



**STATE OF NEW JERSEY**

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

In the Matters of Garry Brizeus and  
Angela Thompson, Human Services  
Technician (PS6722H), Ancora  
Psychiatric Hospital, Department of  
Health

Examination Appeals

CSC Docket Nos. 2020-418 and  
2019-3699

**ISSUED: SEPTEMBER 12, 2019 (HS)**

Garry Brizeus and Angela Thompson appeal the determinations of the Division of Agency Services (Agency Services), which found them ineligible for the promotional examination for Human Services Technician (HST) (PS6722H), Ancora Psychiatric Hospital, Department of Health on the basis of incomplete applications. These appeals have been consolidated due to common issues presented.

The subject examination was announced with a closing date of January 22, 2018 and was open to employees in the non-competitive division who had one year of continuous permanent service as of the closing date in the title of Human Services Assistant (HSA) and possessed one year of experience in the non-professional nursing care of children and/or adults in an institution, nursing home or hospital. The examination was administered as a written test on June 27, 2019. The resulting eligible list containing the names of 90 eligibles promulgated on July 25, 2019 and expires on July 24, 2022. Agency records indicate that there are 123 employees serving provisionally in the subject title. Certifications issued from the list on August 2, 2019 and August 5, 2019, respectively, but they have not yet been returned.

Agency records indicate that Brizeus received a permanent appointment to the title of HSA, effective January 31, 2009, and a provisional appointment to the title of HST, effective March 18, 2017. Brizeus took and passed the written test for the subject examination and, on July 17, 2019, was notified of his final average and rank on the resulting list. However, on July 18, 2019, Brizeus was notified that he was ineligible for the subject examination on the basis of an incomplete application.

Specifically, he had not entered any experience. As a result, Brizeus's name was removed from the eligible list prior to its promulgation.<sup>1</sup>

Thompson received a permanent appointment to the title of HSA, effective August 13, 2011, and a provisional appointment to the title of HST, effective March 18, 2017. Thompson also did not enter any experience on her application for the subject examination. Therefore, Agency Services deemed her ineligible on the basis of an incomplete application.

On appeal to the Civil Service Commission (Commission), Brizeus maintains that he is eligible. He provides copies of his Performance Assessment Reviews (PARs) for the March 1, 2016 to February 28, 2017 and October 1, 2018 to September 30, 2019 rating periods. The PARs state Brizeus's major goal as implementing quality patient care within a culture of safety for an assigned patient group and include, among his responsibilities, assisting patients with ADL skills and personal hygiene, promoting a therapeutic milieu, escorting patients and crisis intervention.

Thompson also maintains that she is eligible. She provides a copy of her resume. According to the resume, Thompson's duties as an HSA from August 2011 to January 2015 were to identify patients for medication administration, chaperone patients, and monitor and assist patients with hygiene. Her duties as an HSA from January 2015 to March 2017 were to complete fire and safety checklists, complete environmental checks to check exits for safety, and monitor and assist with all aspects of hygiene and grooming. Her duties as an HST since March 2017 have been substantially similar to the duties she performed as an HSA from January 2015 to March 2017.

Agency records indicate that the appellants continue to serve provisionally in the title of HST.

## CONCLUSION

*N.J.A.C.* 4A:4-2.6(a)2 provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced application filing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation.

In these matters, Agency Services correctly determined that the appellants were ineligible for the subject examination as of the January 22, 2018 closing date on the basis of their incomplete applications as they did not enter any experience. On appeal, the appellants provide documentation of applicable duties they

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<sup>1</sup> It is not clear from the record why Brizeus was permitted to sit for the test in the first place.

performed while serving in the title of HSA prior to the closing date. Although this information amends the appellants' applications, the circumstances here provide a basis to allow the amendments. The amending information demonstrates that the appellants possess enough applicable experience. Additionally, the record evidences that the number of employees serving provisionally as HSTs exceeds the number of eligibles on the list. Further, both appellants continue to serve provisionally as HSTs, and Brizeus already took and passed the written test. Moreover, the Commission notes that the dual purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. See *Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). Under these particular circumstances, good cause exists to relax the provisions of N.J.A.C. 4A:4-2.6(a)2 and N.J.A.C. 4A:4-2.1(f), permit the appellants to amend their applications, and accept the qualifying experience they have presented. As such, Brizeus should be restored to the eligible list, and Thompson should be admitted to the examination.

However, the Commission emphasizes that the remedies in these matters are limited to the specific facts presented and shall not be utilized as precedents in any other proceeding. The importance of submitting a properly completed application that includes all the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Agency Services can make the initial determination whether to admit or reject an applicant. Agency Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner. Therefore, the Commission cautions the appellants that they must properly complete any applications they may file in the future.

### **ORDER**

Therefore, it is ordered that Garry Brizeus's appeal be granted and his name be restored to the eligible list for Human Services Technician (PS6722H), Ancora Psychiatric Hospital, Department of Health for prospective employment opportunities only.

It is further ordered that Angela Thompson's appeal be granted and her application be processed for prospective employment opportunities.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 10<sup>TH</sup> DAY OF SEPTEMBER, 2019



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- Angela Thompson (2019-3699)
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