



STATE OF NEW JERSEY

In the Matter of Bettie Gladney,
Division of Developmental
Disabilities, Department of Human
Services

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

CSC Docket No. 2026-830

Administrative Appeal

ISSUED: April 29, 2026 (HS)

Bettie Gladney requests that her position be reclassified to the title of Senior Community Program Specialist and other relief.

As background, the appellant’s permanent title is Practical Nurse, a noncompetitive title. Effective November 9, 2019, the appellant received a provisional appointment, pending promotional examination procedures, to the competitive title of Quality Assurance Technician with the Hunterdon Developmental Center. On February 20, 2020, the appellant applied for the promotional examination for Quality Assurance Technician (PS2380K), the unit scope of which was the Hunterdon Developmental Center, and was later scheduled to test on July 19, 2022. Prior to that test, the appellant received a provisional appointment, pending promotional examination procedures, to the competitive title of Habilitation Plan Coordinator, effective May 7, 2022, with the Division of Developmental Disabilities (DDD), which moved the appellant out of the Hunterdon Developmental Center unit scope. The job specification for Habilitation Plan Coordinator included, at the time and now, the following requirements:

EDUCATION:

Applicants must meet 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, namely, the following: 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).

NOTE: Although a variety of degrees may satisfy the requirements, majors related to such areas as engineering, science, mathematics and business are not accepted.

NOTE: 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 may be substituted for the Bachelor's degree.

EXPERIENCE:

One (1) 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.

The appellant did not appear for the Quality Assurance Technician (PS2380K), Hunterdon Developmental Center, examination. The resulting (PS2380K) eligible list promulgated on August 25, 2022 and expired on August 24, 2025.

On August 1, 2023, a promotional examination for Habilitation Plan Coordinator (PS2934K), DDD, was announced 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 competitive title and met the listed requirements. In pertinent part and in keeping with the job specification, these requirements included a Bachelor's degree in a human services field. The announcement specified that majors related to such areas as engineering, science, mathematics, and business would not be accepted. Licensure as a Professional Nurse in the State 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 holds a Bachelor's degree in

Finance and licensure as a Practical Nurse in the State. She does not hold licensure as a Professional Nurse or a degree as a Doctor of Medicine or Doctor of Osteopathy. The appellant applied for the examination on August 16, 2023. The appellant was deemed ineligible for the examination on or about October 25, 2023, on the basis that she was not permanent in the competitive division as of the closing date.

Subsequently, while the DDD was in the process of requesting a rule relaxation to allow the appellant to sit for the Habilitation Plan Coordinator (PS2934K), DDD, promotional examination, this agency conducted a review of the appellant's credentials on or about June 19, 2025 per the DDD's request to determine if she met the requirement of the title of Habilitation Plan Coordinator and confirmed that the appellant did not meet the education requirement because her Bachelor's degree in Finance was not in a human services field and she did not receive credit for her license as a Practical Nurse as it is not a Professional Nurse license. In a letter dated September 22, 2025, the DDD informed the appellant that her provisional Habilitation Plan Coordinator appointment would have to be discontinued. The letter indicated that "[a]fter weighing [the appellant's] options, [the appellant] agreed to accept a provisional appointment[, pending open competitive examination procedures,] to the title Community Program Specialist," effective October 4, 2025.

In her appeal to the Civil Service Commission (Commission), postmarked September 17, 2025, the appellant claims that the DDD advised her not to take the Quality Assurance Technician (PS2380K), Hunterdon Developmental Center, examination. She complains that when the DDD offered her the Habilitation Plan Coordinator position in a letter dated April 27, 2022, the letter did not specify any "provisional requirements and/or periods of time." In addition, she argues that she possesses experience that can substitute for the Bachelor's degree required for the Habilitation Plan Coordinator title and requests that she be able to retain that title, or in the alternative, take the examination. The appellant also seeks confirmation that the DDD is proceeding in accordance with the collective negotiations agreement (CNA).¹ She asserts that the situation is profoundly detrimental to her well-being, causing significant distress in her financial, emotional, physical, and mental health.

In response, the DDD maintains that the appellant verbally agreed to accept the provisional appointment, pending open competitive examination procedures, to the title Community Program Specialist, effective October 4, 2025, as an alternative to being returned to her permanent title of Practical Nurse. It further insists that such action was appropriate under *N.J.A.C. 4A:4-1.9(c)1*, which provides that:

The appointing authority and the returning employee may agree to use the following optional procedures to effect the return of the permanent employee:

¹ This statement is in the appellant's supplemental submission dated September 22, 2025.

1. The employee may accept appointment to other titles at the same or lower level, in the same or a different series for which the employee qualifies in the same or another organizational unit.

In reply, the appellant requests that she be “[g]randfather[ed]” in as a Habilitation Plan Coordinator using her more than three years’ experience in that title; her position be reclassified from Habilitation Plan Coordinator to Senior Community Program Specialist, which accurately reflects the duties she has performed; and that compensation and responsibilities consistent with the classification of Habilitation Plan Coordinator or Senior Community Program Specialist, including any associated retirement benefits, be restored. She invokes principles of equity, good faith reliance, and administrative fairness.

