



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Joseph Barber,
Project Manager Data Processing
(PS4355H), Department of Health

Examination Appeal

CSC Docket No. 2017-3815

ISSUED: SEP 08 2017 (SLK)

Joseph Barber 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 Project Manager Data Processing (PS4355H), Department of Health.

The examination at issue was announced with specific requirements that had to be met as of the February 21, 2017 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.

Agency Services credited the appellant with 10 months of experience based on his provisional service in the subject title from April 2016 to the February 21, 2017 closing date, but determined that he lacked four years and two months of data processing systems design and analysis experience, three years of experience with systems software, and one year of supervisory experience. It found that his experience with the Department of Labor and Workforce Development (Department of Labor) as a Network Administrator 2 from June 2002 to April 2016, a Network Administrator 1 from September 2001 to June 2002, and as a Project Specialist from March 2000 to September 2002 was not applicable because his primary experience was focused on technology infrastructure and not data processing and software, and if it was, that it would be considered out-of-title work. Further, any

supervisory experience in these titles would be out-of-title. It also did not credit his Master's degree in Management of Technology as it was not in an applicable field.

On appeal, the appellant submits a letter from Robert Schisler, Director of Information Technology, Department of Labor, who was one of the appellant's supervisors. Mr. Schisler states that the appellant was the supervisor of the Technical Architecture from July 2008 through April 2016 where he signed performance evaluations, analyzed and designed data processing and software systems, and he previously was a supervisor where he worked on systems conversions and managed the implementation of various technology projects. The appellant also states that he was a supervisor for over 16 years while working for the Department of Labor where he signed performance evaluations. Further, he asserts that his Master's degree in Management of Technology is the same as a Master's Degree in Data Processing or Computer Science and the degree's name is just using a more modern term.

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: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 did not meet the requirements as the primary focus of his positions as a Network Administrator was on infrastructure and not in the required area. However, the Commission notes several circumstances present that provide good cause to accept the appellant's experience as applicable experience. In this regard, Mr. Schisler confirmed that the appellant has significant experience in the required areas and has been a supervisor throughout his career. Further, the examination has been cancelled due to a lack of qualified applicants and the appellant continues to serve provisionally in the subject title. Therefore, under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept his over 16 years of information technology experience, for eligibility purposes only, and admit him to the subject examination.

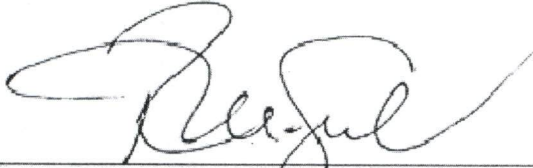
This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded and Joseph Barber'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 6th DAY OF SEPTEMBER, 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: Joseph Barber
Loreta Sepulveda
Kelly Glenn
Records Center

