



STATE OF NEW JERSEY

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

In the Matter of Donald Cosma,
Telecommunications Systems Analyst
1 (PS0929P), Juvenile Justice
Commission

Examination Appeal

CSC Docket No. 2021-826

ISSUED: JANUARY 22, 2021 (SLK)

Donald Cosma appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Telecommunications Systems Analyst 1 (PS0929P), Juvenile Justice Commission.

The subject examination had a closing date of November 21, 2019. The education requirement was a Bachelor's degree. The experience requirements were five years of experience in either a corporate structure or a government agency involving the planning, acquisition, installation, and/or implementation of telecommunication facilities and services such as private network services, voice and data transmissions, and computerized and electro-mechanical switching. Further, a Master's degree in Computer Science, Data Processing, Engineering or Business Administration could substitute for one year of experience. The appellant was the only employee who applied. Accordingly, the examination was canceled due to a lack of qualified candidate.

On the appellant's application, he indicated that he had a Bachelor's degree in Electronic Engineering Technology and a Master's degree in Management. Additionally, he indicated that he was provisionally serving in the subject title from January 2016 to the November 21, 2019 closing date, a Taxation Service Representative 2 from October 2010 to January 2016, a Sales and Design Manager for Expert Technology Associates from June 2007 to April 2009, a Sales and Design Manager for Empire Technologies from July 2004 to June 2007, a Sales and Design Manager for Avaya Communications from September 2003 to July 2004, a General Manager for Brunswick Corporation from September 2002 to September 2003, a Regional Sales and Design Manager from Strategic Products from October 2000 to

September 2002, a Branch and Design Manager for Atlantic of Tampa from February 1998 to October 2000, a Sales and Design Manager for AT&T from June 1993 to October 1997, an Account Executive for AT&T from April 1988 to June 1993, and a Project and Product Manager for AT&T from April 1985 to April 1988. Personnel records indicates that the appellant was provisionally serving in the subject title from January 2019 to the November 21, 2019 closing date, a Building Services Coordinator 2 from January 2016 to January 2019, a Taxpayer Service Representative 2 from March 2013 to January 2016, a Taxpayer Service Representative 3 from November 2011 to March 2013, and a Taxpayer Service Trainee from October 2010 to November 2011. Agency Services credited him for meeting the education requirement due to his Bachelor's degree and having 11 months of experience based on his provisional service in the subject title, but determined that he lacked four years and one month of experience.

On appeal, the appellant states that he inadvertently did not indicate that he served as a Building Services Coordinator 2. He indicates that throughout his employment with the appointing authority since January 2016, he has performed the required duties which includes responsibility for all telecommunications equipment and services encompassing over 20 locations and 80 buildings. The appellant describes in detail how he performs the required duties and presents that he will have five years of experience performing these duties for the appointing authority by January 2021. He also describes how he has over 20 years of experience in the private sector performing the required duties. Additionally, the appellant believes that his Master's degree that was issued from the Business Department should substitute for one year of experience. He submits a letter from the appointing authority which explains that the appellant has been performing the required duties since he was hired in January 2016. Additionally, the letter indicates why his experience in the private sector, including his experience with Avaya Telecommunications was instrumental in its decision to hire him. The appointing authority also presents that the appellant's education enables him to stay abreast of the advancing telecommunications field and it highlights that it has no other employees who are interested or have the capability to perform the required duties.

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:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations with open-competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process.

N.J.A.C. 4A:4-2.1(g) provides that the Civil Service Commission (Commission) can accept clarifying information in eligibility appeals. For example, information submitted on appeal pertaining to duties in a given position that expands or enlarges information previously submitted is considered clarifying and is accepted.

Initially, it is noted that Agency Services correctly determined that the appellant was not eligible for the subject title as his experience as a Building Services Coordinator 2 would be out-of-title work and he did not clearly explain how he performed the required duties in his private sector experience. However, on appeal, the appointing authority confirmed that the appellant has been performing the required duties since he was hired in January 2016 due to business necessity. Further, the appellant clarified how he performed the required duties in his private sector experience. Moreover, the appellant continues to serve provisionally in the subject title and the examination was canceled due to a lack of qualified candidates. Accordingly, in this matter, the Commission finds good cause under *N.J.A.C.* 4A:4-2.6(c) to accept the appellant's out-of-title experience as well as the clarification of his duties in the private sector, for eligibility purposes only, and admit him to the examination.

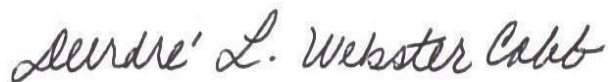
This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that the appeal be granted, the cancellation of the examination be rescinded, and Donald Cosma'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 20^H DAY OF JANUARY 2021



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Donald Cosma
Antoinette Sargent
Division of Agency Services
Records Center