CONCLUSION

N.J.A.C. 4A:4-2.9(a) provides, in pertinent part, that make-up examinations for general promotional testing may be authorized for the following reasons: (1) error by this agency or appointing authority; (2) serious illness or disability of the candidate on the test date, provided the candidate submits a doctor’s certificate specifying that the candidate was not able to take the test on that day for medical reasons; (3) documented serious illness or death in the candidate’s immediate family; (4) natural disaster; (5) prior vacation or travel plans outside of New Jersey or any contiguous state, which cannot be reasonably changed, as evidenced by a sworn statement and relevant documentation; (6) when required for certain persons returning from military service (*see N.J.A.C.* 4A:4-4.6A); and (7) other valid reasons.

N.J.A.C. 4A:4-2.9(e) provides, in pertinent part, that except as provided in *N.J.A.C.* 4A:4-4.6A, a candidate must request, in writing, a make-up examination, within five days after the examination date due to one of the valid reasons set forth in *N.J.A.C.* 4A:4-2.9(a), as applicable. However, a candidate must submit a written request for a make-up examination within five days of receipt of the examination notice in case of one of the valid reasons set forth in *N.J.A.C.* 4A:4-2.9(a), as applicable, of which a candidate is aware upon receipt of the examination notice, except that the candidate shall follow the procedures set forth in *N.J.A.C.* 4A:4-4.6A, where applicable.

N.J.A.C. 4A:4-1.5(a) provides that a provisional appointment may be made only in the competitive division of the career service when all of the following conditions are met: (1) there is no complete list of eligibles, and no one remaining on an incomplete list will accept provisional appointment; (2) the appointing authority certifies that the appointee meets the minimum qualifications for the title at the time of the appointment; and (3) the appointing authority certifies that failure to make the provisional appointment will seriously impair its work. *See also, N.J.S.A.* 11A:4-13b.

N.J.A.C. 4A:4-2.6(a)2 provides that applicants for promotional examinations shall meet all requirements contained in the announcement.

N.J.A.C. 4A:2-1.1(b) provides, in pertinent part, that an appeal must be filed within 20 days after either the appellant has notice or should reasonably have known of the decision, situation, or action being appealed.

N.J.A.C. 4A:4-6.6(a)1 provides that an examination eligibility appeal shall be filed within 20 days of notice of the action, decision, or situation being appealed.

N.J.A.C. 4A:3-3.9(a) provides that a position review request is a petition for a review from the classification or reclassification of a position, or a complaint that the duties of a specific position do not conform to the approved job specification for the title assigned to that position.

Initially, there is no basis to provide relief, such as a make-up examination, with respect to the Quality Assurance Technician (PS2380K), Hunterdon Developmental Center, examination. Although the appellant claims that the DDD advised her not to appear for testing on July 19, 2022, she provides no substantive evidence in support. Nevertheless, even assuming such advice was given, there would still be no basis for relief given the significant passage of time. *See Appeal of Syby*, 66 *N.J. Super.* 460 (App. Div. 1961), *Atlantic City v. Civil Service Commission*, 3 *N.J. Super.* 57, 60 (App. Div. 1949) (describing the circumstances under which delay in asserting rights may be excusable). Among the factors to be considered are the length of delay and the reasons for the delay. *Lavin v. Hackensack Board of Education*, 90 *N.J.* 145 (1982). In that regard, more than three years has passed between the test date, July 19, 2022, and the date the instant appeal was filed, September 17, 2025. In the interim, the appellant applied for the Habilitation Plan Coordinator (PS2934K), DDD, examination on August 16, 2023. The PS2934K examination announcement clearly specified the education requirement for Habilitation Plan Coordinator, which did not match the appellant's credentials. Then, on or about October 25, 2023, the appellant was deemed ineligible. Thus, the appellant knew, or reasonably should have known, in 2023 at least, that her provisional Habilitation Plan Coordinator appointment was problematic. However, the appellant did not seek relief with respect to the Quality Assurance Technician (PS2380K), Hunterdon Developmental Center, examination at that time. Further, the PS2380K eligible list expired on August 24, 2025. Therefore, as any request for relief with respect to the Quality Assurance Technician (PS2380K), Hunterdon Developmental Center, examination is significantly untimely, and the appellant has not presented persuasive reasons for her delay, no relief on that issue can reasonably be provided at this late stage. *See N.J.A.C.* 4A:2-1.1(b).

Additionally, the appellant's complaint that the DDD's April 27, 2022 offer letter for the Habilitation Plan Coordinator position did not specify any "provisional

requirements and/or periods of time” is untimely. Further, the complaint is no longer viable at this juncture. In this regard, when the appellant applied for the Habilitation Plan Coordinator (PS2934K), DDD, examination on August 16, 2023, she knew or should reasonably have known that she was holding the position provisionally, and said provisional appointment has since been discontinued. Yet, the appellant did not appeal until September 17, 2025. *See N.J.A.C. 4A:2-1.1(b)*. In any event, the title of Habilitation Plan Coordinator is allocated to the competitive division, and any asserted lack of awareness of such fact does not change the competitive nature of the title.

