



STATE OF NEW JERSEY

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

In the Matter of Patricia Murray,
Assistant Director of Nursing
(C1173A), Cape May County

Examination Appeal

CSC Docket No. 2020-2702

ISSUED: SEPTEMBER 7, 2021 (ABR)

Patricia Murray appeals the determination of the Division of Agency Services (Agency Services), which found that she did not meet the experience requirement for the open competitive examination for Assistant Director of Nursing (C1173A), Cape May County.

The subject examination was open to applicants who possessed a Bachelor’s degree in Nursing or Nursing Education and five years of experience as a professional nurse, including two years of supervisory experience involving the development and carrying out of an extensive program of nursing service and/or education as of the December 5, 2019 closing date. Applicants who did not possess the required education could substitute two years of additional experience as a registered professional nurse. The subject examination was cancelled on June 20, 2020 after both applicants, including the appellant, were deemed ineligible.

On her application, the appellant stated that she possessed an Associate’s degree in Nursing and has held a nursing license since 1980. Therefore, pursuant to the substitution clause for education, she needed to possess seven years of applicable experience for the subject examination. With regard to her experience, the appellant stated that she served provisionally as an Assistant Director of Nursing from March 2019 to the closing date (December 2019). Agency Services credited the appellant with 10 months of applicable general and supervisory experience based upon her provisional service in the subject title. However, because she did not possess an additional six years and two months of applicable experience, she was deemed ineligible for the subject examination.

On appeal to the Civil Service Commission (Commission), the appellant argues that she possesses sufficient applicable experience for the subject examination. In this regard, she submits a resume in which she states, in relevant part, that she served as a shift registered nurse supervisor at Victoria Manor Nursing Home from February 2017 to March 2019; as a charge nurse at Carolina East Medical Center from July 2013 to October 2016; and as an Assistant Unit Manager of Open Heart/Transplant Unit at Vanderbilt University Medical Center from July 2011 to June 2013. The appellant further indicates that she was responsible for supervising nurses in each of these positions. Moreover, the appellant submits a letter of support from Jennifer Hess, Nursing Home Administrator, Crest Haven Nursing and Rehabilitation Center, who maintains that the appellant possesses sufficient applicable experience for the subject examination.

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

CONCLUSION

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the examination announcement by the announced closing date. Additionally, *N.J.A.C.* 4A:4-2.1(f) states that an applicant may amend an application prior to the announced closing date. *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 correctly credited the appellant with 10 months of applicable general and supervisory experience based upon the experience listed in her application. On appeal, the appellant describes additional general and supervisory nursing experience that was not noted in her application. The importance of submitting a properly completed application that includes all of the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Agency Services can make the initial determination whether or not to reject an applicant. Agency Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner. Although *N.J.A.C.* 4A:4-2.1(f) proscribes the amendment of an application after the closing date set in the announcement, the Commission notes that several circumstances provide good cause to permit the appellant to amend her application in this particular matter. Here, since the subject examination was cancelled due to a lack of qualified applicants and admitting the appellant to the examination would enable the appointing authority to effect a permanent appointment, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.3(b) and 4A:4-2.1(f), and accept the appellant's amended information on appeal, for eligibility purposes only, and admit her to the subject examination. In so doing,

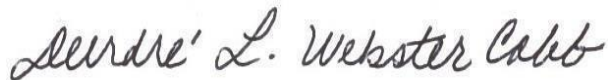
the remedy provided herein is limited to the facts of this case and may not be used as precedent in any other matter. Finally, the appellant is cautioned that, in the future, she must fully complete any examination application, as her failure to do so will be cause for rejection from the selection process.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded and the appellant's application be processed 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 1ST DAY OF SEPTEMBER, 2021



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Patricia Murray
Kevin Lare
Division of Agency Services
Records Center