



STATE OF NEW JERSEY

In the Matter of Patricia Byrd,
Deputy Director of Welfare
(PC3789D), Middlesex County Board
of Social Services

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

Examination Appeal

CSC Docket No. 2023-24

ISSUED: August 24, 2022 (SLK)

Patricia Byrd appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirements for the promotional examination for Deputy Director of Welfare (PC3789D), Middlesex County Board of Social Services.

The subject examination's closing date was March 21, 2022. The education requirement was a Bachelor's degree supplemented by a Master's degree. The experience requirements were five years of experience in program management which shall have involved setting organizational goals and objectives, establishing or determining need for and planning organizational changes, setting organizational policy and developing operational and procedural guidelines and supervision of staff. Applicants who did not possess a Bachelor's degree could have substituted additional experience as indicated on a year-for-year basis with 30 semester hour credits being equal to one year of experience. Applicants who did not possess a Master's degree could have substituted one additional year of experience. A total of four employees applied and two were admitted. The list has not yet promulgated as the test administration date has not been set.

On her application, the appellant indicated that she possessed a high school diploma. She also indicated that she was provisionally serving in the subject title from January 2021 to the closing date, an Assistant Personnel Officer from March 2012 to January 2021, and a Personnel Officer from December 2006 to March 2012.

Personnel records indicate that she was provisionally serving in the subject title from January 2021 to the closing date, an Assistant Personnel Officer from March 2012 to January 2021, a Personnel Officer from December 2006 to March 2012, an Assistant Personnel Officer from March 2005 to December 2006, a Senior Personnel Assistant from March 1993 to March 2005, and a Chief Clerk from May 1986 to March 1993. Agency Service determined that, per the substitution clause for education, she lacked 10 years of experience.

On appeal, the appellant states that prior to her provisional appointment in the subject title in January 2021, she has been either an Assistant Personnel Officer or a Personnel Officer since December 2006. Therefore, she contends that she has at least 17 years of the required experience. She submits a certification from the appointing authority that verifies that the appellant has managed the personnel program since December 2006. Further, the appointing authority indicates that in June 2014, the appellant took on additional program management responsibilities.

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:4-2.6(c) provides that, except when permitted 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.

Initially, Agency Services correctly determined that the appellant was not eligible for the subject title as the required duties as an Assistant Personnel Officer would be out-of-title. However, on appeal, the appointing authority confirms that the appellant has been performing the required duties for the required time, albeit out-of-title, due to business necessity. Moreover, the appellant continues to serve provisionally in the subject title and any list promulgated from the examination announcement will be incomplete as only two candidates have been admitted. Accordingly, in this matter, the Civil Service Commission finds good cause under *N.J.A.C.* 4A:4-2.6(c) to accept the appellant's verified out-of-title experience, for eligibility purposes only, and admit her to the examination.

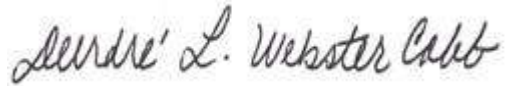
This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted, 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 24TH DAY OF AUGUST, 2022



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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