

	:	STATE OF NEW JERSEY
In the Matters of Mark McCarthy, <i>et. al.</i> , Senior Juvenile Detention Officer (PC0422A), Camden County	: : :	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
CSC Docket Nos. 2020-208, 2020-268 and 2020-301	: : : :	Examination Appeal
		ISSUED: AUGUST 26 2020 (JET)

Mark McCarthy, Sean Keating and Milagros Rivera appeal the determinations of the Division of Agency Services (Agency Services) that they did not meet the experience requirement for the promotional examination for Senior Juvenile Detention Officer (PC0422A), Camden County. Since these matters concern similar issues, they have been consolidated herein.

The promotional examination was announced with specific requirements which had to be satisfied by the March 21, 2019 closing date. Specifically, the examination was open to employees serving as a Juvenile Detention Officer and a Juvenile Detention Officer, Bilingual in Spanish and English, and were required to possess two years of experience in the care and custody of juveniles or young inmates confined in an institution. Applicants were required to list their duties on the application for the examination. Twenty-six applicants were admitted to the subject examination and the subsequent list has an expiration date of November 13, 2022. One certification (PL191904) was issued and six appointments were made.

Upon review of the appellants' applications, Agency Services did not credit the appellants with any applicable experience, as they did not list any pertinent information with respect to their duties on their applications for the subject examination. Accordingly, Agency Services determined that the appellants were ineligible for the examination as they did not indicate that they possess applicable experience.

On appeal, the appellants maintain that the meet the experience requirements. In support, McCarthy indicates that he possesses almost 14 years of applicable experience and he has been serving as a Juvenile Detention Officer since February 28, 2006. McCarthy explains that his duties include providing supervision, safety and security to juvenile inmates. Additionally, Keating asserts that he possesses over six years of applicable experience, and he explains that his duties include providing supervision, meals, nursing calls, confirming attendance at school and other programs, conducting searches to ensure contraband does not enter the facility, confirming daily hygiene for inmates is maintained, assisting with negative behavior with the juvenile inmates, and physically restraining juvenile inmates when necessary. Rivera maintains that she possesses sufficient experience and he provides a letter in support from the appointing authority indicating that she has been serving as a Juvenile Detention Officer since December 8, 2003.

It is noted that the County and Municipal Personnel System (CAMPS) indicates that McCarthy was appointed as a Juvenile Detention Officer effective February 28, 2006, and he is currently serving in that title. Additionally, the CAMPS system indicates that Keating was appointed as a Juvenile Detention Officer effective June 24, 2013, and he is still serving in that title. The CAMPS system also shows that Rivera was appointed as a Juvenile Detention Officer effective Beta and she is still serving in that title.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. N.J.A.C. 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Under N.J.A.C. 4A:4-2.1(g), the Commission can accept clarifying information in eligibility appeals. However, N.J.A.C. 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. 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. However, any documentation indicating work in a setting that was not previously listed on an application or resume cannot be considered after the closing date. Thus, the Commission can only consider information provided on appeal regarding the positions listed in the appellants' original applications. See In the Matter of Diana Begley (MSB, decided November 17, 2004).

In this case, McCarthy, Keating and Rivera provide documentation confirming that they possess at least two years of experience in the care and custody of juveniles or young inmates confined in an institution while serving as a Juvenile Detention Officer. As such, the Commission is satisfied that they satisfy the requirements. As such, the Commission will relax the provisions of N.J.A.C. 4A:4-2.1(f) and accept their duties. In this regard, the purposes of the Civil Service System are best served when more candidates are permitted to demonstrate their merit and fitness for promotion via examination. The Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. See Communications Workers of America v. New Jersey Department of Personnel, 154 N.J. 121 (1998). Under these circumstances, the appellants should be admitted to the subject examination. However, the appellants are warned to ensure that any future applications are fully completed.

This decision is based on the particular facts of this matter and shall not be used as a precedent for any future matters.

ORDER

Therefore, it is ordered that these appeals be granted, the appellants' applications be processed, and they be given a make-up examination for prospective employment opportunities only.

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 19TH DAY OF AUGUST 2020

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Deirdré L. Webster Cobb Chairperson Civil Service Commission

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c: Mark McCarthy Sean Keating Milagros Rivera Catherine Binowski Kelly Glenn