



STATE OF NEW JERSEY

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

In the Matter of Janelle McBride,
Contract Administrator 3 (PS3454K),
Department of Children and Families

CSC Docket No. 2024-1607

Examination Appeal

ISSUED: July 3, 2024 (KMG)

Janelle McBride appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the requirements for the promotional examination for Contract Administrator 3 (PS3454K), Department of Children and Families (DCF) eligible list.

By way of background, the subject examination was announced open on October 1, 2023, with an October 23, 2023 closing date. The examination originally stated that it was:

Open to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Contract Administrator 2

Agency records indicate that the examination was then reposted on October 3, 2023, with the updated requirement of:

Open to employees in the competitive division who are currently serving in the 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:

Contract Administrator 2

The resulting eligible list of 13 names promulgated on June 6, 2024, and expires on June 5, 2026.

On her application, the appellant indicated, in relevant part, that she had served provisionally as a Contract Administrator 2 from October 2022 through the closing date with DCF; and as a Standards and Procedures Technician 2 from June 2022 to October 2022, as a Field Service Supervisor 3 from June 2016 to June 2022, and as a Senior Quality Control Reviewer from September 2013 to June 2016 with the Department of Human Services.¹ Agency Services determined that as the appellant lacked sufficient permanent status in the title of Contract Administrator 2, she was ineligible for the subject examination.

On appeal to the Civil Service Commission (Commission), the appellant proffers that she meets the announced requirements since she submitted an application prior to the reposted announcement and should therefore be considered eligible under the original announcement. Specifically, the appellant asserts that the October 1, 2023 announced only required one year of continuous permanent service as of the closing date in any competitive title. She also claims that she received conflicting information from her Human Resource Division. In support, she submits a May 15, 2023 email in which she asked if there were any “restrictions preventing [her] from applying to any other positions within DCF,” even though she was “currently in a provisional position/title.” In a May 15, 2023 response, the appellant was told, in relevant part, that she could “apply to any job postings,” as long as she met the job posting’s requirements. Therefore, she argues that her name should be included on the subject eligible list.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)1 provides, in pertinent part that, applicants for promotional examination shall 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. *N.J.A.C.* 4A:4-2.6(a)2 provides, in pertinent part that, applicants shall meet all requirements specified in the promotional announcement by the closing date.

¹ Agency records indicate that the appellant was provisionally appointed, pending promotional examination procedures, to the title of Contract Administrator 2, effective October 22, 2022; received a regular appointment to the title of Standards and Procedures Technician 2, effective June 18, 2022; received a regular appointment to the title of Field Service Supervisor 3, effective June 25, 2016; and received a regular appointment to the title of Senior Quality Control Reviewer, effective September 9, 2013.

In the instant matter, per the updated October 3, 2023 announcement, applicants were required to possess one year of continuous permanent service in the title of Contract Administrator 2 as of the closing date. However, the appellant was provisionally serving in the title of Contract Administrator 2 as of the closing date. Therefore, her service in the title of Contract Administrator 2 cannot be credited for this specific requirement, as she had only been provisionally appointed, pending promotional examination procedures, to the title of Contract Administrator 2, effective October 22, 2022. Thus, she did not possess the required one year of permanent service in that title. *See N.J.A.C. 4A:4-2.6(a)1. See also In the Matter of Carol Amies* (MSB, decided December 18, 2001) (Appellant did not have one year of permanent service).

With regard to the appellant's claim that she met the October 1, 2023 announced requirements, and therefore, any subsequent change to those requirements, should not apply to her, the Civil Service Commission (Commission) does not agree. As noted above, *N.J.A.C. 4A:4-2.6(a)* requires that candidates possess one year of continuous permanent service in a title or titles to which the examination was open. The October 1, 2023 announcement erroneously indicated that the examination was open to employees who possessed "an aggregate one year of permanent service in any competitive title and meet the requirements listed below," which was "Contract Administrator 2." However, two days later, the announcement was corrected and re-posted as being open to employees who possessed "an aggregate of one year of continuous permanent service as of the closing date in the . . . title [of] Contract Administrator 2." Although an error was made on the October 1, 2023 announcement, 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). *See also, In the Matter of Robert Flora* (MSB, decided July 14, 2004) (Pursuant to *N.J.A.C. 4A:4-2.6(a)*, Flora's appeal was denied, even though the promotional examination was erroneously announced open to employees who were "currently serving" in the title of Battalion Fire Chief). Moreover, the error was corrected two days later, and the announcement was reposted with the correct wording of the requirement. As discussed above, the appellant in this matter had not received a regular appointment to the title of Contract Administrator 2, and thus was not eligible for the subject examination.

Finally, the appellant asserts that she was provided contradictory information from her Human Resources Division. However, the information provided to the appellant clearly indicates that she could apply for any examination that she met the announced requirements for, which in this matter she did not meet. Regardless, even if she had been provided with contradictory information, as indicated above, such an administrative error does not warrant a remedy as the appellant did not meet the announced requirements.

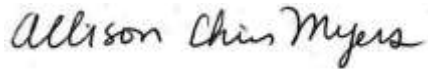
Accordingly, the record reflects that the appellant did not meet the requirements for the title under test, and there is no basis to disturb the decision of Agency Services.

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 3RD DAY OF JULY, 2024



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