

credited with 3 years, 6 months of experience. As such, he was required to possess 6 years, 6 months of experience, including supervisory experience, as of the April 21, 2011 closing date.

The appellant listed six positions on his applications: provisional Director of Data Processing, Supervisor of Data Processing Systems and Programs, Senior Data Processing Programmer, Data Processing Programmer, Data Processing Programmer Trainee and Computer Lab Assistant. He was credited with one year, six months of applicable experience which was also supervisory experience, and therefore, he was found to be lacking applicable experience for both examinations, including one year, six months of supervisory experience.

On appeal, the appellant argues that he meets the minimum requirements for the position, and he provides a copy of a prior decision, *IMO Charles Mead, Supervisor of Data Processing Systems and Programming (PC1689H), Monmouth County* (MSB, decided August 15, 2007), a copy of which is attached hereto and enclosed herein. In that decision, the former Merit System Board¹ (Board) indicated that Mr. Mead's position as a Senior Data Processing Programmer was subjected to a classification review. In a determination dated February 9, 2006, the Division of Human Resource Management² determined that the position was appropriately classified as a Supervisor of Data Processing Systems and Programming, effective November 11, 2005. In addition, the County personnel office indicated that Mr. Mead performed out-of-title supervisory duties from November 2000 to November 2005 while in the title Senior Data Processing Programmer, and the Board accepted an additional two years, eleven months of supervisory experience to admit him to that examination, which had a November 2006 closing date.

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 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, unless good cause is shown for an exception.

¹ On June 30, 2008, Public Law 2008, Chapter 29 was signed into law and took effect, changing the Merit System Board to the Civil Service Commission, abolishing the Department of Personnel and transferring its functions, powers and duties primarily to the Civil Service Commission. In this decision, the former names will be used to refer to actions which took place prior to June 30, 2008.

² Currently the Division of Agency Services (DAS).

CONCLUSION

Initially, the appellant was correctly deemed to be ineligible for the subject examinations since he lacked the minimum experience per the substitution clause for education. However, a classification review of the appellant's position in February 2006 indicated that it would be properly classified as Supervisor of Data Processing Systems and Programming. The definition section for Supervisor of Data Processing Systems and Programming indicates that incumbents in this position supervise the planning, design and implementation of systems and programs to be processed by computers and peripheral equipment. A review of the experience requirement for the subject examination indicates that is very similar to this definition. Thus, experience in this title matches the announced experience requirement and should be accepted. It is also applicable supervisory experience and the appellant held this position for more than one year, six months. Thus, he meets the supervisory experience requirement. DAS should review the job specifications for these titles to determine if the experience requirements for each are properly listed.

Lastly, the appellant's prior experience as a Data Processing Programmer and Data Processing Programmer Trainee is not at the level and scope of the required experience, and therefore, is not qualifying. As to his experience as a Senior Data Processing Programmer, from April 2001 to November 2005, the examiner determined that the appellant was a performing systems analysis work. Nevertheless, a review of the duties listed on the application indicates that he performed systems analysis work in order to write or modify programs necessary to generate requested reports or to meet end-user needs, and to perform related work. As such, this four years, eight months of non-supervisory experience is qualifying. When added to two years and nine months of supervisory experience as a Supervisor of Data Processing Systems and Programming, he met the requirements for the examinations for PC0015L, and therefore for the other examination, PC0241N. As the examinations were not competitive, with no admitted candidates, the appellant should be admitted to PC0241N.

ORDER

Therefore, it is ordered that this appeal be granted, the examination cancellation for PC0241N be rescinded, and the appellant's application be processed. Further, DAS should review the job specifications for Supervisor of Data Processing Systems and Programming and Director of Data Processing.

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 4th DAY OF MARCH, 2015

Richard E. Williams

Richard E. Williams
Member
Civil Service Commission

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and
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Henry Maurer
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Attachment

c: Charles Mead
Frank Tragno Jr.
Dan Hill
Kelly Glenn
Joseph Gambino

to November 2000; 4) Data Processing Programmer Trainee from June 1996 to June 1999; and 5) Computer Lab Assistant (part-time, 10 hours per week) at Brookdale Community College from October 1995 to May 1996. Mr. Mead was credited with ten years, six months of non-supervisory experience in the first four positions, which met the requirement of eight years, one month of experience. However, he was credited only with one year, one month of supervisory experience from November 2005 to the closing date in his provisional position. As such, he was found to be lacking two years, eleven months of supervisory experience.

By way of background, it is noted that Mr. Mead's position as a Senior Data Processing Programmer was subjected to a classification review. In a determination dated February 9, 2006, the Division of Human Resource Management¹ determined that the position was appropriately classified as a Supervisor of Data Processing Systems and Programming, effective November 11, 2005. On appeal, the County personnel office submits a letter on the appellant's behalf, stating that Mr. Mead performed out-of-title work as a Supervisor of Data Processing Systems and Programming while in the title of Senior Data Processing Programmer.

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 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.

CONCLUSION

Initially, Mr. Mead was correctly denied admittance to the subject examination since he lacked the minimum requirements in supervisory experience. However, the personnel office indicated that Mr. Mead performed out-of-title supervisory duties from November 2000 to November 2005 while in the title Senior Data Processing Programmer. Mr. Mead had indicated on his application that he supervised three professional staff during this period of five years, one month. With the acceptance of this out-of-title work, Mr. Mead possesses at least an additional two years, eleven months of supervisory experience. The examination was not competitive with no admitted candidates, and Mr. Mead remains in his provisional position as a Supervisor of Data Processing Systems and Programming. Thus, based on the documentation submitted and under these circumstances, good cause exists to accept Mr. Mead's out-of-title work experience to satisfy the requirements for the Supervisor of Data Processing Systems and Programming title and to admit him to the examination.

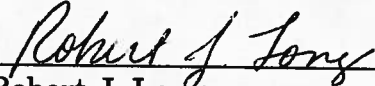
¹ Currently the Division of Local Human Resource Management.

ORDER

Therefore, it is ordered that this 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
MERIT SYSTEM BOARD ON
THE 15TH DAY OF AUGUST, 2007**



Robert J. Long
Presiding Board Member
Department of Personnel

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and
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**c: Charles Mead
Fredrica Brown
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