2019 and expires on October 23, 2022. No certifications have issued from the list.

On appeal to the Civil Service Commission (Commission), the appellant states that she personally supervised J.S. while J.S. was serving in the position of Principal Clerk Typist with DCF's Division of Child Protection and Permanency (DCP&P). According to the appellant, J.S. did not supervise in that role. The appellant also states that J.S. had applied for a provisional appointment to Head Clerk with the DCP&P in September 2016. During the interview for that position, according to the appellant, J.S. provided a resume, on file at the DCP&P, that did not list any supervisory roles. In addition, the appellant states that she briefly personally supervised Y.R. while Y.R. was serving in the position of Head Clerk with the DCP&P. According to the appellant, Y.R. did not supervise in that role.

¹ Since J.S. and Y.R. are not parties to this appeal, only their initials have been used in this decision.

The appellant also states that Y.R. had applied for a provisional appointment to Head Clerk with the DCP&P in July 2016 and provided a resume. According to the appellant, Y.R.'s resume was sent to J.D., another co-worker, on July 6, 2016, and that resume did not include any prior supervisory responsibilities.

The appellant further seeks clarity on how this agency determined if an individual was eligible for the subject examination. She questions how this agency verifies if an individual's application is accurate. The appellant states that if an application is taken at "face value," this would be unfair as it would mean that anyone can submit falsified documentation. The appellant "can only assume" that certain documentation submitted with the applications of J.S. and Y.R. were fabricated.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date.

N.J.A.C. 4A:4-2.16(b)1 provides that examination applications shall not be open to public inspection but may be open to inspection by an appointing authority, on condition that the appointing authority not disclose the records to outside persons, where an application was completed by an eligible; the eligible's name has been certified to the appointing authority for appointment; and the appointing authority requests inspection of the application due to a reasonable suspicion that the eligible has submitted inconsistent information regarding his or her qualifications for employment.

Initially, the Commission notes that the application provides the only reliable barometer by which Agency Services can make the initial determination whether to admit or reject an applicant. Agency Services has no other tool to rely on in order to make this initial assessment in an expeditious, fair and efficient manner. Although the appellant states her concern that individuals could falsify their applications, there are several safeguards. In this regard, no applicant may submit an application unless he or she has certified to the completeness and accuracy of the information provided. Applicants are warned that this agency may refuse to examine, or certify after examination, any applicant who makes a false statement of any material fact per *N.J.A.C.* 4A:4-6.2, which provides for various actions that may be taken against disqualified persons. This agency will also consider substantive evidence of falsification when it is presented with such evidence. Further, an appointing authority may request inspection of a certified eligible's application if it has a reasonable suspicion that the eligible has submitted inconsistent information regarding his or her qualifications for employment. *See N.J.A.C.* 4A:4-2.16(b)1. An eligible's name may be removed from an eligible list when the eligible has made a false statement of any material fact or attempted any deception or fraud in any part

of the selection or appointment process. *See N.J.A.C. 4A:4-4.7(a)1 and N.J.A.C. 4A:4-6.1(a)6.*

Turning specifically to the applications of J.S. and Y.R., the appellant asserts that J.S.'s Principal Clerk Typist position and Y.R.'s Head Clerk position cannot be considered qualifying experience. In keeping with the confidentiality of examination applications, the Commission notes only that it was other indicated experience that was credited and qualified them for the examination. Based on a review of their applications and documents submitted to this agency, Y.R. and J.S. were appropriately admitted to the examination. There is no evidence in the record that they falsified their applications.

One final issue warrants comment. The appellant references J.S. and Y.R.'s application and resume submitted in pursuit of provisional Head Clerk positions. The appellant also mentions that Y.R.'s resume had been sent to J.D. It should be noted that individual personnel records, with certain exceptions, are not public records and shall not be released other than to the subject employee, an authorized representative of the employee, or governmental representatives in connection with their official duties. *See N.J.A.C. 4A:1-2.2(b).* Accordingly, the Commission recommends that the appointing authority review whether the appellant's use of J.S. and Y.R.'s personnel records was appropriate and whether any individual improperly released such records to the appellant.

ORDER

Therefore, it is ordered that this appeal 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 6TH DAY OF NOVEMBER, 2019



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