



STATE OF NEW JERSEY

In the Matter of Jennifer Cahill,
Human Services Specialist 4
(PC4888D), Camden County Board of
Social Services

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

CSC Docket No. 2025-2059

Bypass Appeal

ISSUED: October 15, 2025 (HS)

Jennifer Cahill appeals the bypass of her name on the Human Services Specialist 4 (HSS 4) (PC4888D), Camden County Board of Social Services, eligible list.

The appellant, a Human Services Specialist 3, appeared as the sixth ranked non-veteran eligible on the subject eligible list, which promulgated on April 6, 2023 and expired on April 5, 2025. A certification of four names was issued on September 27, 2024 (PL241595) with the appellant listed in the first position. In disposing of the certification, the appointing authority indicated that the appellant's name should be retained on the list and that she was interested for future certifications only; appointed the second listed eligible J.G., effective January 13, 2025; bypassed the third listed eligible; and appointed the fourth listed eligible K.C., effective March 27, 2025. As support for the appellant's disposition, the appointing authority supplied the appellant's September 30, 2024 response to the notice of certification where she noted her interest in the position of HSS 4. It also supplied the appellant's January 8, 2025 correspondence where she indicated: "I do not wish to apply for this position at the Satellite Office, but I would like to make sure my name remains on the certified list for a HSS4 position."

On appeal to the Civil Service Commission (Commission), the appellant insists that the appointing authority did not accurately report her disposition on the certification because she in fact was bypassed. In this regard, she notes that she *was* interested in the position ultimately awarded to J.G., effective January 13, 2025 – a

position in the *Processing Department*, not the Satellite Office. She explains that this job vacancy was posted on a bulletin board, which she did not know existed, with the following note: “Employees interested in being interviewed for the above position should contact the Personnel Department by 4:30 p.m. **Tuesday, October 8th, 2024.**” The appellant claims that unlike previous postings, this one was not emailed to the entire agency and that, but for a coworker telling her about it, she would not have known it was even available to apply for. The posting was emailed to the four eligibles on the certification on October 7, 2024 after the personnel department was questioned as to why it had not been emailed earlier. That email stated in part:

There seems to be a lot of talk going around the Agency regarding the posting and why I didn’t send to CCBSS All. The reason is, it’s **only** open to the four of you, **NO ONE** else.

Per the union contract I am required to put the posting up on the bulletin board for 7 days. I’m not required to email the entire agency, I do that as a courtesy.

All of you will be contacted by [Marcell Bennett, Assistant Administrative Supervisor of Income Maintenance] when she is ready to schedule the interviews.

The appellant indicates that she did interview for the Processing Department position on October 11, 2024. On December 19, 2024, she learned from a coworker that J.G. had accepted the position. The appellant contends this represented differential treatment of her in that for past selections from the eligible list, someone involved in the hiring process informed the candidates that they were not selected. The appellant states that in this instance, she had to email Bennett, the interviewer and administrator of Processing, to ask if the position had been filled. She also requested the reason she was not selected but was not given any answer.

The appellant notes that she appealed a prior bypass on the same list. *See In the Matter of Nicole Barringer and Jennifer Cahill, Human Services Specialist 4 (PC4888D), Camden County Board of Social Services (CSC, decided November 22, 2023).* There, the Commission upheld the appellant’s bypass on the basis that the appointed candidate was already in the ABD Medicaid department with extensive knowledge of ABD Medicaid programs, while the appellant did not have any knowledge of ABD Medicaid. The appellant complains that even though she now has extensive experience in the department where the position is located – Processing – she is still being skipped and argues this suggests the unfair and unethical application of different rules for different candidates.

In response, the appointing authority confirms that the appellant interviewed for the Processing Department position after expressing interest in that position, and

the Rule of Three was followed. In support the appointing authority provides Bennett's justification for the appellant's bypass. Bennett indicated that the appellant would need future growth in the areas of "assertiveness, decisiveness, and confidence in leadership interactions." Additionally, "[w]hile working within the 2nd largest department in the agency, it's imperative for any supervisor selected to possess these skills, as they are essential for effectively guiding a team and making impactful decisions under pressure." Further, Bennett stated:

In previous interactions, there have been occurrences in which the candidate issues an error that is not well received. In response to that, the candidate often defers to the supervisor of the recipient, instead of asserting the error and offering policy regulations to support the decision.

In reply, the appellant maintains that there have been instances when a worker's supervisor contacts her directly to dispute an error. In such case, the appellant states that she will dispute the error with the supervisor and assert her opinion until they come to an agreement on the outcome of the error. The appellant also asserts that if a worker has any questions regarding the error or asks specifically for a citation, she will give them the citation to back up her knowledge. The appellant insists that she was very confident in her interview. She contends her bypass was unjust. In support, the appellant submits an August 1, 2025 note of recommendation from her supervisor, Theresa Haines, HSS 4, who states that the appellant "has had no problem being assertive regarding discussion of errors with either me or the department supervisors of the workers." The appellant also submits the August 17, 2023 note she received from Angelena Beebe, Assistant Administrative Supervisor of Income Maintenance, when she was not selected for the position in the ABD Medicaid department. There, Beebe, the administrator for that department, "encourage[d] [the appellant] to apply for positions that become available in the future as [the appellant has] strong leadership skills."

