



STATE OF NEW JERSEY

In the Matter of Daniel Bibaud,
Network Administrator 2, OIT
(PS2377U), Office of Information
Technology

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

CSC Docket No. 2024-656

Examination Appeal

ISSUED: May 21, 2025 (SLK)

Daniel Bibaud, represented by Dudley Burdge, Senior Staff Representative, Communication Workers of America, appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the education requirements for the Network Administrator 2, OIT (PS2377U), Office of Information Technology promotional examination.

The closing date of the examination was June 21, 2023. The education required was a Bachelor's degree that must have been supplemented by a minimum of 18 credits in mathematics, computer science, information technology, and/or computer information systems. The experience requirements were four years of experience in the development, implementation, and maintenance of multinetwork, multi-user Local Area Networks (LAN), Metropolitan Area Networks (MAN), Storage Area Networks (SAN), and/or Wide Area Networks (WAN) environments. Applicants who did not possess the Bachelor's degree but possessed the 18 semester hour credits could have substituted additional experience as indicated on a year-for-year basis with 30 semester hour credits being equal to one year of experience. Evidence of formal training in Computer Science or Information Technology received from or evaluated by an accredited institution of higher learning could have been submitted with the application. Applicants needed to provide documentation from the accredited institution that clearly outlines the training course(s) that are acceptable and the corresponding number of credit hours to be accepted. In-house courses (such as training provided on the job or through the appointing authority) were not accepted. A total of 14 applicants applied and 13 were determined eligible. Certification

PS232446 was issued containing the names of 12 eligibles and seven were appointed. Additionally, certification PS241139 was issued containing the names of six eligibles and three were appointed. The list expires on October 18, 2026. It is noted that there are currently three names on the eligible list.

On the appellant's application, he indicated that he possessed 39 college credits. Additionally, the appellant presented that he was a Network Administrator 1 from March 2005 to the closing date. Personnel records indicate that he was provisionally serving in the subject title from January 2023 to the closing date, a Network Administrator 1 from February 2020 to January 2023, a Network Administrator 1, OIT from November 2017 to February 2020, a Network Administrator from August 2013 to November 2017, a Technical Support Specialist 1 from March 2011 to November 2017, an Information Technology Specialist from July 2010 to March 2011, a Network Administrator 1 from January 2008 to July 2019, an Information Technology Specialist from June 2006 to January 2008, and a Data Processing Programmer 3 from March 2005 to June 2006.¹ Agency Services credited the appellant for possessing 39 total college credits, including three specialized credits, and sufficient experience, but it determined that the appellant lacked 15 specialized college credits.

On appeal, the appellant highlights his 39 college credits and his more than 18 years in State service, including more than 10 years as a Network Administrator 1. Additionally, the appellant notes that he began provisionally serving in the subject title in January 2023 and his successful performance reviews in this title. Further, the appellant notes that he was determined eligible for a prior Network Administrator 1 promotional examination, which had the same specialized college credits requirement. Moreover, while the appellant acknowledges that he lacks the required 18 specialized college credits, he highlights his information technology training that he received both before and during State service, which he claims is more than the equivalent 18 specialized college credits. Finally, the appellant presents *In the Matter of Mark Hoagland and Mark Klosinski* (CSC, decided December 21, 2016), which he argues supports his eligibility in this matter based on his years of service and training.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) requires applicants to possess all the requirements specified in an announcement for a promotional examination by the closing date. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In this matter, Agency Services correctly determined that the appellant lacked the required education in this matter. Specifically, the appellant acknowledges that

¹ It is noted that Data Processing Programmer 3 and Information Technology Specialist have the same title code (32162).

he does not possess the required 18 specialized credits as indicated in the announcement. Further, while the appellant claims that his training is greater than the 18 specialized college credits, as the appellant has not submitted any documentation that would indicate that these courses could be substituted for college credits, even if his training was for more hours than the 18 specialized college credits, there is nothing in the record that indicates that this training was at the level of college classes.

With regard to the appellant's argument that he was found eligible for a previous examination for the same title, the Civil Service Commission notes that eligibility is determined on the basis of each discrete announcement. If the appellant does not meet the requirements for the current announcement, the fact that he was admitted in error to a prior examination with the same education requirement does not provide him with an entitlement to eligibility in the instant matter. No vested or other rights are accorded by an administrative error. *See Cipriano v. Department of Civil Service*, 151 N.J. Super. 86 (App. Div. 1977); *O'Malley v. Department of Energy*, 109 N.J. 309 (1987); *HIP of New Jersey v. New Jersey Department of Banking and Insurance*, 309 N.J. Super. 538 (App. Div. 1998).² Moreover, this matter is distinguishable from *In the Matter of Mark Hoagland and Mark Klosinski* (CSC, decided December 21, 2016), which involved an incomplete list, and as such, provided good cause to relax the educational requirements to allow for a complete list of eligibles for the appointing authority to appoint from. However, in this matter, as the list is complete, there is no good cause to relax the rules as there are sufficient qualified eligibles for the appointing authority to select from. Finally, if it has not already done so, the appointing authority is directed to remove the appellant from his provisional appointment in the subject title and return him to his permanent title, Network Administrator 1.

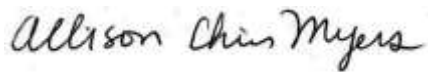
² The records indicates that the appellant was appointed as a Network Administrator 1 on certification PS140378 from the Network Administrator 1 (PS2076N), Department of Labor and Workforce Development promotional eligible list. As this examination also required applicants to have 18 college credits in mathematics and/or computer science, it appears that the appellant was admitted in error to this examination. Regardless, as there were only two applicants who were admitted to the PS2076N promotional examination, which could have only resulted in an incomplete list, the education requirement could have been relaxed for good cause. However, a prior administrative error or a rule relaxation is not a basis to substitute for an educational requirement in a current examination. Similarly, the appellant's successful provisional service in the subject title cannot substitute for an educational requirement in the subject examination announcement. Moreover, as the appellant does not meet the requirements for Network Administrator 2, OIT, the appellant should not have been provisionally appointed to this title in the first place.

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 21ST DAY OF MAY, 2025



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