



STATE OF NEW JERSEY

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

In the Matter of Rosemarie Ludlam,
Supervisor of Patients Accounts 1
(PS5836K), Woodbine Developmental
Center

Examination Appeal

CSC Docket No. 2021-501

ISSUED: OCTOBER 12, 2021 (ABR)

Rosemarie Ludlam appeals the determination of the Division of Agency Services (Agency Services), which found that she was below the minimum requirements in experience for the promotional examination for Supervisor of Patients Accounts 1 (PS5836K), Woodbine Developmental Center.

The subject examination was announced with a closing date of December 23, 2019. The examination was open to applicants who possessed a Bachelor’s degree and four years of experience in investigation work involving the collection and/or accounting of funds. 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. The subject examination was cancelled after the appellant, the only applicant, was deemed ineligible.

On her application, the appellant indicated that she possessed a high school diploma or GED. Therefore, pursuant to the substitution clause, she needed to possess eight years of applicable experience. With regard to her experience, she indicated, in relevant part, that she served as a Supervisor of Patients Accounts 1 provisionally from September 2019 to the closing date (December 2019) and pursuant to an interim appointment from August 2017 to September 2017; as a Head Audit Account Clerk from September 2017 to September 2019 and from September 2013 to August 2017; as a Supervisor of Patients Accounts 2 from May 2013 to September 2013; as a Principal Clerk Typist from December 2001 to May 2013; as a Principal Clerk Bookkeeper from June 1993 to December 2001; and as a Senior Clerk Bookkeeper from June 1990 to June 1993. However, agency records

indicated that she also served in the title of Supervisor of Patients Accounts 1 pursuant to an interim appointment from May 2013 to September 2013. Upon review of her application, Agency Services credited her with nine months of applicable experience based upon her provisional and interim service in the title of Supervisor of Patients Accounts 1. However, Agency Services did not credit her experience in the title of Head Audit Account Clerk, as any applicable duties she may have performed in that title would have been considered out-of-title work. Moreover, her remaining experience was not credited because there was no indication that the primary focus of her duties in any other listed position was in investigation work involving the collection and/or accounting of funds, as required.

On appeal to the Civil Service Commission (Commission), the appellant argues that her experience exceeds the minimum requirements for the subject examination, as every position she has held at Woodbine Developmental Center dating to June 1993 has included investigative work involving the collection and/or accounting of funds and she details her duties in each position she has held since that time. In addition, she submits a letter of support from Michael C. Kelly, Chief Executive Officer, Woodbine Developmental Center, who asserts that the appellant has been performing the duties of a Head Audit Account Clerk since September 2013.

Agency records indicate that the appellant continues to serve provisionally in the subject title.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that applicants shall meet all requirements specified in the examination announcement by the announced closing date. *N.J.A.C.* 4A:4-2.6(c) provides that except when permitted by the Chairperson or designee for good cause, applicants for promotional examinations with open competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

Initially, it is noted that Agency Services determined that the appellant was ineligible for the subject examination because she lacked the requisite amount of creditable experience as of the December 23, 2019, closing date. Since the record demonstrated that the appellant possessed a high school diploma or GED, pursuant to the examination announcement's substitution clause for education, the appellant needed to possess eight years of applicable experience for the subject examination. As noted above, the appellant was credited with nine months of applicable experience based upon her provisional and interim service in the title of Supervisor of Patients Accounts 1. On appeal, the appellant claims, in relevant part, that she

performed relevant duties while serving in the Purchasing Assistant title. However, the appellant's performance of applicable duties while serving as a Head Audit Account Clerk would be considered out-of-title work. Ordinarily, the Commission looks to whether or not "good cause" has been established in determining whether to grant or deny appeals involving out-of-title work. Generally, the Commission finds good cause where the record evidences that the examination situation is not competitive, no third parties are adversely impacted, and the appointing authority wishes to effect a permanent appointment and verifies that the appellant has performed the relevant duties which otherwise satisfy the eligibility requirements. *See In the Matter of John Cipriano, et al.* (MSB, decided April 21, 2004). Here, the record indicates that the examination situation is not competitive, as the subject examination was cancelled after the appellant, the only applicant, was deemed ineligible. Under these circumstances, good cause exists to accept the appellant's six years and one month of out-of-title work in the title of Head Audit Account Clerk. Additionally, the appellant possesses an additional one year and two months of provisional service in the title of Supervisor of Patients Accounts 1 after the closing date. Where a list resulting from an examination is not competitive, and a provisional candidate gained enough additional experience after the closing date to satisfy experience requirement, the Commission has found good cause to relax the provisions of *N.J.A.C. 4A:4-2.6(a)2* and accept an appellant's provisional experience after the closing date, for eligibility purposes only, and admit them to an examination. *See, e.g., In the Matter of Anthony Gowers* (MSB, decided September 6, 2006); *In the Matter of Patricia Mulford* (MSB, decided August 11, 2004). Given the non-competitive examination situation in the instant matter, good cause exists to accept the appellant's post-closing date provisional experience, for eligibility purposes only, and admit her to the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded 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 6TH DAY OF OCTOBER, 2021

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