



In the Matter of Kerry Hazel, Cottage
Training Technician (PS4592K),
Woodbine Developmental Center,
Department of Human Services

STATE OF NEW JERSEY

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

CSC Docket No. 2019-2087

Administrative Appeal

ISSUED: MARCH 29, 2019 (JET)

Woodbine Developmental Center requests that the Civil Service Commission (Commission) waive the written test requirement for Kerry Hazel for the promotional examination for Cottage Training Technician (PS4592K), Woodbine Developmental Center, Department of Human Services (DHS).

As background, Mr. Hazel was previously granted an accommodation waiver for a written examination for the subject title as a result of his documented disability. *See In the Matter of Kerry Hazel, Cottage Training Technician (PS8387K), Woodbine Developmental Center, Department of Human Services (CSC, decided December 18, 2013).* In that matter, Mr. Hazel was placed on the PS8387K list with a score of 70. However, he was not appointed to the subject title as he was not reachable on that list.

In this matter, the subject examination was announced with specific requirements to be met as of the closing date of August 21, 2018. The record indicates that Mr. Hazel was determined eligible to take the subject examination. The record also indicates that there are 72 candidates admitted to the examination. The examination has not yet been scheduled. As it did in the prior matter, the appointing authority requests that the subject written test be waived for Mr. Hazel based on a documented disability. In support of its request, it provides documentation regarding Mr. Hazel's disability. The appointing authority states that Mr. Hazel was admitted to a previous promotional examination for the subject title and, although he received Americans with Disabilities Act (ADA) accommodations, he did not receive a passing score. The appointing authority confirms that, historically, it exhausts the eligible lists for the subject title prior to

the expiration date. The appointing authority also confirms that, based on Mr. Hazel's current employment history, it would appoint him to the subject title when he is in a reachable position on the list.

Official records indicate that Mr. Hazel was appointed to the title of Human Services Assistant effective February 21, 2004, and continues to serve in that title.

CONCLUSION

N.J.S.A. 11A:7-13 and *N.J.A.C.* 4A:4-2.14(b) provide that the Commission may waive an examination for an otherwise qualified candidate or provisional with a physical, mental or emotional affliction, injury, dysfunction, impairment or disability which makes it physically or psychologically not practicable to undergo the testing procedure for a particular title, but does not prevent satisfactory performance of the title's responsibilities under conditions of actual service.

In the instant situation, the appointing authority states that Mr. Hazel was previously granted an accommodation waiver for a subject written examination as a result of his documented disability. *See Hazel, supra.* In this matter, the appointing authority again request an accommodation waiver for the subject written examination, and it confirms that, historically, it exhausts the eligible lists for the subject title prior to the expiration date of the certifications. The appointing authority also confirms that, based on Mr. Hazel's current employment history, it would appoint him to the subject title when he is in a reachable position on the list as his condition does not prevent his satisfactory performance of the title's responsibilities. Therefore, although official records reveal that there are 72 candidates for the subject examination, it is conceivable that the resultant eligible list will be exhausted prior to its expiration date. Consequently, no eligibles would be harmed by the addition of Mr. Hazel's name to the eligible list for the subject title. As such, good cause exists to utilize the provisions of *N.J.S.A.* 11A:7-13 and *N.J.A.C.* 4A:4-2.14(b) and grant the appointing authority's request to waive the requirement of a written test for Mr. Hazel in this particular situation. Therefore, the examination for the title Cottage Training Technician should be waived for Mr. Hazel and, upon issuance of the list, his name be placed on the list with a score of 70.00.

ORDER

Therefore, it is ordered that this request be granted and, upon issuance, Mr. Hazel's name be placed on the Cottage Training Technician (PS4592K) eligible list with a score of 70.00.

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 27th DAY OF MARCH, 2019



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