



STATE OF NEW JERSEY

In the Matters of Michele-Lynne
Muni and Sabrina Haugebrook,
Department of Corrections

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

CSC Docket Nos. 2024-1163
and 2024-1164

Administrative Appeal

ISSUED: November 27, 2024 (JET)

Michele-Lynne Muni and Sabrina Haugebrook, represented by Sean Thom, CWA Local 1040, appeal their non-selections to the non-competitive title of Research Scientist 1. Since these appeals concern similar issues, they have been consolidated herein.

By way of background, the appellants, who are non-veterans, applied for an internal vacancy announcement for the non-competitive title of Research Scientist 1, that was issued by the appointing authority on January 27, 2023. A review of the job specification reveals that an individual appointed to that title is required to possess a Master's degree from an accredited college or university in a discipline appropriate to the position, and four years of full-time experience in a field appropriate to the position. The job specification also indicates that a doctorate in a discipline appropriate to the position could have been substituted for two years of the above listed experience. Although not indicated in the job specification, the appointing authority noted in the internal announcement that "the preferred candidate would possess a Ph.D. degree." After conducting interviews of the candidates, including the appellants, the appointing authority appointed J.K. to the subject position, effective November 18, 2023.

On appeal to the Civil Service Commission (Commission), the appellants contend that, at the time of her appointment to the subject position, J.K. did not meet the above listed "requirements" for appointment, as she does not possess a Ph.D. The appellants state that, although J.K. possesses a Master's degree in Public Health, it is not a Master's degree in "a discipline that is appropriate to the position." The

appellants contend that, since they possess the pertinent education and experience as indicated in the above listed “requirements,” they should have been selected for the subject position. Moreover, the appellants question if J.K. was properly appointed to the subject position under Civil Service law and rules.

In addition, the appellants state that, contrary to the appointing authority’s policies with respect to conducting panel interviews, their immediate supervisor, L.S., a Division Director, improperly participated in the interview panel and interviewed them for the subject position. In this regard, the appellants explain that the appointing authority’s internal procedures set forth the requirements for conducting panel interviews, and part of the policy states that, “whenever possible, current direct supervisors of applicants to be interviewed should not interview subordinates. This is done to eliminate any possible perception of favoritism or a candidate’s perception that the supervisor’s participation might have a negative influence on his/her chances.” The appellants add that the above listed policy also indicates that, “the individual who is the prospective supervisor, who will make the final selection, should not serve as a panel member if a second interview is conducted.” The appellants maintain that, based on the above policy, not only did L.S. improperly participate in the interview panel, but she also improperly made the final determination with respect to the appointment. The appellants add that, during their interview, L.S. asked the question, “How would your boss rate you as an employee,” which was intimidating to them. Moreover, the appellants assert that the appointing authority did not provide them with a clear answer with respect to if it would conduct a second interview. The appellants maintain that, since the subject position is a “high level” position, a second interview should have been conducted for the subject position.

CONCLUSION

N.J.A.C. 4A:4-1.1(b) provides that an appointing authority may be authorized to make a regular appointment of a qualified person to a title in the noncompetitive division of the career service without an examination and that preference shall be given to disabled veterans and then veterans. *N.J.A.C.* 4A:3-1.2 provides that an appointee to a noncompetitive title must meet the minimum requirements and satisfactorily complete a working test period.

Initially, it is noted that the Commission generally only reviews noncompetitive appointments where veterans challenge their non-appointment to the noncompetitive title. *See e.g., in the Matter of Kevin Potter, Jr.* (CSC, decided April 19, 2017); *In the Matter of Alan Gatto* (CSC, decided November 2, 2011), *aff’d on reconsideration* (CSC, decided April 18, 2012). Regardless, the Commission will address the appellants’ objection to J.K.’s appointment on the basis that she did not meet the requirements of the position. In this regard, it is the appointing authority’s responsibility to confirm that any individual appointed to a non-competitive title meets the minimum qualifications. As J.K. possesses a Master’s degree which the

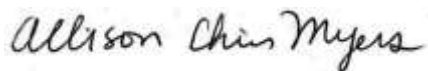
appointing authority has determined is in a discipline appropriate to the position, the Commission finds no basis to question that determination. Further, with regard to the appellants' claims concerning the interview process, the Commission does not have jurisdiction to review this issue. Rather, the proper forum to review such complaints is via the grievance process of by filing a complaint with the appointing authority's Equal Employment Opportunity Office claiming a violation of the State Policy Prohibiting Discrimination in the Workplace. *See N.J.A.C. 4A:2-3.7 and N.J.A.C. 4A:7-3.1 and 3.2.* Regardless, in this matter, the appellants have presented no evidence of discrimination, actual bias or invidious motivation in the appointing authority's selection of J.K.

ORDER

Therefore, it is ordered that these appeals 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 27TH DAY OF NOVEMBER, 2024



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