



STATE OF NEW JERSEY

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

In the Matter of Julia Whitford,
Department of Environmental
Protection

CSC Docket No. 2025-711

Administrative Appeal

ISSUED: April 29, 2026 (KMG)

Julia Whitford appeals her non-appointment to the noncompetitive title of Research Scientist 3, Department of Environmental Protection (DEP).

On appeal to the Civil Service Commission (Commission), the appellant, a disabled veteran, states that she applied for the noncompetitive title of Research Scientist 3 with DEP’s Bureau of Environmental Analysis and Restoration (BEAR). In support, she submits a Vacancy Notice for this position that indicates that applications needed to be submitted by April 1, 2024 and was open, in relevant part, to individuals who possessed a Master’s degree in a discipline appropriate to the position and two years of professional experience in a field relevant to the position. The appellant also indicates that she applied for the noncompetitive title of Research Scientist 3 with DEP’s Bureau of Environmental Evaluation and Risk Assessment (BEERA). In support, she submits a Vacancy Notice for this position that indicates that applications needed to be submitted by May 6, 2024 and was also open, in relevant part, to individuals who possessed a Master’s degree in a discipline appropriate to the position and two years of professional experience in a field relevant to the position.

The appellant maintains that she had disclosed her disabled veteran status during both application processes but contends that her disabled veterans preference was not properly considered. In this regard, she states that as she met the minimum requirements for the subject title, she therefore, should have been offered the appointment as *N.J.S.A. 11A:5-8* entitles her to preference above all other qualified

candidates. The appellant argues that *N.J.S.A.* 11A:5-8 specifies that “[i]n all cases, a disabled veteran shall have preference over all others,” and since the *Miriam-Webster Dictionary* defines “all” as “including everything or everyone without exception,” she should have been offered the position. Moreover, the appellant argues that like in *In the Matters of Alexandre Gabler, Librarian 1, Ocean County Library and Librarian 1, Trenton Library* (CSC, decided March 27, 2018), she was a “qualified applicant” and therefore should have been offered the appointment.

Furthermore, the appellant argues that the appointing authority failed to show cause as to why she was not appointed. She also contends that the appointing authority failed to provide her with any details regarding her interview performance and did not allow her to review the interview material or the rubric on which the interview was assessed. Finally, the appellant asserts that she should be considered a “qualified candidate,” on the basis that she meets the minimum education and experience requirements, regardless of the interview score.

In response, the appointing authority states that it utilized a standard selection process for these appointments which included a structured interview. It notes that the passing score for both of the interviews was 70%. However, it indicates that the appellant only scored an average of 52% for the position with BEAR and an average of 55% for the position with BEERA. The appointing authority explains that, although it could not share the rubrics,¹ it attests that the rubrics and comments were reviewed, and it confirms that the panel members followed the interview instructions and protocols when scoring the appellant and the other candidates.

Thereafter, agency staff requested clarification of the submitted information, and the appointing authority provided the following: for the position with BEAR, the appointing authority indicates that of the 46 applicants, 31 were considered qualified, and of those, 14 applicants were interviewed. It notes that it had set the passing point for the interview at 70%. The appellant’s average score was 52%, and the selected candidate’s average score was 75%. For the position with BEERA, the appointing authority indicates that of the 42 applicants, 18 were considered qualified, and of those, six were interviewed. The passing point for this position was also 70% and the appointing authority indicates that the appellant’s average score was 55% and the selected candidate’s average score was 75%. The appointing authority explains that the interviewing panels’ notes indicate that the appellant’s answers were too brief, she lost her train of thought, and she did not appear to understand certain questions concerning technical expertise that was required for the program. Additionally, the panelists noted that, for the position with BEAR, the appellant did not always provide examples and details to support some of her responses, and she failed to respond to some questions in their entirety. For the position with BEERA,

¹ The appointing authority indicates that, under the Open Public Records Act, *N.J.S.A.* 47:1A-1, *et seq.*, those documents were deemed “deliberative and confidential” and thus could not be provided.

the panelists noted that the appellant lacked the ability to effectively communicate, present, and train non-DEP entities, which is a requirement for the position.