CONCLUSION

N.J.S.A. 11A:4-8, *N.J.S.A.* 11A:5-7, and *N.J.A.C.* 4A:4-4.8(a)3ii allow an appointing authority to select any of the top three interested eligibles on a promotional list, provided that no veteran heads the list. Moreover, it is noted that the appellant has the burden of proof in this matter. See *N.J.A.C.* 4A:2-1.4(c).

Since the appellant, a non-veteran, headed the certification, it was within the appointing authority's discretion to select any of the top three interested eligibles on the certification for the vacancy. There is no support for the proposition that because the appointing authority used extensive knowledge of ABD Medicaid programs as a basis for an earlier selection, it was bound to utilize a similar rationale here. Rather, the issue is whether the appointing authority utilized a legitimate basis in disposing

of the current certification. Here, the record indicates that the appointing authority's appointment complied with the Rule of Three as it presented a legitimate business reason for its selection. Specifically, Bennett interviewed the appellant on October 11, 2024 and assessed that she needed future growth in the areas of assertiveness, decisiveness, and confidence in leadership interactions. *See e.g., In the Matter of Angel Jimenez* (CSC, decided April 29, 2009); *In the Matter of Abbas J. Bashiti* (CSC, decided September 24, 2008); *In the Matter of Paul H. Conover* (MSB, decided February 25, 2004); *In the Matter of Janet Potocki* (MSB, decided January 28, 2004) (appointing authority's discretion to choose its selection method, *i.e.*, whether or not to interview candidates). Bennett noted that Processing was the second largest department in the agency, and it was imperative for any supervisor selected to possess these skills as they were essential for effectively guiding a team and making impactful decisions under pressure. Bennett further observed that there had been instances when the appellant issued an error that was not well received, and in response, the appellant often deferred to the supervisor of the recipient instead of asserting the error and offering policy regulations to support the decision.

The appellant offers some evidence in rebuttal, namely the notes of Haines and Beebe. However, it is not apparent why these notes should carry more weight than Bennett's assessment for purposes of deciding this appeal. For example, Beebe's note of encouragement was written more than one year before the appellant interviewed with Bennett, and Haines's note of recommendation was written almost a year later. Moreover, the notes do not raise any material fact question as to whether Bennett or the appointing authority were motivated to bypass the appellant for any illegitimate reason. In fact, the appellant has not alleged that she was not selected based on her membership in a protected class or other invidious motive, nor has she presented any evidence to support such an allegation. Generally asserting that her bypass was unethical, unjust, or unfair without more is not a sufficient basis to find a Rule of Three violation.

The appellant also highlights certain procedural issues. Specifically, she states that the appointing authority should have indicated that she was bypassed when it returned the certification disposition; emailed the job vacancy agency-wide; and informed her in December 2024 of her non-selection and the reason therefor without the appellant's having to ask. While the appellant may be dissatisfied with these procedural aspects of the selection process, such dissatisfaction is not sufficient to find a Rule of Three violation. In this regard, the job vacancy was emailed to the appellant on October 7, 2024 with an indication that she would be contacted for an interview; the appellant had the opportunity to interview; and the appellant has been afforded the opportunity to appeal her bypass and learn the reasons for it. Moreover, the appellant does not demonstrate how these procedural complaints would suggest that the appointing authority may have substantively relied on some improper basis to bypass her.

Additionally, even assuming, *arguendo*, that the appellant is more qualified for the position at issue, the appointing authority still has selection discretion under the Rule of Three to appoint a lower-ranked eligible absent any *unlawful* motive. See *N.J.A.C. 4A:4-4.8(a)3*; *In the Matter of Nicholas R. Foglio, Fire Fighter (M2246D)*, *Ocean City*, 207 N.J. 38, 49 (2011). Compare, *In re Crowley*, 193 N.J. Super. 197 (App. Div. 1984) (hearing granted for individual who alleged that bypass was due to anti-union animus); *Kiss v. Department of Community Affairs*, 171 N.J. Super. 193 (App. Div. 1979) (individual who alleged that bypass was due to sex discrimination afforded a hearing). Moreover, the appellant does not possess a vested property interest in the position. In this regard, the only interest that results from placement on an eligible list is that the candidate will be considered for an applicable position so long as the eligible list remains in force. See *Nunan v. Department of Personnel*, 244 N.J. Super. 494 (App. Div. 1990). The appellant has not presented any substantive evidence regarding her bypass that would lead the Commission to conclude that the bypass was improper or an abuse of the appointing authority's discretion under the Rule of Three. Moreover, the appointing authority presented legitimate reasons for the appellant's bypass that have not been persuasively refuted. Accordingly, a review of the record indicates that the appointing authority's bypass of the appellant's name was proper, and the appellant has not met her burden of proof in this matter.

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 15TH DAY OF OCTOBER, 2025



Allison Chris Myers
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: Jennifer Cahill
Christine Colbert
Christine Hentisz
Division of Human Resource Information Services
Records Center