

B-20



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Charles Fogarty,
Senior Technician, Management
Information Systems (PS3587I),
Department of Corrections

Examination Appeal

CSC Docket No. 2017-2704

ISSUED: JUN 26 2017 (SLK)

Charles Fogarty appeals the determination of the Division of Agency Services (Agency Services) that he was below the minimum requirements in experience for the promotional examination for Senior Technician, Management Information Systems (PS3587I), Department of Corrections.

The examination at issue was announced with specific requirements that had to be met as of the October 21, 2016 closing date (see attached). The appellant was the only employee who applied for the subject examination and was deemed ineligible. Therefore, the examination was cancelled due to a lack of qualified candidates.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date. N.J.A.C. 4A:4-2.1(f) provides that an applicant may amend a previously submitted application only prior to the announced closing date. 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.

Initially, Agency Services correctly determined that the appellant had one year and three months of experience based on his experience as a Field Technician for Link Systems from February 2011 to April 2012, but determined that he lacked

three years and nine months of experience.¹ It is noted that Agency Services correctly did not credit him for his provisional experience in the subject title from April 2016 to the October 21, 2016 closing date as he did not list this experience on his resume. On appeal, the appellant describes the duties he performed while serving provisionally in the subject title. The importance of submitting a properly completed application that includes all of the necessary information cannot be overstated, since a complete application provides the only reliable barometer by which Agency Services can make the initial determination whether to admit or reject an applicant. Agency Services has no other tool to rely on in order to make this important initial assessment in an expeditious, fair and efficient manner.

Additionally, on his application, he did not separate his experience as a Technical Assistant, Management Information Systems from October 2014 to April 2016 from his experience as a Computer Operator Assistant from April 2012 to October 2014. However, in accordance with *N.J.A.C. 4A:4-2.1(g)*, the Commission can accept clarifying information in eligibility appeals. For example, information submitted on appeal pertaining to duties performed in a given position that expands or enlarges on information previously submitted is considered clarifying. On appeal, the appellant describes the duties he performed in each of these separate positions. Further, the job specification for Computer Operator Assistants indicates that incumbents in this position receive hands on training in data processing operations. Therefore, although *N.J.A.C. 4A:4-2.1(f)* proscribes the amendment of an application after the closing date set in the announcement, the Commission notes several circumstances present that provide good cause to permit the appellant to amend his application in this particular matter as well as accept his clarification of the duties listed on his application. In this regard, the Commission is satisfied that the totality of his experience from February 2011 through the present warrants his admission to the subject examination. Further, the examination has been cancelled due to a lack of qualified applicants. Therefore, under these circumstances, 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 his clarification and the totality of Mr. Fogarty's experience, including his experience after the closing date, for eligibility purposes only, and admit him to the subject examination.

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

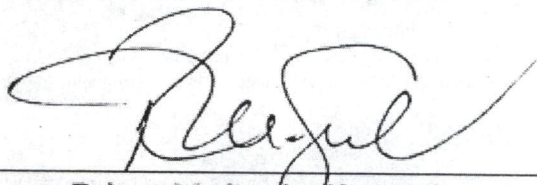
¹ It is noted that the subject examination allows college credits in data processing to be substituted for the education requirement. However, although the appellant's application indicates that he earned 35 college credits, he did not submit a transcript and therefore these credits could not be evaluated. As such, per the substitution clause, the examination required five years of experience.

ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded and Charles Fogarty's application be processed for prospective employment opportunities only.

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 JUNE, 2017



Robert M. Czedh, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Charles Fogarty
Lisa Gaffney
Kelly Glenn
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT



Click here to file Online Print
\$25.00 PROCESSING FEE REQUIRED
Make Check/Money Order Payable to NJCSC

SYMBOL: PS35871

WEIGHT CODE: *

TITLE: SENIOR TECHNICIAN MANAGEMENT INFORMATION SYSTEMS

SALARY: \$45,053.00 - \$63,538.00

ISSUE DATE: October 01, 2016

CLOSING DATE: October 21, 2016

TITLE CODE: 62042/JURXR2

CLASS CODE: 18

DEPARTMENT: COA/CORRECTIONS

UNIT SCOPE: 1197 Division of Programs and Community Services

Visit www.state.nj.us/csc
And select "Job Announcements"
to view this announcement and to file an application

Open to employees in the competitive division who are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the closing date in the following title(s) and who meet the requirements listed below:

Technician Management Information Systems

Or to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Education: Graduation from an accredited college or university with a Bachelor's degree. You must indicate either possession of a degree or total number of college credits completed to date on your application. (Foreign degrees/ transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Note: Applicants who do not possess the required education may substitute additional experience as indicated on a year for year basis.

Note: Twenty four (24) credits in Data Processing from an accredited college may be substituted for two (2) years of the education requirement. Applicants must provide proof of the specific credit requirement. You must provide a copy of your transcript. (Foreign transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Experience: One (1) year of experience utilizing or implementing electronic information systems, analyzing information systems and/or developing procedures for the use of information systems, or providing user support and solving user problems in a helpdesk or related environment.

Note: A Bachelor's degree or a Master's degree in a computer-related area may be substituted for the experience as indicated above. You must indicate either possession of a degree or total number of college credits completed to date on your application. (Foreign degrees/ transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

License: Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility, is necessary to perform the essential duties of the position. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to the department and unit scope, and satisfying the permanent status requirement.

2. ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL. Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.

3. This examination is open to full- and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions. If 35- and 40-hour positions are used within the unit scope, the resulting list may be used to fill either work week position.

4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.

5. In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the Department of Military and Veterans Affairs (DMAVA) (as defined by N.J.S.A. 11A:5-1 et seq.). Those claiming Veterans Preference but have not yet received approval from DMAVA must pay the full application fee and may request a refund if the claim is approved at least 8 days prior to the issuance of this eligibility list. PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.

6. SPECIAL NOTE TO ALL APPLICANTS Please make sure you are assigned to the unit scope indicated above. If you do not know your unit scope assignment, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the unit scope indicated above, YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.

7. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.

8. Application fees submitted via personal check or money order must be postmarked within five (5) business days of submitting your application. If your fee is postmarked after five (5) business days, or is returned as invalid, you will be declared ineligible and denied admittance to the examination process.

DPF-256A * Revised 03/09