

## STATE OF NEW JERSEY

In the Matter of Elizabeth Rojas,	:	
Supervising Family Service Specialist	:	<b>FINAL ADMINISTRATIVE ACTION</b>
2	:	<b>OF THE</b>
(PS5396K), Department of Children	:	<b>CIVIL SERVICE COMMISSION</b>
and Families	:	

CSC Docket No. 2020-2547	:	Bypass Appeal
	:	Corrected Decision

ISSUED: MARCH 1, 2021 (JET)

Elizabeth Rojas appeals the bypass of her name on the Supervising Family Service Specialist 2 (PS5396K), Department of Children and Families, eligible list.

The appellant took the promotional examination for Supervising Family Service Specialist 2 (PS5396K), achieved a passing score, and was ranked on the subsequent eligible list. The appellant's name was certified on February 3, 2020 (PS200194). In disposing of the certification, the appointing authority bypassed the appellant, who was the third ranked eligible on the certification, and recorded her as "retained, interested others appointed." The appointing authority appointed John Hampl, who was the sixth ranked eligible on the certification, effective March 28, 2020.

On appeal to the Civil Service Commission (Commission), the appellant asserts that she possesses five years of applicable experience as she previously served as a supervisor in the Permanency Unit. As such, the appellant contends that her prior supervisory experience makes her a "unique" choice for appointment to the subject position. Moreover, the appellant explains that she has served in a variety of units throughout her 20-year career, and such experience has provided her with a well-rounded knowledge of child protection policies and procedures, and as such, she maintains that she should have been appointed to the subject position.

In response, the appointing authority asserts that the appellant and Hampl were interviewed as a part of the selection process, and based on the candidate responses, it was determined that Hampl scored higher than the appellant. As such, the appointing authority appointed bypassed the appellant and appointed

Hampl, as appropriate under the Rule of Three. In support, the appointing authority provides copies of the scoring sheets utilized during the interview process to show that Hampl scored higher than the appellant.

In response, the appellant asserts that the interview scoring sheets do not contain any objective criteria to show how the scores were determined. The appellant contends that without such an explanation regarding how the scores were determined, it cannot be determined that the bypass was proper. The appellant states that her prior supervisory experience should have been factored into her score. Moreover, the appellant explains that she was aware that Hampl was promoted to the subject position at least 37 days prior to the date of her interview, as it appeared that his caseload was redistributed as a result of the promotion.

### CONCLUSION

*N.J.S.A. 11A:4-8, N.J.S.A. 11A:5-7, and N.J.A.C. 4A:4-4.8(a)3ii* (known as the Rule of Three) allow an appointing authority to select any of the top three interested eligibles from a promotional list, provided that a veteran does not head the list. As long as that discretion is properly utilized, an appointing authority's discretion will not be overturned. *N.J.A.C. 4A:2-1.4(c)* provides that the appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority's decision to bypass the appellant on an eligible list was improper.

In this matter, the appellant has provided no substantial evidence to show that the bypass was improper. Initially, the appellant has not provided any information to show that she is more qualified than Hampl. Rather, she essentially states that she possesses a variety of experience, including supervisory experience in the Permanency Unit. However, she has not established in any way that she is more qualified than Hampl to be appointed to the subject title. It is within an appointing authority's discretion to choose its selection method, and the record indicates that the candidates were interviewed and Hampl scored higher than the appellant. Based on the interview scores, the appointing authority then selected the candidate it determined was best suited for the position. As such, the appointing authority provided a legitimate basis for not selecting the appellant. Although the appellant contends that she possesses supervisory experience, that experience does not overcome that Hampl scored higher during the interview process.

With respect to the appellant's argument that the scoring sheets do not reflect any objective criteria, the Civil Service Commission disagrees. The sheets clearly indicate several categories including, but not limited to, experience, compliance, leadership, support, and feedback, and her responses to questions pertaining to those categories during the interview process resulted in her ultimate

final score, which as noted above, was lower than Hampl's score. Moreover, the appellant's perception that Hampl's caseload was redistributed sometime prior to her interview, in and of itself, does not establish her claims in this matter. The appellant has not provided any evidence in support of that claim in this matter, and even if Hampl's caseload was reassigned, the appointing authority is authorized to do so for legitimate business reasons. Although the appellant ranked higher on the eligible list based on her examination score, that fact, by itself, is insufficient to establish that his bypass was improper given the discretion afforded an appointing authority under the Rule of Three.

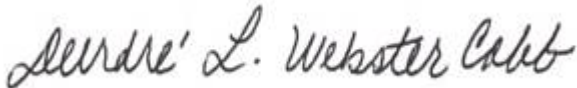
Accordingly, the appellant has not sustained her burden of proof in this matter.

### 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 DAY 16<sup>th</sup> OF SEPTEMBER, 2020




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