



STATE OF NEW JERSEY

In the Matter of Helen Nesse, Field
Representative Housing, Housing
Assistance Program (S0206A),
Department of Community Affairs

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

CSC Docket No. 2019-2849

Examination Appeal

ISSUED: OCTOBER 23, 2020 (RAM)

Helen Nesse appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirements for the open competitive examination for Field Representative Housing, Housing Assistance Program (S0206A), Department of Community Affairs (DCA).¹

By way of background, the announcement for the subject examination was issued on February 1, 2019 and was open to residents of New Jersey who graduated from an accredited college or university with a Bachelor’s degree and who possessed one year of experience in a housing assistance program or other housing related program which includes client intake review requiring participant eligibility determination and/or field duties requiring facility eligibility determinations as of the March 8, 2019 closing date. Applicants who did not possess the required education could substitute additional experience as indicated on a year for year basis, with 30 semester hour credits being equal to one year of experience. It is noted that the resultant eligible list promulgated on July 4, 2019 and expires on July 3, 2022. Several certifications of the subject eligible list were issued for various locations, including a July 1, 2020 priority provisional certification (OS200203) against Ms. Nesse’s provisional position in Atlantic County. In that regard, Ms. Nesse was appointed provisionally pending open competitive examination procedures, effective February 3, 2020, and her provisional appointment was terminated on September 25, 2020. Although the subject eligible list promulgated with 54 eligibles, there was only one eligible interested in that location who was certified. The appointing authority

¹ Agency Services granted the appointing authority’s request to consolidate and restructure the non-variant title series of Field Representative Housing with the variant title series of Field Representative Housing, Housing Assistance Program effective June 20, 2020. *See also, In the Matter of Field Representative Housing, Code Enforcement* (CSC, decided June 17, 2020).

returned the certification (OS200203) to Agency Services, indicating that the eligible was appointed provisionally effective September 28, 2020.²

Upon its review, Agency Services found that Ms. Nesse possessed a Bachelor's degree. It also credited her with seven months of relevant experience that she gained as a Field Staff Technician with DCA through a temporary employment agency prior to the examination closing date. It is noted that this position was the only work experience indicated on Ms. Nesse's application. She did not submit a resume. Therefore, Agency Services determined that Ms. Nesse lacked five months of applicable experience and was ineligible for the subject examination.

On appeal to the Civil Service Commission (Commission), Ms. Nesse provides additional work experience from October 2012 to December 2015 at the Atlantic City Rescue Mission as a Case Manager/Housing Locator which she indicates required participant eligibility determinations. In addition, she states that she located potential properties, interviewed property owners to determine if they met eligibility requirements, and inspected properties to ensure that the physical eligibility requirements are met for the housing program. Therefore, she requests to be admitted to the subject examination. It is noted that on her application Ms. Nesse indicated that, as part of her college curriculum, she interned with the Atlantic City Rescue Mission from January 2013 to May 2013. On her resume, she also listed an internship with that organization in 2011.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that prior to the announced filing date, an applicant may amend a previously submitted application. However, *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in particular situations, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services properly determined that Ms. Nesse was ineligible for the subject examination as she did not list one year of relevant experience as of the March 8, 2019 closing date. Moreover, although Ms. Nesse listed an internship, internships that are part of degree programs generally cannot be counted as experience when an applicant has already received credit for possessing the specified

² *N.J.A.C.* 4A:4-4.2(c)2i provides that when fewer than three interested eligibles are certified and no provisional currently serving in the title is listed on the certification, the appointing authority may either: make a permanent appointment; make a provisional appointment from the list; make a provisional appointment of another qualified person if no eligible on the list is interested; or vacate the position/title.

degree. Thus, Ms. Nesse's internship with the Atlantic City Rescue Mission in 2013 cannot be credited as additional work experience since it was part of her college curriculum. Furthermore, Ms. Nesse did not list her work experience from October 2012 to December 2015 with the Atlantic City Rescue Mission on her application. Regardless, the resume that Ms. Nesse submits on appeal does not indicate that she performed duties at the Atlantic City Rescue Mission which rises to the level and scope of the required experience. It appears that the primary focus of her position involved referral of clients to appropriate organizations and resources notwithstanding what she maintains on appeal.

Nonetheless, a review of agency records indicates that Ms. Nesse was appointed provisionally pending open competitive examination procedures to the title of Field Representative Housing, Housing Assistance Program, effective February 3, 2020, and served in the title until September 25, 2020. Given that Ms. Nesse now has over one year of experience, there is an incomplete list of less than three interested eligibles for the position in Atlantic County, and the appointing authority has not made a permanent appointment from the July 1, 2020 certification (OS200203), the Commission finds that good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.3(b)2 and accept Ms. Nesse's experience after the examination closing date. In this regard, the purpose of the Civil Service system is best served when more rather than fewer individuals are presented with appointments and/or advancement opportunities. See *Communications Workers of America v. New Jersey Department of Personnel*, 154 *N.J.* 121 (1998).

Finally, this determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted, and Helen Nesse be scheduled for a make-up examination as soon as possible, and if she achieves a passing score, her name be added to the eligible list for prospective employment opportunities only.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 21ST DAY OF OCTOBER 2020

Deirdre' L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Helen Nesse
Jodi Evangelista
Division of Agency Services
Records Center