



**STATE OF NEW JERSEY**

In the Matter of Ashley Digerness,  
Health Educator (PC3794D), Salem  
County

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

CSC Docket No. 2022-3229

Examination Appeal

**ISSUED: September 21, 2022 (SLK)**

Ashley Digerness appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirements for the promotional examination for Health Educator (PC3794D), Salem County.

The subject examination's closing date was March 21, 2022. The education requirement was a Bachelor's degree in Health Education, Public Health, Community Health Education, Nursing or a related Health Education field. The experience requirements were two years of experience assessing community health education needs, and, in the planning, implementation, and evaluation of diversified health education programs in a local health department of State or local health agency. A Master's degree in one of the areas listed above could have been substituted for one year of the required experience. Applicants needed to possess a certification of Certified Health Education Specialist (CHES) issued by the National Commission for Health Education Credentialing, Inc. A Bachelor's degree in Nursing and a valid certification by the American Nurses Credentialing Center as a Community Health Nurse could have been substituted for the CHES requirement. The appellant was the only applicant. Therefore, the examination was cancelled due to a lack of qualified candidates.

On her application, the appellant indicated that she had a Bachelor's degree in Public Health and the CHES certification. She also indicated that she was provisionally serving in the subject title from August 2020 to the closing date, a

Registered Environmental Health Specialist from May 2017 to July 2020, and an Environmental Team Manager from July 2019 to December 2019. Personnel records indicate that she was provisionally serving in the subject title from July 2020 to the closing date, a Registered Environmental Health Specialist, Public Health from February 2016 to July 2020, and a Registered Environmental Health Specialist Trainee, Public Health from February 2015 to February 2016. Agency Services credited her for her Bachelor's degree in Public Health and her CHES certificate, but determined that she lacked two years of experience.

On appeal, the appellant explains in detail how she performed each required duty while provisionally serving in the subject title.

### 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:4-2.1(g) provides that the Commission can accept clarifying information in eligibility appeals. For example, information submitted on appeal pertaining to duties in a given position that expands or enlarges information previously submitted is considered clarifying and is accepted. *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 explain how she was performing the required duties while serving provisionally in the subject title. However, on appeal, the appellant clarifies how she performs each required duty while provisionally serving in the subject title. Further, the appellant continues to provisionally serve in the subject title and has gained the required experience after the closing date and the subject examination has been cancelled due to a lack of qualified candidates. 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 that the appellant has sufficiently clarified that she performed the required duties while serving provisionally in the subject title. Further, as the announcement was cancelled due to a lack of qualified applicants, there is 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 this appeal be granted, the cancellation of the examination announcement 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 21<sup>ST</sup> DAY OF SEPTEMBER, 2022

*Dolores Gorczyca*

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Dolores Gorczyca  
Presiding Member  
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