



**STATE OF NEW JERSEY**

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

In the Matter of  
Virginia Flint-Montenegro,  
Assistant Director of Nursing  
(PC4188D), Hudson County

Examination Appeal

CSC Docket No. 2023-363

**ISSUED:** October 12, 2022 (RE)

Virginia Flint-Montenegro appeals the decision of the Division of Agency Services (Agency Services) which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Assistant Director of Nursing (PC4188D), Hudson County.

The subject promotional examination had a closing date of June 21, 2022 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 the title Administrative Supervisor of Nurses and who met the announced requirements OR to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date who met the announced requirements. Those requirements included graduation from an accredited college or university with a Bachelor's degree in Nursing or Nursing Education, five years of experience as a registered professional nurse, two years of which shall have been supervisory experience involving the development and carrying out of an extensive program of nursing service and/or education, and applicants must be a Registered Professional Nurse, currently licensed in New Jersey. Applicants who did not possess the Bachelor's degree in Nursing or Nursing Education could substitute two additional years of experience as a registered professional nurse. The appellant was found to be below the minimum requirements in experience per the substitution clause for education. As the appellant was the sole applicant, the examination was cancelled on September 1, 2022.

On her application, the appellant indicated that she possessed an Associate's degree in Nursing, and was a Registered Professional Nurse. She listed one position, provisional Assistant Director of Nursing from August 2019 to the June 2022 closing date. Per the substitution clause for education, the appellant was required to possess seven years of required experience, including two years of supervisory experience. She was credited with possession of the required license, and two years, 11 months of experience, including the required two years of supervisory experience, and was found to be lacking four years, one month of required experience.

On appeal, the appellant provides information regarding additional positions she had previously held. She states that she held the titles Graduate Nurse and Supervisor of Nurses with Hudson County, and she provides a resume with duties of the 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. *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date.

*N.J.A.C.* 4A:1-1.2(c) provides that the Civil Service Commission may relax the rules for good cause in a particular situation, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In the instant matter, the appellant was found to be lacking four years, one months of qualifying experience as the appellant was only credited for the two years, 11 months of experience in her provisional position in the subject title. As such, Agency Services correctly determined that the appellant was not eligible for the subject examination. Nevertheless, while the appellant's Supervisor of Nurses and Graduate Nurse positions were not listed on her application, the duties for these positions were provided on appeal and are applicable, and the appellant accrued over four years, one month of experience in those titles. She serves as a provisional in the subject title, and the examination was cancelled. As such, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and *N.J.A.C.* 4A:4-2.1(f), and accept the appellant's additional experience, for eligibility purposes only, and admit her to the examination.

On a final note, 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 applications advise applicants to provide all employment information (not just current employment

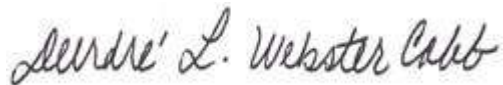
information), and if they have multiple positions, they need to make sure that they provide each one separately. The appellant should follow these instructions and properly complete any future applications for examinations.

**ORDER**

Therefore, it is ordered that this appeal be granted, the examination cancellation 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 12<sup>TH</sup> DAY OF OCTOBER, 2022



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