



STATE OF NEW JERSEY

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

In the Matter of Lawrence Wills,
Administrative Analyst 3
Information Systems (PS7358P),
Department of Law and Public Safety

Examination Appeal

CSC Docket No. 2023-278

ISSUED: February 1, 2023 **(RE)**

Lawrence Wills appeals the determination of the Division of Agency Services (Agency Services) which found that he did not meet the experience requirements, per the substitutional clause of education, for the promotional examination for Administrative Analyst 3 Information Systems (PS7358P), Department of Law and Public Safety.

The subject examination announcement was issued with a closing date of December 21, 2021, and was, in pertinent part, open to employees in the non-competitive division had an aggregate of one year of continuous permanent service as of the closing date in the title Information Technology Specialist and who meet the listed education and experience requirements. These requirements included graduation from an accredited college or university with a Bachelor's degree, and three years of experience in work involving the review, analysis, and evaluation of the administrative, business, and/or operational policies, procedures, practices, and processes and/or the technological requirements of an organization for the purpose of revising/enhancing existing information systems and/or developing/acquiring and implementing new IT solutions and services. Applicants who did not possess the required education may substitute experience as indicated on a year for year basis with 30 semester hour credits being equal to one year of experience. Three candidates appear on the eligible list, which has been certified once, and one appointment has been made. The appellant was found to be below minimum requirements in experience per the substitution clause for education.

The appellant indicated on his application that he possessed no college credits, and as such, he was required to possess seven years of qualifying experience. The appellant listed six positions on his application and resume: provisional Administrative Analyst 3 Information Systems; Information Technology Specialist; Communications Systems Technician 2; Communications Systems Technician 1; Installation Technician; and Fire Systems Technician. He was credited with two years, four months of experience in the first two positions, and was found to be lacking five years, 10 months of applicable experience per the substitution clause for education.

On appeal, the appellant states that his experience as a Communications Systems Technician 2 and Communications Systems Technician 1, should be accepted. The appellant's experience in these titles was considered to be out-of-title and therefore, the appointing authority was contacted to confirm the duties, and it confirmed out of title work. The appellant argues that the required experience is in-title work for Communications Systems Technician 2 and Communications Systems Technician 1.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 states that applicants for promotional examinations must meet all requirements by the announced closing date. *N.J.A.C.* 4A:4-2.6(c) provides that except when permitted for good cause, applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements.

At the outset, 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). The amount of time, and the importance of the duty, determines whether it is the primary focus. On his application, the appellant stated that, for Communications Systems Technician 2 and Communications Systems Technician 1, his duties included, "Review, analysis, and evaluation of the administrative, operational policies and technological requirements of the NJSP organization for the purpose of enhancing existing informational systems and developing, acquiring and implementing new IT solutions and services." This is clearly out-of-title for Communications Technicians. As a result, Commission staff contacted the appointing authority to ask for verification of these duties and it responded that the appellant performed the applicable out-of-title work.

As the appellant indicated that he was working out of title for 15 years, the appointing authority has verified that information and since eligible list is now incomplete, under these circumstances, good cause has been established under

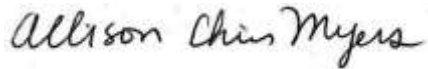
N.J.A.C. 4A:4-2.6(c) to accept his out-of-title work, for eligibility purposes only, and to admit him to the examination.

ORDER

Therefore, it is ordered that this appeal be granted, and appellant's application be processed for prospective appointment 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 FEBRUARY, 2023



Allison Chris Myers
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Lawrence Wills
Alyson Gush
Division of Agency Services
Records Center