



**STATE OF NEW JERSEY**

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

In the Matter of Sean Nugent,  
Vocational Rehabilitation Counselor  
2 (PS0746N), Department of Labor  
and Workforce Development

Examination Appeal

CSC Docket No. 2020-2384

**ISSUED: MAY 3, 2021 (RE)**

Sean Nugent appeals the determination of the Division of Agency Services (Agency Services) that he was below minimum requirements in education for the promotional examination for Vocational Rehabilitation Counselor 2 (PS0746N), Department of Labor and Workforce Development.

By way of background, the eligibility requirements for the subject examination included graduation from an accredited college or university with a Master's degree in rehabilitation counseling, education, social work, counseling, special education, school guidance or psychology, and successful completion of one graduate course in theories and techniques of counseling AND two years of experience in vocational/rehabilitation guidance or counseling, or social or medical casework in a rehabilitation agency, facility or other social program designed to increase the employability of persons with disabilities. A current and valid certification as a Certified Rehabilitation Counselor issued by the Commission on Rehabilitation Counselor Certification could be substituted for the Master's degree. Also, a Bachelor's degree in in Rehabilitation Counseling, Education, Social Work, Counseling, Special Education, School Guidance, Psychology, Business Administration, Human Resources, or Economics *and* two years of professional work experience with individuals with disabilities or performing direct counseling or advocacy activities for individuals with disabilities in a rehabilitation agency, facility or other social program designed to increase the employability of persons with disabilities, could be substituted for the above education.

This examination was announced with a closing date of October 21, 2019, and the appellant was found to be ineligible as he did not meet the education

requirements. He had completed a graduate course in theories and techniques of counseling, but he possessed a Bachelor's degree in Sociology, and only credits towards a Master's degree in Vocational Rehabilitation. Thus, he did not meet the educational requirements. The examination has 24 eligible candidates and has not yet been held.

In his appeal, the appellant argued that his Bachelor's degree and 24 credits in Vocational Rehabilitation was sufficient to meet the requirements, and he has completed the required course. The appellant states that he is a Certified Social Worker. He believes that he was similarly situated as the appellant in *In the Matter of Renee Caratozzolo, Vocational Rehabilitation Counselor 2 (PS0746N), Department of Labor and Workforce Development* (CSC, determined July 1, 2020). In that case, the appellant furnished a letter from a Dean of her college which indicates that her Master's degree in Community Health Education was equivalent to a Master's degree in Education, and was found to be eligible. He also states that he was similarly situated to the appellant in *In the Matter of Robert Berman, Vocational Rehabilitation Counselor, Deaf Language Specialist (PS0748N), Department of Labor and Workforce Development* (CSC, determined May 20, 2020). In that case, the appellant's totality of education and experience was accepted as it was specific to the title variant in Deafness Rehabilitation. That examination was not competitive, with one eligible candidate. The appellant requests that the requirements be relaxed as *In the Matter of Jessica Reid, Animal Health Technician (C), Essex County* (CSC, determined April 9, 2014). In that matter, the appellant lacked 18 required biology credits, but the totality of her education, veterinary technician education (Veterinary Technician Certification and she passed the Veterinary Technician National Examination) and provisional experience in the title was acceptable to meet the requirements. It was also ordered that the requirements for the title be reviewed to determine if certification as a Veterinary Technician was an acceptable substitute for the required education.

The appellant was asked to supply a letter from the Dean of a college or university he attended attesting that his education in totality was equivalent to a Bachelor's degree in one of the announced areas (Rehabilitation Counseling, Education, Social Work, Counseling, Special Education, School Guidance, Psychology, Business Administration, Human Resources, or Economics). The appellant supplied a letter from the Chair of the Department of Sociology and Criminal Justice. This letter stated, "As chair of the Sociology Department, I currently oversee programs in sociology, social services and criminal justice. My professional opinion is that Mr. Nugent's combination of education and work experience provide him with a foundation that is at the very least equivalent to, if not exceeding, that which he could have obtained from a Bachelor's in Social Work had it been available to him at the time he attended William Paterson." This was neither a letter from a Dean, nor is this individual involved in the area of Social Work, a degree which is not offered by William Paterson University. The appellant

was again asked to provide a letter from a Dean in one of the announced areas attesting that his education in totality was equivalent to a Bachelor's degree in one of the announced areas. The appellant submitted a memo from the Associate Dean of the College of Humanities and Social Sciences stating, "As the Associate Dean in the degree granting college (and as Dr. Felson, the chair of the Sociology/Criminology and Criminal Justice has determined) I believe Mr. Nugent's combined education and work experience would be commensurate with a bachelor's in social work had it been available to him at the time he attended William Paterson."

