



**STATE OF NEW JERSEY**

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

In the Matter of Noemi Suarez,  
Habilitation Plan Coordinator  
(PS5449K), Department of Human  
Services

Examination Appeal

CSC Docket No. 2020-1387

**ISSUED:** January 16, 2020 (RE)

Noemi Suarez appeals the determination of the Division of Agency Services (Agency Services) which found that she did not meet the experience requirements for the promotional examination for Habilitation Plan Coordinator (PS5449K), Department of Human Services.

The subject examination announcement was issued with a closing date of July 22, 2019, and was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any title and who met the requirements for Developmental Disability Professionals and Providers as outlined in the "Rules and Regulations" section of the Federal Register, Volume 53, No. 107 (June 1988): 20497-8, which sets the standards for developmental disability facilities and staff. These requirements included graduation from an accredited college or university with a Bachelor's degree in a human services field, including but not limited to the following: human behavior, (e.g., psychology, sociology, speech communication, gerontology), social work, criminal justice, (with a social work/psychology focus not administrative, etc.) human skill development (e.g. special education, education, counseling, human development, recreation, or a specialty area such as art, dance, music or physical education), humans and their cultural behavior (e.g., anthropology), or any other study of services related to basic human care needs (e.g. human services, nursing, rehabilitation counseling, art therapy, recreational therapy, occupational therapy, physical therapy, dietetics, speech language pathology or audiology), or the human condition (e.g., literature, the arts); AND one year of experience in the care, treatment, and rehabilitation of individuals with developmental disabilities in

residential or community settings or in case management, analysis, development and implementation of programs for clients with developmental disabilities. Licensure as a Professional Nurse in the State of New Jersey or a degree as a Doctor of Medicine or Doctor of Osteopathy from an accredited school of medicine could be substituted for the Bachelor's degree. The appellant was found to be below the minimum requirements in experience. As she was the sole applicant, the examination was cancelled on November 22, 2019.

The appellant met the educational requirement, and she listed one position on her application, provisional Habilitation Plan Coordinator. She was credited with six months in this position and was found to be lacking six months of applicable experience. It is noted that official records indicate that she was a Behavior Support Technician from August 2009 to February 2019, and had various positions prior to that.

On appeal, the appellant states that she was a Behavior Support Technician and she provided the duties of that position, her provisional position, and she provides an updated resume with additional positions.

## CONCLUSION

*N.J.A.C. 4A:4-2.6(a)* provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date.

Initially, Agency Services correctly found the appellant to be ineligible for the subject examination since, according to her application, she lacked the required experience. The online application process is automated and provides instructions to candidates on how to properly complete their applications. Also, the application states that, by clicking "yes," the applicant certified that the employment history was complete and accurate. The On-Line Application System User's Guide cautions applicants to carefully review the application to ensure that it is complete and accurate before submitting, and to complete the application in detail. It states that failure to complete the application properly may cause the applicant to be declared ineligible. The instructions under the experience portion of the application advise applicants to provide **all** employment information (not just current employment information), and if they have multiple positions, they need to make sure that they provide each one separately. The appellant should follow these instructions and properly complete any future applications for examinations.

In the instant matter, while the appellant's Behavior Support Technician position was not listed on her application, she has indicated on appeal that the duties of that position have the announced experience requirement as the primary focus. The examination has been cancelled, and the appellant remains in her

provisional position in the subject title. As such, good cause exists to relax the provisions *N.J.A.C.* 4A:4-2.6(a) and admit the appellant to the examination.

**ORDER**

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

This 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 15<sup>th</sup> DAY OF JANUARY, 2020



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: Noemi Suarez  
Acquonetta Green  
Kelly Glenn  
Records Center