



STATE OF NEW JERSEY

In the Matter of Ann Sharlow,
Occupational Health Consultant 1
(PS7215G), Department of
Environmental Protection

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

CSC Docket No. 2022-3137

Examination Appeal

ISSUED: October 12, 2022 (JET)

Ann Sharlow appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirement for the promotional examination for Occupational Health Consultant 1 (PS7215G), Department of Environmental Protection.

The promotional examination was announced with specific requirements which had to be satisfied by the December 21, 2021 closing date. Specifically, the announcement was open, in relevant part, to candidates who possessed a Bachelor's degree in Occupational Health, Industrial Hygiene, the Biological, Physical, or Environmental Sciences, or Industrial or Chemical Engineering, and four years of experience in a program involving the identification, analysis, and development of solutions for occupational or environmental health hazards or illnesses. It was noted that a Master's degree in one of the above noted fields could have been substituted for one year of experience. Two applicants applied for the examination, and one candidate was found eligible. The list promulgated on May 26, 2022, and no appointments have been made.

The appellant listed on the application for the subject examination that she possessed a Master's degree in Environmental Science. Agency Services credited her with one year of applicable experience for her Master's degree pursuant to the substitution clause. On her application, the appellant also listed, in relevant part, that she served provisionally in the subject title from April 2021 to the December

2021 closing date; as an Occupational Health Consultant 4 from April 2020 to April 2021; as an Occupational Health Consultant Trainee from April 2019 to April 2020; as an Occupational Safety Consultant from October 2018 to April 2019; and as an Environmental Health and Safety employee from January 1988 to September 1988. Based on the foregoing, Agency Services credited her with two years and nine months of applicable experience. However, Agency Services did not credit her with any other applicable experience. Accordingly, Agency Services determined that the appellant was ineligible for the examination, as she lacked three months of applicable experience.

On appeal, the appellant asserts, among other things, that she possesses sufficient experience to qualify for the examination.

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

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 record reflects that the appellant continues to serve provisionally in the title under test and has accrued an additional eight months of applicable experience after the closing date. Moreover, the examination is not competitive, as only one applicant was admitted to the subject examination. 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.

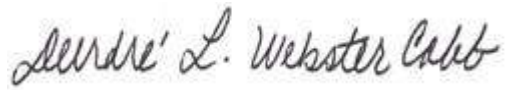
ORDER

Therefore, it is ordered that this appeal be granted, and the appellant's application be processed.

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



Deirdré 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: Ann Sharlow
Phiroza Stoneback
Agency Services
Records Center