### CONCLUSION

*N.J.A.C. 4A:4-2.6(a)2* provides that applicants must meet all requirements specified in a promotional examination announcement by the closing date.

On appeal, the appellant has NOT furnished a letter from a Dean of a college that he attended which indicates that his education in totality was equivalent to a Bachelor's degree in one of the announced areas (Rehabilitation Counseling, Education, Social Work, Counseling, Special Education, School Guidance, Psychology, Business Administration, Human Resources, or Economics). A Dean is a title used in colleges or universities for a person with significant authority over a specific academic unit, over a specific area of concern, or both. As such, the Dean's opinion is comparable to a Subject Matter Expert, and his or her view is the authority on the matter.

In this case, the Associate Dean is in the College of Humanities and Social Sciences, which does not offer a Bachelor's degree in Social Work. The Bachelor's degree offered from the College of Humanities and Social Sciences which is in the one of the announced areas was Psychology, which was not mentioned by the Associate Dean. Further, the Associate Dean considered the totality of the appellant's experience and education, rather than just his education. This is not specific to the request, and the Associate Dean cannot be considered to be a Subject Matter Expert over a major not under his purview.

The appellant states that he is a Certified Social Worker. The requirements for this certification include: a completed application form, a completed Certification and Authorization Form for a Criminal History Background Check, an application fee, and an official transcript indicating that the applicant has received a baccalaureate degree in Social Work from an educational program accredited, or in candidacy for accreditation, by the Council on Social Work Education OR an official transcript indicating that the applicant acquired a baccalaureate degree prior to April 6, 1995, from an accredited institution of higher education in one of the following fields: guidance and counseling, human services, marriage and family counseling, psychology, sociology, vocational/disability rehabilitation, and social

work (from institutions not accredited, or in candidacy for accreditation, by the Council on Social Work Education), and an affidavit or other form as the Board may require attesting to the applicant having acquired one year of full-time social work experience (1,600 hours in any consecutive 18-month period) prior to April 6, 1995. The appellant argues that a certification in Social Work should be acceptable. The Civil Service Commission does not agree. Absent a statement from a Dean from one of the universities that he attended that his education is equivalent to one of the required degrees, this certification cannot be accepted. It is noted that the certification accepts experience as well as a Bachelor's degree in Sociology, which already is a requirement for the examination. Further, a substitution that is not the same as the substitution education is too far removed from the primary requirement to be acceptable. Further, it is clear that the focus of the appellant's coursework was not in social work. Moreover, to admit the appellant without allowing other candidates with a Bachelor's degree in Sociology who may have applied if given the opportunity is inappropriate.

Lastly, the appellant is not similarly situated as *Caratozzolo, supra*, as the appellant does not possess a Master's degree in an area that can be considered to be in one of the required areas. Further, the matter of *Berman, supra*, is not equivalent, as that matter referred to a variant of this title, and that examination was not competitive, with only one eligible candidate. The case of *Reid, supra*, is clearly not a precedent as Animal Health Technician is not in the same title series, and the requirements were in question. It is noted that currently a passing score on the Veterinary Technician National Exam (VTNE) administered by the American Association of Veterinary State Boards (AAVSB) can be substituted for the required education and experience.

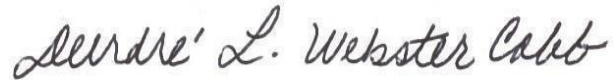
A thorough review of appellant's application reveals that the determination of Agency Services, denying appellant's admittance to the subject examination due to the fact that he did not possess the announced requirements for eligibility by the examination closing date, is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support his 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 28th DAY OF APRIL, 2021



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