Next, the Commission notes that it has no basis to allow the appellant to retain the title of Habilitation Plan Coordinator. It is well established that a provisional appointee can be removed at any time and does not have a vested property interest in the provisional title. In other words, a provisional employee has no automatic right or expectation of achieving permanent appointment to the position that she is occupying. *See O’Malley v. Department of Energy*, 109 *N.J.* 309 (1987) (Appointing authority was not equitably estopped from removing a provisional employee even when the provisional employee occupied the position longer than the statutory one-year limit). Here, it is clear that the appellant does not meet the minimum requirements for the title, namely the education requirement. Specifically, the title requires a Bachelor’s degree in a human services field. The only substitutions available are licensure as a Professional Nurse in the State or a degree as a Doctor of Medicine or Doctor of Osteopathy from an accredited school of medicine. The job specification explicitly excludes majors related to such areas as engineering, science, mathematics, and business. The appellant holds a Bachelor’s degree in Finance, which is a business degree and not a degree in a human services field, and licensure as a Practical Nurse in the State. She does not hold licensure as a Professional Nurse or a degree as a Doctor of Medicine or Doctor of Osteopathy. Thus, DDD’s decision to discontinue the appellant’s provisional Habilitation Plan Coordinator appointment is supported by a valid reason.² While it is apparent that the appellant’s being provided with such appointment in the first place was an administrative error, no vested or other rights are accorded by an administrative error, *see e.g., Cipriano v. Department of Civil Service*, 151 *N.J. Super.* 86 (App. Div. 1977); *O’Malley, supra*; *HIP of New Jersey v. New Jersey Department of Banking and Insurance*, 309 *N.J. Super.* 538 (App. Div. 1998), and there are no “compelling circumstances” in this matter to justify

² *N.J.A.C. 4A:2-2.1* provides that the right to appeal major discipline, which includes the termination of an employee, applies only to permanent employees in the career service or a person serving a working test period. *See also N.J.S.A. 11A:2-6*. Pursuant to *N.J.A.C. 4A:1-1.3*, a permanent employee means an employee in the career service who has acquired the tenure and rights resulting from regular appointment and successful completion of the working test period. A provisional appointment means employment in the competitive division of the career service pending the appointment of a person from an eligible list. Therefore, although the appellant does not have the right to appeal the termination of her provisional appointment, given the context of the appellant’s request for relief, the termination has been discussed.

application of the doctrine of equitable estoppel. *County of Morris v. Fauver*, 153 N.J. 80, 104 (1998).

There is also no basis to permit the appellant to take the examination for Habilitation Plan Coordinator (PS2934K), DDD. The appellant was deemed ineligible in October 2023, so any appeal of the appellant's ineligibility is untimely given this appeal was filed in September 2025, *see N.J.A.C. 4A:4-6.6(a)1*, and the appellant does not meet the minimum requirements in any event as already discussed above.

Additionally, the appellant suggests that she is performing duties consistent with the title of Senior Community Program Specialist and that her position ought to be reclassified accordingly. If the appellant believes she is primarily performing Senior Community Program Specialist duties while her position is officially classified by the title Community Program Specialist, the appellant's recourse is to request a position classification review pursuant to *N.J.A.C. 4A:3-3.9*. Further, the Commission does not have any basis in this matter to order that the appellant receive compensation for performing purported Senior Community Program Specialist duties.

Furthermore, the Commission cannot address the inquiry as to whether the DDD is proceeding in accordance with the CNA because the Commission does not enforce or interpret items that are contained in a CNA between the employer and the majority representative. *See In the Matter of Jeffrey Sienkiewicz, Bobby Jenkins and Frank Jackson*, Docket No. A-1980-99T1 (App. Div., May 8, 2001). The proper forum to bring such concerns is the Public Employment Relations Commission. *See N.J.S.A. 34:13A-5.3* and *N.J.S.A. 34:13A-5.4(c)*. Moreover, the appellant's request for retirement benefits should be addressed to the Department of the Treasury, Division of Pensions and Benefits. The Commission also has no jurisdiction to award damages. *See N.J.A.C. 4A:2-1.5*.

Finally, with respect to the appellant's argument related to fairness and detrimental reliance, it is an employee's responsibility to understand their status when accepting a Civil Service appointment and the consequences of that status. If the appellant had timely appealed in October 2023, while this would not have changed her provisional status, confirmation of such status at that time could have alerted her to apply to other earlier examinations where she met the eligibility requirements and potentially led to a permanent appointment in the career path she desires. Accordingly, under these circumstances, the appellant is not entitled to the relief she seeks.

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 29TH DAY OF APRIL, 2026



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