



In the Matter of Ryan Foote, Director
of Data Processing (PM0654W),
Paterson

CSC Docket No. 2019-1421

STATE OF NEW JERSEY
FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Examination Appeal

ISSUED: APRIL 1, 2019 (CSM)

Ryan Foote appeals the determination of the Division of Agency Services (Agency Services) which found that he was below the minimum requirements in experience for the promotional examination for Director of Data Processing (PM0654W), Paterson.

The examination at issue was announced with specific requirements that had to be met as of the March 22, 2018 closing date. The requirements were, in pertinent part, were six years of experience in computer programming and in the design and installation of computer aided systems, including systems analyses work, three years of which shall have been in a supervisory capacity. The examination was cancelled on November 15, 2018 due to a lack of qualified applicants.

The appellant indicated on his application that he was serving provisionally in the title under test from June 2017 to the closing date, March 2018. He indicated supervision of four staff members. From October 2003 to June 2017 he was a Technician Management Information Systems and from May 2006 to October 2006 he was a Network Administrator with Andrew and Suzanne Company. From September 2001 to October 2003 he was a Network Support Specialist with Salesian Missions and from September 2000 to September 2001 he was a Computer Support Specialist with Wall Street Connect. The appellant did not indicate supervision in any of these positions. Agency Services credited the appellant with the required general experience, but determined he was lacking one year and eight months of the required supervisory experience.

On appeal, the appellant states that as a Technician Management Information System he was the lead technician and supervised staff in the absence of the regular supervisor. In support, he provides memoranda that were issued to staff by the appointing authority on October 30, 2008, December 17, 2008 and February 6, 2009 indicating he would be in charge of all aspects of the division in when the regular supervisor is on sick, vacation, or personal leave.

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.

CONCLUSION

In the present matter, a review of the documentation demonstrates that the appellant is not eligible for the examination. In order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). On his original application, the appellant clearly indicated that he supervised “0” employees in all of his positions except for his provisional title. Further, for promotional examination purposes, experience is considered only if it is gained in a recognized type of appointment. Experience acquired in an “acting” capacity is not recognizable, as this work is intermittent in nature and the duties performed are not the primary focus of the employee’s permanent title. Moreover, individuals performing in an acting capacity do not perform all the duties of that position when their acting term is limited, such as when serving during a term of vacation or sick leave. *See e.g., In the Matter of Walter Furtney* (MSB, decided April 18, 2000), *aff’d, on reconsideration* (MSB, decided September 26, 2000). Regardless, even assuming this experience were accepted, it would not provide him with a sufficient amount of the required supervisory experience to qualify for the examination. Further, leading lower level staff is not equivalent to supervisory duties, which involve not only being in a leadership position, but responsibility for overseeing the work of other staff, and composing and administering formal performance reviews for subordinates. Training and ensuring that assigned tasks are completed efficiently would only be considered part of supervisory functions and more consistent with that of a lead worker. *See In the Matter of Phillip Beesley, et al.* (MSB, decided March 27, 2001) and *In the Matter of Vincent Gimmelli* (MSB, decided June 9, 2004).

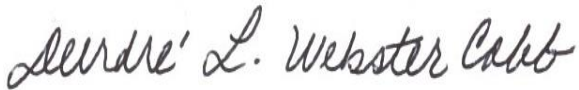
A thorough review of all material presented indicates that the determination of Agency Services, that the appellant did not meet the announced requirements for eligibility by the examination closing date, is supported by the record. Thus, appellant has failed to support his burden of proof in this matter.

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
27TH DAY OF MARCH, 2019



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