

STATE OF NEW JERSEY

In the Matter of Jerrica Spence, Human Services Specialist 2 (PC2215B), Passaic County

CSC Docket No. 2020-2497

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Examination Appeal

ISSUED: SEPTEMBER 7, 2021 (RE)

Jerrica Spence appeals the decision of the Division of Agency Services (Agency Services) which found that she lacked the required amount of permanent status in a title to which the examination was open for Human Services Specialist 2 (PC2215B), Passaic County.

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The subject examination was announced with a closing date of February 21, 2020 and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service in the title Human Services Specialist 1 or Human Services Specialist 1 Bilingual in Spanish and English as of the closing date. The examination was given to 57 eligible candidates on June 24, 2021, and the results are not yet available.

On appeal to the Civil Service Commission (Commission), the appellant requests admittance to the above examination on the basis that a certification had been canceled due to an error which delayed her appointment to Human Services Specialist 1.

Specifically, official records indicate that the appellant was regularly appointed to Human Services Specialist 1 on April 8, 2019 from certification (OL190031) of a list for the open-competitive examination (C0775U). As of the February 21, 2020 closing date, she had 10 months, and 13 days of continuous permanent service in the title Human Services Specialist 1. The appellant argues that she was initially certified in December 2018, and was then informed that there

was an error which delayed her start date and made her ineligible for this examination. She also appeals the admittance of three other candidates.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)1 provides that applicants for promotional examinations shall have one year of continuous permanent service for an aggregate of one year immediately preceding the closing date in a title or titles to which the examination is open.

The underlying purpose of "time in grade" requirements, as reflected at *N.J.A.C.* 4A:4-2.6(a)1, is to promote and advance those individuals, who through their service, have gained the needed experience and knowledge to warrant promotion. Thus, absent administrative error or delay, any award of retroactive seniority that includes, as an additional remedy, the right to sit for a promotional examination without having the actual "time-in-grade" in the title to which the examination is open would undermine this important public policy.

As the appellant falls 1 month, 17 days short of the requirement, she was appropriately found to be ineligible. The appellant could not be appointed from an incorrect or invalid certification or certification process. The appellant does not meet the requirements for the current announcement, and the fact that her name appeared on a cancelled certification does not provide her with an entitlement to eligibility in the instant matter. All candidates must still meet the requirements on the announcement. Further, no vested or other rights are accorded by an administrative error. See Cipriano v. Department of Civil Service, 151 N.J. Super. 86 (App. Div. 1977); O'Malley v. Department of Energy, 109 N.J. 309 (1987); HIP of New Jersey v. New Jersey Department of Banking and Insurance, 309 N.J. Super. 538 (App. Div. 1998). Additionally, it is appropriate that administrative errors be corrected, and they can be corrected at any time.

In that respect, the records of the three candidates that the appellant claims are ineligible were reviewed, and two were found to be eligible. The third had been admitted based on an administrative error. That was corrected, and he was found ineligible and was not given the examination.

Accordingly, a thorough review of the record indicates that the appellant has failed to demonstrate that she met the announced requirements for eligibility by the examination closing date is amply supported by the record and she provides no basis to disturb this decision.

ORDER

Therefore, it is ordered that this appeal be denied.

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^{ST} DAY OF SEPTEMBER, 2021

Derrare' L. Webster Calib

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: Jerrica Spence Tony Desimone Division of Agency Services Records Center