



**STATE OF NEW JERSEY**

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

In the Matter of Marc Wartenberg,  
Supervisor Information Technology  
Help Desk (PS2706K), Department of  
Human Services

Examination Appeal

CSC Docket No. 2021-1681

**ISSUED: AUGUST 6, 2021 (RE)**

Marc Wartenberg appeals the determination of the Division of Agency Services (Agency Services) that he does not meet the experience requirements for the promotional examination for Supervisor Information Technology Help Desk (PS2706K), Department of Human Services.

The subject examination announcement was issued with a closing date of March 23, 2020, and was open to employees in the non-competitive division who had an aggregate of one year of continuous permanent service as of the closing date in the title Information Technology Specialist and who met the announced requirements OR to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any competitive title and who met the announced requirements. The requirements included graduation from an accredited college or university with a Bachelor's degree, and four years of experience in an Information Technology operational unit of a public or private information processing facility, including at least three years of experience with an information technology help desk or operational support unit supporting a multiplatform Client/Server LAN or WAN environment and/or Mainframe operation, one year of which shall have been in a lead capacity. An Associate's degree in Computer Science or Information Technology could be substituted for the Bachelor's degree. A Bachelor's or Master's degree in Computer Science or Information Technology could be substituted for one year of non-lead experience. Experience in the study of work methods and processes, the analysis of varied types of data, the design and preparation of systems and programs, the operation of multi-programming computer systems and work in the Information processing

support areas of input/output control, scheduling, or reliability support could be substituted for the required education on a year for year basis. The appellant was found to be below minimum requirements in experience. There were two admitted applicants, the eligible list was certified once, and one applicant was appointed.

On his application, the appellant indicated that he possessed a Doctor of Chiropractic degree, with 348 credits, as well as 54 additional credits from three colleges. As such, he was found to have met the educational requirement. On his application, he listed experience in two positions, Information Technology Specialist full-time from April 2005 to March 2020, and Chiropractor (part-time, 10 hours per week) from September 1995 to March 2020. On his resume, he also listed the following positions: Manager/Staff Chiropractor (no hours given, overlaps with first and second positions) with Sweat Shop Health and Fitness Centers and La Belle Fit Studio from April 1995 to December 2016; Technical Specialist/Trainer with First Care Counseling (no hours given, overlaps with second and third positions) from August 2004 to March 2005; Technology Trainer with Netimetry LLC (no hours given, overlaps with second and third positions); and Teacher's Assistant and Lab Technician (no hours given, no months given) in 2002 with IT Customized, LLC. Official records indicate a different employment record. The record shows that the appellant was an Information Technology Specialist from October 2019 to the March 2020 closing date, a Senior Technician Management Information Systems from July 2012 to October 2019, a Technician Management Information Systems from April 2007 to July 2012, a Technical Assistant Management Information Systems from November 2005 to July 2012; and was in a temporary position from April 2005 to November 2005. The appellant was credited with over ten years of general experience, and was found to be lacking one year of lead worker experience.

On appeal, the appellant states that he manages his own Chiropractic office, and has managed health clubs, including supervisory duties and training new hires. He states that he has been managing and overseeing two regional sites with 150 users for six years, and argues that he is eligible for the examination.

## CONCLUSION

*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. *N.J.A.C.* 4A:4-2.6(c) provides in pertinent part that applicants for promotional examinations 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, unless good cause is shown for an exception.

The appellant was denied admittance to the subject examination since he lacked the minimum requirements in experience, specifically, he lacked one year of lead worker experience. When an applicant indicates extensive experience in titles

established under the State Classification Plan for an examination, it is appropriate to utilize the job specifications to determine the primary focus of the duties of incumbents serving in career service titles. In the eligibility screening process, reliance on the job specifications to determine the primary focus of duties for incumbents of a particular title or title series provides a standardized basis on which Selection Services can compare what an applicant indicates on his or her application to what incumbents in a particular title series generally perform. *See In the Matter of William Moore* (MSB, decided May 10, 2006). In order to maintain the integrity of the State Classification Plan, Agency Services cannot simply accept *carte blanche* how an applicant describes his or her experience when such a barometer exists. In this regard, it is noted that *N.J.A.C. 4A:3-3.4* contemplates that employees are appointed to a title appropriate to the duties to be performed in the title and will not be assigned duties other than those properly pertaining to the assigned title which the employee holds.

Taking the lead is the distinguishing characteristic which is present in the definitions of titles. A leadership role refers to those persons whose titles are non-supervisory in nature, but are required to act as a leader of a group of employees in titles at the same or a lower level than themselves. Duties and responsibilities would include training, assigning and reviewing work of other employees on a regular and recurring basis, such that the lead worker has contact with other employees in an advisory position. However, such duties are considered non-supervisory since they do not include the responsibility for the preparation of performance evaluations. Being a lead worker involves mentoring others in work of the title series. Training or teaching others, for example, training staff on how to use a scanner or computer, is not considered a lead worker function. None of the State titles listed in the appellant's history include lead worker titles, and his remaining positions do not have the announced experience requirement as the primary focus. For experience to be acceptable, it must be equivalent to the experience required in the examination announcement. In addition, 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). Performing lead worker or supervisory duties in positions which do not have the announced experience requirement as the primary focus cannot be accepted. The appellant indicates that he trained others while in his Information Technology Specialist, but it was not in the capacity of a lead worker. Rather, he handed out or installed equipment and trained people on the devices or applications, and wrote down instructions. There is no indication that he was mentoring other in the work. The appellant lacks one year of lead worker experience with an information technology help desk or operational support unit supporting a multiplatform Client/Server LAN or WAN environment and/or Mainframe operation. The appellant is cautioned to list each position, with applicable duties, separately on future applications.

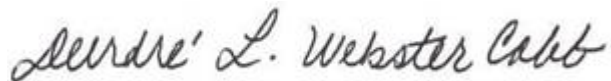
An independent review of all material presented indicates that the decision of the Agency Services, that the appellant did not meet the announced requirements for eligibility, is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to 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 4<sup>TH</sup> DAY OF AUGUST, 2021



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