CONCLUSION

N.J.S.A 11A:5-8 specifies that:

From among those eligible for appointment in the noncompetitive division, preference shall be given to a qualified veteran. Before an appointing authority shall select a nonveteran and not appoint a qualified veteran, the appointing authority shall show cause before the [Commission] why a veteran should not be appointed. In all cases, a disabled veteran shall have preference over all others.

N.J.A.C. 4A:5-2.3 provides that in making appointments in the noncompetitive division, preference shall be given among qualified applicants to disabled veterans, then veterans.

Initially, while Civil Service law and rules include a strong preference for veterans and disabled veterans, the establishment of veterans preference does not automatically entitle the veteran to a permanent appointment in a career service position. As noted above, *N.J.S.A.* 11A:5-8 permits an appointing authority not to appoint a qualified veteran for cause when making noncompetitive appointments. In *In the Matter of Andrew Triandafilou* (MSB, decided June 8, 2005), the former Merit System Board (Board) delineated the standard necessary to remove qualified veterans from consideration for noncompetitive appointments. In *Triandafilou*, the Board stated that although *N.J.A.C.* 4A:5-2.3 does not specify the standard for the non-appointment of a veteran to a noncompetitive position, the rules regarding use of the preference in promotional examinations delineate what is required of an appointing authority to show cause as to why a veteran should be removed from a list. Thus, in the absence of any other specific regulatory procedure concerning noncompetitive positions, these rules are illustrative of what an appointing authority would need to demonstrate to substantiate not appointing an interested, qualified veteran.

In particular, *N.J.A.C.* 4A:5-2.2(c) provides that a nonveteran shall not be appointed unless the appointing authority shows cause why the veteran should be removed from the promotional list. *N.J.A.C.* 4A:4-4.7, *et seq.*, in conjunction with *N.J.A.C.* 4A:4-6.1, *et seq.*, outlines a number of reasons why a person may be denied an appointment and removed from a list. This includes the failure of a veteran applicant to complete required preemployment processing. *See N.J.A.C.* 4A:4-4.7(a)11, which allows an eligible's name to be removed from an eligible list for other valid reasons. In short, the Board in *Triandafilou* stated that these rules explain what an appointing authority would have to demonstrate in order not to make an

appointment of an interested veteran eligible to a noncompetitive title. In other words, an eligible applicant who has established veterans preference does not necessarily have to be permanently appointed. As such, in the present case, the appointing authority has fulfilled its obligation to provide a rational for the appellant's non-selection.

Furthermore, an appointing authority has the discretion to choose its selection method when determining the qualifications of an applicant for a position as a component of the preemployment process. *See In the Matter of Kevin Potter, Jr.* (CSC, decided April 19, 2017) (Commission found that a veteran who failed to obtain a passing score on a structured interview was properly deemed not qualified for the position); *compare Gabler, supra* (Commission granted the appeal of a disabled veteran who met the minimum Civil Service requirements for a noncompetitive title where it found that the appointing authorities failed to quantify Gabler's issues during the interview process, instead noting only that he was "not the best candidate" or that he was "comparatively not the most qualified candidate"). In the instant matter, the appointing authority had established a structured interview process for the subject positions. This structured interview process utilized standardized instructions and protocols when assessing applicants. Furthermore, the appointing authority indicates that it had established a passing point of 70% for the interview, thereby finding anyone below that threshold as not suitable for appointment. The appellant scored an average of 52% for the position in BEAR and 55% for the position in BEERA. The appointing authority also provides specifics as to the areas during the structured interview process where the appellant had demonstrated issues. As such, the appointing authority has shown sufficient cause not to appoint the appellant. Accordingly, the Commission finds no reason to disturb that determination.

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 29TH DAY OF APRIL, 2026



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