

B-17



**STATE OF NEW JERSEY**

In the Matter of Catherine Rembert,  
Human Services Specialist 2  
(PC1356S), Gloucester County

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

CSC Docket No. 2015-2220

**Examination Appeal**

**ISSUED: JUN 05 2015 (SLK)**

Catherine Rembert appeals the determination of the Division of Selection Services<sup>1</sup> (Selection Services) that she was not eligible for the promotional examination for Human Services Specialist 2 (PC1356S), Gloucester County since she was not employed in the announced unit scope.

The promotional examination at issue was announced with specific requirements and was only open to employees with an aggregate of one year of continuous permanent service with Gloucester County as of the October, 21, 2014 closing date (see attached). A total of six employees applied for the subject examination and four were deemed eligible. No certifications have been issued and the list expires on January 7, 2018.

Selection Services' review of the appellant's application and employment record revealed that she was employed in Atlantic County as of the announced closing date. Therefore, she was deemed ineligible because she was not employed in the unit scope to which the examination was announced.

On appeal, the appellant states that she does not understand why she was determined ineligible for the subject examination as she is currently serving as a Human Services Specialist 1 (HSS1), which is one of the titles to which the examination is open, and she has been a resident of Gloucester County for the past

<sup>1</sup> Now known as the Division of Agency Services.

eight years. Although Ms. Rembert acknowledges that the subject announcement is for a promotional opportunity, she asks why it was not posted on the Civil Service Commission's (Commission) website and only being offered to current employees. Additionally, the appellant questions why she cannot be appointed to the position utilizing the Intergovernmental Transfer Program. Further, the appellant notes that she had previously been determined ineligible for the promotional examination for HSS1 (PC0068S), Gloucester County because that position would not have been a promotion. Ms. Rembert provides that she is currently employed by Atlantic County and maintains that it is a financial hardship to her to commute to Atlantic City every day. The appellant presents that she moved to Gloucester County for better employment opportunities, but has never received a response to any of her applications for positions in Gloucester County. Therefore, Ms. Rembert believes that she is being treated unfairly.

### CONCLUSION

*N.J.A.C.* 4A:4-2.3(a) provides that vacancies shall be filled by promotional examination unless the Commission determines that it is in the best interest of the career service to hold an open competitive examination.

*N.J.A.C.* 4A:4-2.6(a)2 provides, in pertinent part, that applicants for promotional examinations be currently serving in the announced unit scope in a title to which the examination is open and meet all other requirements contained in the announcement.

*N.J.A.C.* 4A:4-2.1(b) provides that promotional examination announcements shall be posted on the Commission's website.

*N.J.A.C.* 4A:4-7.1A(b) provides that an intergovernmental transfer shall require the consent in writing of the sending jurisdiction, the receiving jurisdiction, and the affected employee. *N.J.A.C.* 4A:4-7.1A(c) provides that a transferred employee shall be moved to a title substantially at the same level.

*N.J.A.C.* 4A:1-1.3 provides that a promotion is defined as an advancement to a title having a higher class code than the candidate's former permanent title.

*N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In the instant matter, Selection Services properly determined that the appellant was not eligible for the subject examination. In accordance with *N.J.A.C.* 4A:4-2.3(a), there is a preference to fill positions from qualified current employees of a particular unit scope in an appointing authority through promotional examination procedures before permitting individuals who are not current employees to apply for

such positions utilizing open competitive examination procedures. Thus, while the appellant argues that she is serving in a title to which the examination is open and a resident of Gloucester County, the subject promotional announcement was only open to current employees of Gloucester County. As the appellant is not an employee of Gloucester County, she cannot compete in a promotional examination for a position in that agency.

Additionally, the promotional announcement was posted on the Commission's website in accordance with *N.J.A.C. 4A:4-2.1(b)*. In reference to the appellant's request to be appointed to the position under the Intergovernmental Transfer Program, this is a voluntary program and there is no obligation for the sending or receiving jurisdiction to consent to a request by an employee to transfer. Further, as the subject position is for a title that is higher than the appellant's current title, the appellant could not participate in the Intergovernmental Transfer Program as this program is only for moves to a title substantially at the same level. Accordingly, there is no basis to disturb Selection Services' decision as the appellant has not met her burden of proof in this matter.

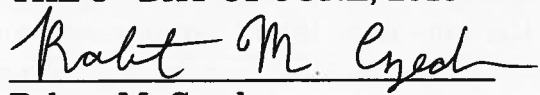
Some of the appellant's other comments need to be addressed. Ms. Rembert asserts that it is strange that she was determined to be ineligible for the promotional examination, HSS1 (PC0068S) Gloucester County on the basis that it did not represent a promotion. However, during the eligibility review screening process, Agency Services first evaluates if the applicant is serving in a title to which the announcement would represent a promotion since only current employees in the announced unit scope can apply for a promotional examination that is limited to those employees. Thus, since movement to HSS1 would be lateral, during the eligibility screening process, the appellant was advised it was not a promotion. At that point in the process, the matter of her unit scope was not examined because she was not eligible on other grounds. Regardless, even if that opportunity would represent a promotion, as it was only open to Gloucester County employees, the appellant would have been determined ineligible.

#### 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 3<sup>rd</sup> DAY OF JUNE, 2015**



**Robert M. Czech  
Chairperson  
Civil Service Commission**

**Inquiries  
and  
Correspondence**

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

**Attachment**

**c: Catherine Rembert  
Kelly Glenn  
Joseph Gambino**

NEW JERSEY CIVIL SERVICE COMMISSION  
 COUNTY AND MUNICIPAL GOVERNMENT SERVICES  
**PROMOTIONAL ANNOUNCEMENT**



**\$25.00 PROCESSING FEE REQUIRED**  
 Make Check/Money Order Payable to NJCSC

<b>SYMBOL: PC1356S</b>	<b>WEIGHT CODE: *</b>
<b>TITLE: HUMAN SERVICES SPECIALIST 2</b>	<b>SALARY: \$44,894.00 - \$65,719.00</b>
<b>ISSUE DATE: October 01, 2014</b>	<b>CLOSING DATE: October 21, 2014</b>
<b>TITLE CODE: 07995/ JIFHR7</b>	<b>JURISDICTION CODE: C08000023</b>
<b>JURISDICTION: GLOUCESTER COUNTY</b>	
<b>DEPARTMENT: SOCIAL SERVICES</b>	

**ONLY ON LINE APPLICATIONS  
 WILL BE ACCEPTED  
 FOR THIS ANNOUNCEMENT**

**Open to employees in the competitive division who are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the closing date in the following title(s):**

**Human Services Specialist 1 07994  
 Human Services Specialist 1 Bilingual Spanish and English 09000**

**IMPORTANT INFORMATION**

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to jurisdiction/department, and satisfying the permanent status requirement.
2. **YOU MUST COMPLETE YOUR APPLICATION IN DETAIL.** Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full-time and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill both full-time and part-time positions. If 35- and 40-hour positions are used within the department, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title **SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.**
5. In accordance with Public Law 2010 c.26, **Veterans pay a reduced application fee of \$15.00** if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. **PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.** (i.e. Police, Fire, Corrections and Sheriff).
6. **If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside of regular business hours on the closing date will not change the application filing deadline, so PLEASE FILE EARLY.**

DPF-256A \* Revised 03/09

