



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

In the Matter of Neil McMullen, Manager 2 Information Processing (PS2256U), Office of Information Technology

Examination Appeal

CSC Docket No. 2017-25

ISSUED: DEC 14 2016 (SLK)

Neil McMullen appeals the determination of the Division of Agency Services (Agency Services) that he was below the minimum requirements in experience for the promotional examination for Manager 2 Information Processing (PS2256U), Office of Information Technology.

The examination at issue was announced with specific requirements that had to be met as of the February 22, 2016 closing date (see attached). A total of seven employees applied for the examination and all seven were deemed ineligible. Therefore, the examination was cancelled due to a lack of qualified candidates.

On Mr. McMullen's application, he indicated that he was provisionally serving in the subject title from May 2015 to the February 22, 2016 closing date, and served as Project Manager, Data Processing from July 2012 to May 2015, and in various other data processing and computer related titles dating back to 1985. He also indicated that he possesses a Bachelor's degree. Agency Services credited him with having met the education requirement and the general technical experience requirement. However, it only credited him with 10 months of experience supervising second level supervisors based on his provisional service in the subject title. Thus, he lacked 2 months of experience supervising second level supervisors.

On appeal, Mr. McMullen presents that he was provisionally appointed to the subject title in May 2015 and has acquired the necessary experience supervising

second level supervisors after the closing date. Further, he submits a letter from the appointing authority, Sharon Pagano, Chief of Staff in support of his appeal. Ms. Pagano explains that due to the appointing authority's attrition, the organization has less second level supervisors. She states that none of its employees who held the next in-line title applied for the position. Therefore, she indicates that all of the interested candidates held the title of Project Manager, Data Processing and each candidate lacked one year of experience supervising second level supervisors. She represents that prior to appointing Mr. McMullen to serve provisionally in the subject title, all of the candidates went through a thorough selection process and he was chosen based on a combination of his management know-how and demonstrated experience. She indicates that he has successfully performed the duties of the subject title while serving provisionally. She requests that the Commission relax the rules and find him eligible based on the experience that he acquired while serving provisionally in the subject title including his experience supervising second level supervisors after the closing date.

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. Further, *N.J.A.C.* 4A:1-1.2(c) states that the Civil Service Commission (Commission) may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

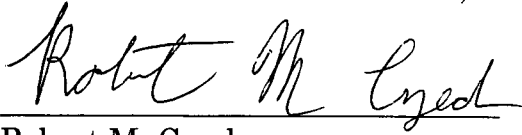
Based on his application, Agency Services correctly determined that Mr. McMullen did not meet the required experience as he only had 10 months of experience supervising second level supervisors as of the February 22, 2016 closing date. However, the appellant gained the additional experience supervising second level supervisors while serving provisionally after the closing date. Moreover, the record evidences that the examination was cancelled due to a lack of qualified candidates. Further, he continues to serve provisionally in the title under test. Therefore, under these circumstances, good cause exists to relax the provisions of *N.J.A.C.* 4A:4-2.6(a) and accept Mr. McMullen's experience supervising second level supervisors after the closing date, for eligibility purposes only, and admit him to the subject examination.

ORDER

Therefore, it is ordered that the appeal be granted, the examination cancellation be rescinded, and the appellant's application be processed.

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 7th DAY OF DECEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

c: Neil McMullen
Sharon Pagano
Kelly Glenn
Records Center

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT

\$25.00 PROCESSING FEE REQUIRED
Make Check/Money Order Payable to NJCSC

SYMBOL: PS2256U	WEIGHT CODE: *
TITLE: MANAGER 2 INFORMATION PROCESSING	SALARY: \$81,439.00 - \$118,101.00
ISSUE DATE: February 01, 2016	CLOSING DATE: February 22, 2016
TITLE CODE: 61619/B6FXR8	CLASS CODE: 34
DEPARTMENT: OIT/OFFICE OF INFORMATION TECHNOLOGY	
UNIT SCOPE: U919 Workforce & Community Services & Application Solutions	

Visit www.state.nj.us/csc
And select "Job Announcements"
to view this announcement and to file an application

Open to employees in the competitive division who are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the closing date in the following title(s):

Manager 1 Information Processing

Or to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Education: Graduation from an accredited college or university with a Bachelor's degree. You must indicate either possession of a degree or total number of college credits completed to date on your application. (Foreign degrees/ transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Experience: Six (6) years of experience in work involving information processing feasibility studies, project management, and resource allocation in a multiplatform environment. Three (3) years of the required experience shall have been in a supervisory capacity, one (1) year of which involved supervising second-line supervisors or middle managers.

Substitution: Applicants who do not possess the required education may substitute four (4) years of additional nonsupervisory experience of the type indicated in the experience section.

Note: This announcement may be tested via the Management Test Battery (MTB). Under the guidelines of the MTB program, an applicant's score will be retained and applied to subsequent promotional or open competitive announcements for titles tested under this program. For information regarding the Management Test Battery, please refer to our website <http://www.state.nj.us/csc/seekers/about/steps/step7.html>

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed, including assignment to the department and unit scope, must be met as of the closing date.
2. ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL. Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full- and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions. If 35- and 40-hour positions are used within the unit scope, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.
5. In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.
6. SPECIAL NOTE TO ALL APPLICANTS Please make sure you are assigned to the unit scope indicated above. If you do not know your unit scope assignment, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the unit scope indicated above, YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.
7. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.

DPF-256A * Revised 03/09