



STATE OF NEW JERSEY

In the Matter Candice Donaldson,
Home Instructor, Commission for the
Blind and Visionally Impaired
(S0400D), Department of Health

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

CSC Docket No. 2022-3134

Examination Appeal

ISSUED: September 21, 2022 (BS)

Candice Donaldson appeals the determination of the Division of Agency Services (Agency Services) which found that she did not meet the requirements for the open-competitive examination for Home Instructor, Commission for the Blind and Visionally Impaired (S0400D), Department of Health.

The promotional examination for Home Instructor, Commission for the Blind and Visionally Impaired (CBVI) was announced with experience requirements which had to be met as of the announced closing date of April 21, 2022. Specifically, all applicants had to possess a Bachelor's Degree from an accredited college or university, plus one year of experience in providing instruction or other social services to the blind. Applicants who did not possess the required education could substitute additional experience as indicated on a year-for-year basis with 30 semester hour credits being equal to one year of experience. An eligible roster promulgated on May 26, 2022 containing the names of five qualified applicants.

The appellant filed an application on which she indicated she possessed a Master's degree and Bachelor's degree, plus experience as a provisional Home Instructor, CBVI (October 2021 to the closing date), Special Education Teacher (September 2018 to June 2019), and Teacher of Students with Autism (September 2006 to June 2018). Agency Services concluded that, as of the closing date, the appellant did not possess any applicable experience providing instruction or other social services specifically to the blind as required since she failed to provide the specific client population she worked with as a Home Instructor. The appellant's experiences as a Special Education Teacher and Teacher of Students with Autism

were not considered applicable. As a result, the Agency Services found the appellant ineligible for the subject promotional examination.

On appeal, the appellant asserts that she satisfies the subject requirements. The appellant claims that, as a provisional Home Instructor, CBVI, she worked with students who were blind and visually impaired. Additionally, she had previously worked with students with autism and other intellectual disabilities, some of whom were blind and visually impaired. The appellant contends that her education and experience exceeds that which is required. The appointing authority also submitted a letter in support of this appeal.

CONCLUSION

N.J.A.C. 4A:4-2.1(e) provides, in pertinent part, that applications for promotional examinations should be filed no later than the announced closing date for filing applications. *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

As of the closing date, the appellant satisfied the educational requirement and based on her clarification on appeal, possessed seven months of applicable experience as a provisional Home Instructor CBVI. Although she previously worked as a Special Education Teacher and Teacher of Students with Autism, the primary focus of those positions was not experience in providing instruction or other social services specifically to the blind as required. Therefore, she was correctly deemed ineligible for the subject promotional examination. However, in the instant matter, the Commission notes that the appellant continues to successfully serve as a provisional in the subject position, which now gives her in excess of the five months of experience she lacked as of the closing date. Further, the appointing authority supports her appeal, the five qualified applicants appearing on the subject eligible roster are all provisional Home Instructors and, as such, this is not a competitive situation.

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 the merit and fitness. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. See *Communication Workers of America v. New Jersey Department of Personnel*, 154 *N.J.* 121 (1998). Therefore, the Commission finds good cause to relax *N.J.A.C.* 4A:4-2.1(e) and to accept the appellant's experience as a provisional Home Instructor, CBVI gained after the closing date, for eligibility purposes only, to allow her to be admitted to the subject promotional examination.

This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

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

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 21ST DAY OF SEPTEMBER, 2022

Dolores Gorczyca

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Presiding Member
Civil Service Commission

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