



**STATE OF NEW JERSEY**

In the Matter of Jessica Motatey,  
Regulatory Officer 3 (S0920F),  
Statewide

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

CSC Docket No. 2025-717

Examination Appeal

**ISSUED:** November 27, 2024 (HS)

Jessica Motatey appeals the determination of the Division of Agency Services (Agency Services), which found that she did not meet the experience requirement for the open competitive examination for Regulatory Officer 3 (S0920F), Statewide.

The subject examination was announced with a closing date of June 24, 2024 and was open to New Jersey residents who possessed a Juris Doctor degree and four years of experience in conducting legal research, analyzing and evaluating legal documents, rules, regulations, and/or legislation, or the review and analysis of regulatory matters in a government agency; or four years of experience as an attorney, three of which must have been in conducting legal research, analyzing and evaluating legal documents, rules, regulations, and/or legislation, or the review and analysis of regulatory matters in a government agency. Appointees had to be eligible to practice as an Attorney-At-Law in New Jersey and possess a current Certificate of Good Standing issued by the New Jersey Board of Bar Examiners, or other license to practice law issued by any state in the United States. The examination was processed as a non-assembled examination, where all candidates who met the eligibility requirements received the same score. The resulting eligible list of 13 names promulgated on September 19, 2024 with an expiration date of September 18, 2026. A certification for the Mercer County location issued from the eligible list on September 23, 2024 (OS240526), and it has not yet been returned.

On her application, the appellant indicated Mercer County as a work location preference and listed, in pertinent part, her experience as Regulatory Officer 3 with

the Department of Labor and Workforce Development from December 2022 to June 2024<sup>1</sup> and Senior Staff Attorney with Sanctuary for Families from November 2016 to August 2022. Agency Services credited the appellant with one year and seven months of experience as a Regulatory Officer 3. The Senior Staff Attorney position was credited as general attorney experience only. However, Agency Services did not further credit the position because it was not “in a government agency.” Therefore, Agency Services deemed the appellant ineligible since she still lacked one year and five months of experience in conducting legal research, analyzing and evaluating legal documents, rules, regulations, and/or legislation, or the review and analysis of regulatory matters in a government agency, and thus did not meet the experience requirement set forth in the announcement.

On appeal to the Civil Service Commission (Commission), the appellant argues that since “the review and analysis of regulatory matters in a government agency” is preceded by a comma and the disjunctive conjunction “or,” it is not appropriate to apply the phrase “in a government agency” more expansively. Thus, the appellant urges that a candidate may meet the experience requirement if she meets *either* (1) four years of experience as an attorney, three of which must have been in conducting legal research, analyzing and evaluating legal documents, rules, regulations, and/or legislation *or* (2) four years of experience as an attorney, three of which must have been in the review and analysis of regulatory matters in a government agency. The appellant maintains that based on her experience as a Senior Staff Attorney at Sanctuary for Families representing clients in family law matters within the Family and Supreme Courts of New York City, she meets (1) above. She explains that she conducted legal research, specifically reviewing legislation and rules and their application in caselaw, to use in legal documents she drafted such as orders to show cause, motions, stipulations, settlement agreements, and memoranda. She also regularly evaluated and analyzed legislation and rules to support her arguments on behalf of her clients in court and served on internal boards which advocated for changes in legislation, rules, and policies to support clients’ causes. Further, during initial consultations, she regularly reviewed legal documents such as law enforcement reports, petitions, stipulations, motions, and evidence. Moreover, in her supervision of junior attorneys, she regularly reviewed their legal documents and advised as to the proper use of rules and legislation in their arguments before the courts. Lastly, she often trained new attorneys, government staff, and clients on new and existing legislation and rules with respect to family law matters. The appellant contends that because her experience with Sanctuary for Families was rejected based on an incorrect interpretation and application of the experience requirement, her appeal should be granted with retroactive effect.

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<sup>1</sup> Agency records indicate that the appellant received a provisional appointment to the subject title effective December 2022 and continues to serve in tht capacity.

## CONCLUSION

*N.J.A.C.* 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date.

Upon review, the Commission finds that the appellant's five years and 10 months of experience as a Senior Staff Attorney with Sanctuary for Families should have been accepted. An applicant could be admitted by demonstrating, in pertinent part, four years of experience as an attorney, three of which must have been in conducting legal research, analyzing and evaluating legal documents, rules, regulations, and/or legislation, or the review and analysis of regulatory matters in a government agency. The appellant has advanced a plausible interpretation of the experience requirement as it is written. Given the last comma followed by the disjunctive conjunction "or" and the placement of the phrase "in a government agency" at the end of the requirement, a reader might reasonably believe that "in a government agency" only modifies "the review and analysis of regulatory matters" and that one could meet the experience requirement by demonstrating four years of experience as an attorney, three of which must have been in conducting legal research or analyzing and evaluating legal documents, rules, regulations, and/or legislation. As written, the announcement did not provide clear notice that Agency Services deemed "in a government agency" to also apply to conducting legal research and analyzing and evaluating legal documents, rules, regulations, and/or legislation. Thus, it was reasonable for the appellant to assume that her Senior Staff Attorney position with Sanctuary for Families, where she clearly conducted legal research and analyzed and evaluated legal documents, rules, regulations, and legislation, was applicable. She should be admitted to the examination and added to the eligible list as the examination was processed as a non-assembled examination, where all candidates who met the eligibility requirements received the same score. If there are any similarly situated applicants who may also have been deemed ineligible previously, they should be admitted and added to the list as well.

Further, it is noted that generally, a candidate's name is not added to an outstanding certification except in the case of an administrative error. In this instance, the experience requirement was susceptible to the interpretation advanced by the appellant for the reasons discussed. On that understanding, therefore, the Commission is constrained to find that it was error for Agency Services to apply the requirement as restrictively as it did. Had it not done so, the appellant would have been admitted to the examination, placed on the eligible list, and appeared on the September 23, 2024 (OS240526) certification. Thus, based upon the initial improper rejection of the appellant's application, the names of the appellant and any other similarly situated applicants should also be added to certification OS240526 in order to provide them with an opportunity for a permanent appointment. It is noted that this remedy is limited to the unique circumstances of this matter and does not provide a precedent in any other matter.

Finally, the Commission recommends that Agency Services review the job specification and clarify the experience requirement as needed.

### ORDER

Therefore, it is ordered that this appeal be granted and Jessica Motatey and any other similarly situated applicant be admitted to the examination and added to the eligible list for Regulatory Officer 3 (S0920F), Statewide, and to the September 23, 2024 (OS240526) certification for current employment consideration.

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 27<sup>TH</sup> DAY OF NOVEMBER, 2024



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