



STATE OF NEW JERSEY

In the Matter of Brian Simmons,
Senior Systems Analyst (PC2477C),
Ocean County

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

CSC Docket No. 2022-543

Examination Appeal

ISSUED: DECEMBER 6, 2021 (SLK)

Brian Simmons appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirements for the promotional examination for Senior Systems Analyst (PC2477C), Ocean County.

The subject examination’s closing date was February 22, 2021. The education requirement was a Bachelor’s degree. The experience requirement was three years in the design, installation, and operation of programs for electronic data processing equipment and/or in the design and implementation of systems for electronic data processing application. Applicants who did not possess the required education could have substituted, in addition to the required experience, applicable experience on a year for year basis, with 30 semester hour credits being equal to one year of experience. The appellant was the only applicant and the examination was cancelled due to a lack of qualified candidates.

On his application, the appellant did not indicate that he possessed any college credits. He indicated that he was provisionally serving in the subject title from December 2020 to the February 22, 2021 closing date, a Systems Analyst from July 2017 to December 2020, and an Administrative Clerk from August 2011 to July 2017. Personnel records also indicate that he was a Payroll Supervisor from January 2009 to August 2011. Agency Services credited the appellant with three years and six months of experience based on his provisional service in the subject title and his Systems Analyst experience, but determined that per the substitution clause for education, he lacked three years and six months of experience.

On appeal, the appellant describes in detail how he performed the required duties while provisionally serving in the subject title, as a System Analyst, and as an Administrative Clerk. Therefore, he asserts that he over nine years of experience. Additionally, the appointing authority confirms that the appellant was performing the required duties “out of scope” while serving as an Administrative Clerk due to the implementation of a new county-wide timekeeping/payroll system. It presents that the appellant became the “go to” person for the timekeeping system.

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.

Initially, Agency Services correctly determined that the appellant was not eligible for the subject title as his experience performing the required duties as an Administrative Clerk was out-of-title. However, on appeal, the appointing authority confirms that the appellant has been performing the required duties for the required time. Moreover, the appellant continues to serve provisionally in the subject title and the examination was cancelled due to a lack of qualified candidates. Accordingly, in this matter, the Civil Service Commission finds good cause under *N.J.A.C.* 4A:4-2.6(c) to accept the appellant’s verified out-of-title experience¹, 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.

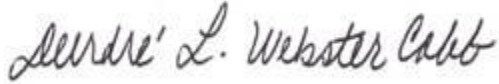
¹ The appointing authority characterizes the appellant’s duties as an Administrative Clerk as not being “out-of-title,” but being “out of scope.” It is noted that under Civil Service law and rules, there is no “out of scope” designation of duties. Either one is performing duties that are “in-title” or “out-of-title.” Administrative Clerk is a non-professional clerical title, whereas the subject title requires professional-level experience in the design, installation, and operation of programs for electronic data processing equipment and/or in the design and implementation of systems for electronic data processing application. Some examples of Administrative Clerical work are processing tax liens, drafting delegated executive correspondence, reviewing and processing applications for licenses, permits and other documents, and updating account information. *See In the Matter of Julia Tirado* (MSB, decided June 8, 2005). In this matter, as the appellant performed the required professional duties while serving in a non-professional clerical title, those duties are considered “out-of-title.”

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination announcement be rescinded and the appellant'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 1ST DAY OF DECEMBER 2021



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