



STATE OF NEW JERSEY

In the Matter of Robin Nugent,
Investigator 1 (PS1572K),
Department of Children
and Families

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

CSC Docket No. 2022-1268

Examination Appeal

ISSUED: October 12, 2022 (JET)

Robin Nugent appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirement for the promotional examination for Investigator 1 (PS1572K), Department of Children and Families.

The promotional examination was announced with specific requirements which had to be satisfied by the May 21, 2021 closing date. Specifically, the announcement was open to candidates who possessed, in pertinent part, a Bachelor's degree, and one year of office and/or field experience conducting investigations, collecting evidence, and preparing investigative reports related to criminal, civil, or regulatory matters involving fraud, misrepresentation, or other acts of criminal or civil misconduct. It was noted that applicants who did not possess the required education could substitute experience in investigation of criminal, civil, regulatory matters, on a year-for-year basis, with 30 semester hour credits being equal to one year of experience. The resultant eligible list of nine names promulgated on November 18, 2021 and expires on November 17, 2024. One certification was issued (PS211320). The appointing authority returned the certification, indicating that eight of the eligibles received regular appointments, effective November 18, 2021, and requesting the removal of the last eligible's name as she was no longer employed with the appointing authority.

On her application, the appellant noted that she possessed 60 college credits. Therefore, according to the substitution clause, she would need to possess five years of applicable experience. On review, Agency Services credited her with two years of applicable experience for her college credits. The appellant also listed on her application and resume, in relevant part, that she served as an Investigator 1/Paralegal Technician Assistant from March 2018 to May 2021.¹ Agency Services credited the appellant with two years and four months of applicable experience for her provisional service in the subject title. However, it did not find any of her other indicated experience applicable. Accordingly, Agency Services determined that the appellant was ineligible for the examination, as she lacked eight months of applicable experience.

On appeal, the appellant states, among other things, that she is qualified for the examination, and her duties include properly identifying licensed programs/centers performing background checks; preparing legal correspondence; confirming accuracy of Youth Residential staff applications; ensuring timeliness of appeals received in the Administrative Hearings unit; serving as liaison to various agencies; compiling data; and completing statistical reports. The appellant clarifies that, although the Investigator 3 title series was renumbered to Investigator 1, she has been serving as a provisionally in that title series since November 2018.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the 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 purposes of Title 11A, New Jersey Statutes.

Initially, the Commission notes that the appellant continues to serve provisionally in the title under test and has accrued an additional one year and five months of applicable experience after the closing date. Moreover, the examination is not competitive, as the subject eligible list as been exhausted. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept the appellant's provisional experience in the subject title gained after the closing date, for eligibility purposes only, and admit her to the examination.

This determination is limited to the particular circumstances presented and may not be used as precedent in any future matter.

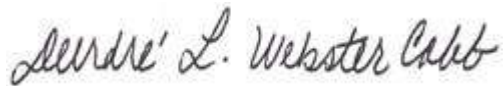
¹ Personnel records reflect that the appellant served as a Paralegal Technician Assistant from March 2018 to February 2019, as a provisional Investigator 3 from November 2018 to June 2020, and as a provisional Investigator 1 from June 2020 to the May 2021 closing date. *See also, In the Matter of Deiruska Corrales, et. al.*, (CSC, decided April 7, 2021). It is noted that this agency also renumbered the Investigator title series, effective June 20, 2020. As such, the Investigator 3 title was renumbered to Investigator 1.

ORDER

Therefore, it is ordered that this appeal be granted, and the appellant's application be processed for future 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 12TH DAY OF OCTOBER, 2022



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Robin Nugent
Linda Dobron
Agency Services
Records Center