



STATE OF NEW JERSEY

In the Matter of Geisa Pedreira,
Human Services Specialist 4
(PC2358E), Mercer County Board of
Social Services

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

CSC Docket No. 2023-2617

Examination Appeal

ISSUED: May 22, 2024 (MC)

Geisa Pedreira appeals the determination of the Division of Agency Services (Agency Services) which found that she did not possess the required one year of permanent status for the promotional examination for Human Services Specialist 4 (HSS4) (PC2358E), Mercer County Board of Social Services.

By way of background, the subject examination was announced with a closing date of March 21, 2023, and was open to employees in the competitive division who were currently serving in the title of Human Services Specialist 3 (HSS3) and had an aggregate of one year of continuous permanent service in that title. Thirty-three applicants were admitted to the examination, which was administered on August 17, 2023. The resulting eligible list of 28 names promulgated on September 28, 2023, and expires on September 27, 2025. A certification (PL231895) containing the names of 20 eligibles was issued on October 2, 2023, and was returned on January 2, 2024, appointing seven eligibles.¹

Agency records indicate that the appellant received a regular appointment to the HSS3 title, effective August 15, 2022, from the PC4477C eligible list for that title. Since the appellant lacked one year of continuous permanent service as a HSS3, Agency Services found her ineligible for the subject examination.

¹ A second certification was issued on May 8, 2024 with the names of 15 eligibles and is pending. The certification disposition due date is August 8, 2024.

On appeal to the Civil Service Commission (Commission) the appellant argues that she was provisionally appointed to the HSS3 title in October 2020, but due to COVID-19 and this agency's suspension of examinations, she did not receive her permanent appointment to the HSS3 title until August 15, 2022, which made her approximately five months short to meet the announced requirements. Therefore, she maintains that she should be admitted to the examination.

It is noted that agency records indicate that the appellant was provisionally appointed, pending promotional examination procedures, to the title of HSS3, effective October 12, 2020. The HSS3 (PC4477C) examination was announced open with a September 21, 2021 closing date, and the written examination was held on March 31, 2022. The PC4477C eligible list promulgated on May 12, 2022, and contained the names of 43 eligibles, including the appellant as the 10th ranked eligible. Thereafter, a certification (PL220728) was issued on May 16, 2022, and as set forth above, the appellant received a regular appointment to the title of HSS3, effective August 15, 2022. Agency records also indicate that, on November 29, 2022, the appointing authority requested that the subject examination for the title of HSS4, be announced.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) requires applicants to possess all the requirements specified in an announcement for a promotional examination by the closing date. *N.J.A.C.* 4A:4-2.6(a)1 provides, in pertinent part, that applicants for promotional examinations 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:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In the instant matter, while the appellant may take issue with the timing of the HSS3 announcement, and her appointment date, these dates are consistent with the announcement protocol, beginning from the promotional announcement to review, and then from the examination testing to results. In addition, this agency has discretion to provide for the administration of examinations, including their scheduling. See *N.J.S.A.* 11A:4-1 and *N.J.A.C.* 4A:4-2.8. Moreover, all State agencies were explicitly authorized to take "appropriate steps to address the public health hazard of COVID-19." See Executive Order No. 103² (Murphy, March 9, 2020) and Executive Order No. 280³ (Murphy, January 11, 2022). Set against the backdrop of the obvious challenges COVID-19 posed to in-person testing, as

² The Public Health Emergency declared in Executive Order No. 103 was terminated effective June 4, 2021. See Executive Order No. 244 (Murphy, June 4, 2021).

³ The Public Health Emergency declared in Executive Order No. 280 was terminated effective March 4, 2022. See Executive Order No. 292 (Murphy, March 4, 2022).

evidenced by the Public Health Emergency declarations, the timing of the administration of the written test was not unreasonable. Furthermore, the Commission has already considered, and rejected, a claim that the suspension of examinations amid the COVID-19 pandemic was unreasonable. *See In the Matter of James Somers* (CSC, decided January 18, 2023).


Accordingly, the determination of Agency Services that the appellant was not eligible as she did not possess one year of continuous permanent service in the title of HSS3 for the subject examination as announced was proper and there is no basis for any relief.

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 MAY, 2024



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