

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Desiree Liberty,
Chemist 1, (C0006A), Cape May
County

Examination Appeal

CSC Docket No. 2020-531

ISSUED: October 29, 2019 (RE)

Desiree Liberty appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the education requirement for the open competitive examination for Chemist 1, (C0006A), Cape May County.

The examination at issue had a closing date of January 7, 2019 and open to residents of Cape May County who met the announced requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree in any natural science or physical science, including or supplemented by twenty-four (24) credit hours in chemistry which shall have included a minimum of six (6) credits hours in analytical chemistry, and one year of chemical analysis work in a public health or chemistry laboratory. Applicants who did not possess the Bachelor's degree, but who possessed the credits outlined above could substitute experience for the remaining education (years necessary to complete the degree) on a year-for-year basis. Also, a Master's degree in chemistry could be substituted for the required experience. As there were no admitted candidates, the examination was cancelled on August 31, 2019.

The appellant indicated that she graduated with a Bachelor's degree in Biology, and she listed nine positions on her application; provisional Chemist 1; another position as Chemist 1 with Cape May County (part time, 28 hours per week); Environmental Health Technician with Onandaga County Health Department; Chemist 2 with Life Science Laboratories; Chemist 2 with New York Drug Testing and Research Program; Science Teacher with Wethersfield Public Schools; Substitute Teacher at various school districts (part time, 20 hours per week); and Environmental Chemist 2 with Environmental Products and Services; and Chemist 2 with the Connecticut Department of Health. She was credited with

one year, two months of applicable full-time experience in the first two positions, and was found to be lacking two credits in analytical chemistry.

On appeal, the appellant indicates that at Central Connecticut State university the laboratory/lecture advanced chemistry course was only offered for four credits. She states that she has extensive training in chemical analytical techniques, and has almost 15 years as a Chemist and many fields of chemistry in which she has mastered the analytical skills in both quantitative and qualitative techniques and methods used in a laboratory.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 requires applicants to possess all the requirements specified in an announcement for an open competitive examination by the closing date. *N.J.A.C.* 4A:4-2.12(a) provides that, for titles requiring specific coursework or major fields of study, the successful completion of the coursework or fields of study shall be required. Further, *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellant lacked two credits in analytical chemistry. However, the appellant meets all other requirements and has many years of experience as a Chemist. Further, she remains in her provisional position and there are no other eligible candidates. Therefore, the Commission finds that the totality of her college education and experience in the subject title are acceptable to meet the education requirements for the subject examination. *See In the Matter of Meg-Anne McCarthy* (MSB, decided August 11, 2004) (Totality of experience, Bachelor's degree in Food and Nutrition, and Master's degree in Health Administration acceptable for required Master's degree in a nutrition specialty).

It is noted that this remedy is limited to the particular circumstances of this matter and does not set a precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted, the exam cancellation be rescinded, and the appellant's application be processed for current employment opportunities.

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 23rd DAY OF OCTOBER, 2019



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Desiree Liberty
Elizabeth Bozzelli
Kelly Glenn
Records Center