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## STATE OF NEW JERSEY

In the Matter of Brian Cole, Software Development Specialist 2 (PS6195J), The Richard Stockton College of New Jersey

CSC Docket No. 2014-2400

## FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

**Examination Appeal** 

ISSUED: JUL 16 2014

(RE)

Brian Cole appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Software Development Specialist 2 (PS6195J), The Richard Stockton College of New Jersey.

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The subject examination announcement was issued with a closing date of December 21, 2013. The examination was open to employees in the non-competitive division who had an aggregate of one year of continuous permanent service as of the closing date and who were serving in the titles Information Technology Specialist or Software Development Specialist 1 and who met the open competitive requirements, OR to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date and who met the open competitive requirements. These requirements included possession of a Bachelor's degree from an accredited college or university, and two years of programming, system analysis, or computer analysis experience. Applicants who did not possess the required education could substitute additional experience on a year for year basis. A Master's degree in an information technology field could be substituted for one year of the required experience. The appellant was found to be below the minimum experience requirements. As no candidates were admitted, the examination was canceled on April 7, 2014.

It is noted that Mr. Cole possesses the required Bachelor's degree and was required to possess two years of applicable experience. On his application and resume he listed experience in the following three positions: provisional Software

Development Specialist 2; Information Technology Specialist; and Professional Service Specialist 4. He was credited with one year, one month of experience in the first two positions, and he was found to be lacking eleven months of experience as of the December 2013 closing date.

On appeal, Mr. Cole states that he functioned as an Academic Programmer in his position as a Professional Service Specialist 4. He states that in this position he developed and programmed modules for Blackboard learning management systems, and programmed a video storage delivery [system]. A representative of the appointing authority confirmed his description of job duties.

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:4-2.6(c) provides that except when permitted for good cause, applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements.

## **CONCLUSION**

Initially, the appellant was correctly deemed to be ineligible for the subject examination since he lacked the minimum requirements in experience as out-of-title work is not accepted for promotional examinations. However, the appointing authority has indicated that Mr. Cole performed out-of-title duties for at least an additional eleven months while in the title Professional Service Specialist 4. With the acceptance of this out-of-title work, Mr. Cole possesses the required two years of experience. The examination was not competitive, and based on the documentation submitted and under these circumstances, good cause exists to accept Mr. Cole's out-of-title work experience to satisfy the requirements for the Software Development Specialist 2 examination.

## **ORDER**

Therefore, it is ordered that this appeal be granted 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 16<sup>th</sup> DAY OF JULY, 2014

Robert M. Czech

Chairperson

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