

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Jessica Nagel, Employment Specialist (C0599B), Cape May County

CSC Docket No. 2021-1976

Examination Appeal

ISSUED: OCTOBER 12, 2021 (RE)

Jessica Nagel appeals the determination of the Division of Agency Services (Agency Services) which found that she did not meet the minimum requirements in experience for the open-competitive examination for Employment Specialist (C0599B), Cape May County.

The subject examination had a closing date of September 21, 2020 and was open to residents of Cape May County who met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree, and one year of experience in assessing education and training needs and providing referrals for work experience and training services or in providing manpower development and training, job placement, education or vocational counseling, or a combination thereof. Possession of a Master's degree in Psychology, Education, Counseling, Social Work, or related fields could be substituted for one year of experience. The appellant was found to be ineligible based on a lack of experience. There were five candidates on the eligible list, but one was appointed and four were removed.

On her application, the appellant indicated possession of a Bachelor's degree and 34 credits towards a Master's degree in Psychology. Attached to her application was a letter from the University stating that she was expected to graduate on September 30, 2020. She listed six positions on her application, Keyboarding Clerk 1 Assessment; Conference Service Manager; Group Sales Assistant; Front Office Supervisor; Reservations Agent, and Front Desk Agent. None of this experience was accepted, and the appellant was found to be lacking one year of experience.

On appeal to the Civil Service Commission, the appellant argues that she possesses sufficient applicable experience as a Keyboarding Clerk, and that she graduated with a Master's degree in Psychology days after submitting her application. She provided a diploma indicating that she was awarded a Master's degree Psychology in September 2020.

CONCLUSION

N.J.A.C. 4A:4-2.3(b) 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 an application may only be amended prior to the announced closing date. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service 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, the appellant was correctly found ineligible for the subject examination. Her experience as a Keyboarding Clerk 1 was not at the level and scope of the required experience, and her remaining positions were not qualifying experience as they are not related to the announced experience requirement. Nonetheless, the eligible list is exhausted, and the appellant has evidence that she completed her Master's degree in the same month of the closing date. Based on the circumstances presented, good cause has been established to relax the provisions of *N.J.A.C.* 4A:4-2.1(f) and *N.J.A.C.* 4A:4-2.3(b) to accept the appellant's Master's degree as a substitute for experience, and admit her to the examination for prospective appointment only. This shall not be used as precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant's application be processed.

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 6^{TH} DAY OF OCTOBER, 2021

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