



STATE OF NEW JERSEY

In the Matter of Elcy Bocanegra,
Health Aide, Bilingual in Spanish
and English (C0749VN), Cape May
County

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

CSC Docket No. 2018-2456

Examination Appeal

ISSUED: MAY 24, 2018 (JET)

Elcy Bocanegra appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirement for the open competitive examination for Health Aide, Bilingual in Spanish and English (C0749VN), Cape May County.

The subject examination was announced with specific requirements that had to be met as of the September 21, 2017 closing date. The requirements were six months of experience in distributing public health information and participating in routine health surveys, including those relating to personal and family health needs, and in maintaining established sanitary conditions. It is noted that the examination was cancelled since all of the applicants, including the appellant, were found ineligible for the examination.

A review of the appellant’s application reveals that she served provisionally in the subject title from August 2017 to the September 21, 2017 closing date, as a Spanish Teacher from September 2012 to June 2017, and as a Human Services Specialist 1, Bilingual in Spanish and English from November 2011 to July 2012. She also served as an Instructional Aide for an ESL program and as a Spanish program teacher from October 2002 to September 2011, and as a Nurse Assistant from July 1999 to June 2002. Agency Services credited the appellant with two months of applicable experience for her work in the subject title. However, it did not credit her with any other applicable experience. Accordingly, Agency Services determined that the appellant lacked four months of applicable experience.

On appeal, the appellant maintains that she possesses sufficient experience to qualify her for the examination. She asserts, among other things, that she aides professional staff with various programs, including the Child Health Programs, Child Health Special Services, and Early Intervention Programs. She adds that she explains the process for completing various application forms, and she acquired experience while working as a Certified Nurse Assistant to promote the health and safety of families. The appellant contends that she was a liaison for the ESL program where she provided English and Spanish educational information for school districts and students. Moreover, the appellant asserts that she has gained additional applicable work experience while serving provisionally in the subject title.

Official personnel records indicate that the appellant continues to serve provisionally in the subject title.

CONCLUSION

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive announcement by the closing date. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause in a particular situation. Initially, it is noted that Agency Services correctly credited the appellant with two months of applicable experience based on her provisional service as a Health Aide, Bilingual in Spanish and English. However, a review of the record indicates that the appellant continues to serve provisionally in the title under test. The appellant now has enough applicable experience based on this service. Additionally, the situation is not competitive as the examination was cancelled due to lack of qualified applicants. Under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.3(b) and accept the appellant's provisional experience after the closing date, for eligibility purposes only, and to admit her to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination be rescinded and the appellant's application be processed.

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 MAY, 2018



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