



**STATE OF NEW JERSEY**

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

In the Matter of Donna Roth, Senior  
Account Clerk (PM0569C), City of  
Cape May

Examination Appeal

CSC Docket No. 2022-149

**ISSUED SEPTEMBER 7, 2021 (SLK)**

Donna Roth appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirements for the promotional examination for Senior Account Clerk (PM0569C), City of Cape May.

The subject examination had a January 21, 2021 closing date. The experience requirements were one year of experience in the preparation, maintenance and/or review and verification of financial records. The appellant was the only applicant and the examination was cancelled due to a lack of qualified candidates.

On the appellant's application, she indicated that she was an Account Clerk from June 2020 to the January 21, 2021 closing date and a Recreation Leader from April 2014 to June 2020. Personnel records indicate that she was provisionally serving in the subject title from October 2020 to the closing date, an Account Clerk from July 2020 to October 2020, a Recreation Leader from April 2014 to July 2020, and a Recreation Aide from May 1994 to April 2014. Agency Services credited her with seven months of experience based on her experience as an Account Clerk and her provisional service in the subject title, but determined that she lacked five months of experience.

On appeal, the appellant submits a letter from the appointing authority indicating that her previous title of Recreation Leader was not reflective of the duties

she performed while serving in that title and describes the duties that she performed since May 2014. In the letter, the appointing authority asserts that these duties more than meet the minimum requirements for the subject examination.

### CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) 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 purpose of Title 11A, New Jersey Statutes. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In this matter, Agency Services correctly determined that the appellant was not eligible as she did not clearly articulate on her application that the primary focus of her duties as a Recreational Leader were the required duties for the subject examination. Further, if she had, these duties would be out-of-title. However, the subject examination was cancelled due to a lack of qualified candidates. Further, personnel records indicate that the appellant continues to provisionally serve in the subject title and has gained the required experience after the closing date. 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). Therefore, the Commission finds good cause under *N.J.A.C.* 4A:1-1.2(c) to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept the appellant's experience gained after the closing date, for eligibility purposes only, and admit her to the subject examination.

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

### ORDER

Therefore, it is ordered that the 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 1<sup>ST</sup> DAY OF SEPTEMBER, 2021

*Deirdre' L. Webster Cobb*

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