

STATE OF NEW JERSEY

In the Matter of Diana Leon, Human Services Specialist 3, Bilingual in Spanish and English (PC2159E), Ocean County Board of Social Services

CSC Docket No. 2023-2698

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

Examination Appeal

ISSUED: November 22, 2023 (HS)

Diana Leon appeals the determination of the Division of Agency Services (Agency Services), which found that she did not meet the permanent service requirement for the promotional examination for Human Services Specialist 3, Bilingual in Spanish and English (PC2159E), Ocean County Board of Social Services.

As background, the appellant, a non-veteran, took and passed the promotional examination for Human Services Specialist 2, Bilingual in Spanish and English (PC1384A), which had a closing date of October 21, 2019. The resulting eligible list promulgated on March 26, 2020 and expired on March 25, 2023. The appellant's name was certified to the appointing authority on May 4, 2020 (PL200462) with a notice date of May 11, 2020. Certification notices instruct individuals to write to the appointing authority within five business days of the date of the notice to let it know whether or not the individual is interested in the position. In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis that she respond to the certification notice late. The appellant appealed, and, as of April 15, 2021, this agency restored her name to the list for future employment opportunities. The appellant's name was again certified to the appointing authority on May 5, 2022 (PL220651), and she received a permanent appointment to the title of Human Services Specialist 2, Bilingual in Spanish and English, effective June 23, 2022. Subsequently, the examination for Human Services Specialist 3, Bilingual in Spanish and English (PC2159E) was announced open, in relevant part, to employees who possessed an aggregate of one year of continuous permanent service in the title of Human Services Specialist 2, Bilingual in Spanish

and English as of the January 23, 2023 closing date. The appellant was deemed ineligible for the examination as she did not possess one year of continuous permanent service in the title of Human Services Specialist 2, Bilingual in Spanish and English as of the closing date.¹

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On appeal to the Civil Service Commission (Commission), the appellant states that after her appeal of the removal of her name from the Human Services Specialist 2, Bilingual in Spanish and English (PC1384A) list was granted as of April 15, 2021, she "plead[ed] with [the appointing authority] to have [her] name restored to the . . list, and [it] did so as of July 2022" only after she complained. The appellant seeks admittance to the Human Services Specialist 3, Bilingual in Spanish and English (PC2159E) examination.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)1 provides that applicants for promotional examinations must have one year of continuous permanent service for an aggregate of one year immediately preceding the closing date in a title or titles to which the examination is open. Aggregate service shall be calculated in the same manner as seniority as set forth in *N.J.A.C.* 4A:4-2.15.

In this matter, the appellant was properly deemed ineligible for the subject examination as she did not possess the required one year of continuous permanent service in the title of Human Services Specialist 2, Bilingual in Spanish and English as of the January 23, 2023 closing date. In this regard, she did not receive a permanent appointment to that title until June 23, 2022. The Commission observes that the appellant has mischaracterized her restoration to the Human Services Specialist 2, Bilingual in Spanish and English (PC1384A) list. In this regard, as of April 15, 2021, this agency had restored her name to the list for future employment opportunities. Such opportunity arose when the appellant's name was certified from the list on May 5, 2022 to be considered for an appointment, and she received a permanent appointment, effective June 23, 2022. It is simply inaccurate to suggest that the appointing authority did not restore the appellant's name to the list until July 2022. Accordingly, the appellant has failed to meet her burden of proof in this matter, and a sufficient basis exists in the record to support Agency Services' determination that the appellant was ineligible for the subject examination.

¹ It is noted that the appellant had initially been admitted to the examination in error. No vested or other rights are accorded by an administrative error. See Cipriano v. Department of Civil Service, 151 N.J. Super. 86 (App. Div. 1977); O'Malley v. Department of Energy, 109 N.J. 309 (1987); HIP of New Jersey v. New Jersey Department of Banking and Insurance, 309 N.J. Super. 538 (App. Div. 1998).

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 22ND DAY OF NOVEMBER, 2023

Allison Chris Myers

Chairperson

Civil Service Commission

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