

CSC  
B-18



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Barbara Stoff,  
Administrative Analyst 1 (Data  
Processing) (PS9230G), Department  
of Environmental Protection

Examination Appeal

CSC Docket No. 2015-1973

ISSUED: JUN 08 2015 (HS)

Barbara Stoff appeals the determination of the Division of Agency Services (Agency Services), which found that she did not meet the experience requirement for the promotional examination for Administrative Analyst 1 (Data Processing) (PS9230G), Department of Environmental Protection.

The subject examination announcement was issued with a closing date of October 21, 2014. The examination was open, in part, to employees in the Division of Fish and Wildlife (DFW) who possessed a Bachelor's degree and four years of experience in work involving the review, analysis and evaluation of organization and administrative practices to determine the need for revision or implementation of data processing systems in a large business or government agency. Applicants who did not possess the required education could substitute experience as indicated on a year for year basis. A Master's degree in Public Administration, Business Administration, Economics, Finance or Accounting could be substituted for one year of the indicated experience. It is noted that the examination was cancelled as both applicants were deemed ineligible.

On her application, the appellant indicated that she served as an Administrative Analyst I from May 2013 to the closing date; as a Principal Biologist from December 2005 to May 2013; and as an Assistant Biologist from July 2001 to November 2005, all with DFW.<sup>1</sup> In describing her Principal Biologist position, the

<sup>1</sup> Agency records indicate that the appellant served as a provisional Administrative Analyst 1 (Data Processing) from May 18, 2013 through the closing date; as a Principal Biologist, Wildlife

appellant indicated that she became the sole division project manager for the Integrated Electronic License System (IELS) program on July 28, 2008 and that her major duties included the following: supervising the development, implementation and quality control of all facets of the IELS, which handles all aspects of the sale of licenses and permits and tracks and controls millions in revenue; coordinating, planning, managing and supervising the scheduling, development, testing and implementation of all components of the IELS program; creating and coordinating master schedules detailing testing and production dates for various game species, lottery application periods, running lotteries, permit sales, harvest reporting, hunter education registration and commercial marine licenses and permits; developing design documents for additions and improvements to the system; assigning and supervising user acceptance testing for each component to appropriate DFW staff across different bureaus; granting final approval for items and programming to be implemented and moved to production; monitoring daily activities and issues; investigating and reporting all issues/anomalies to the contract vendor for improvements, changes or immediate action; assigning further investigation to DFW staff as needed; insuring that all work accords with contract specifications; and creating next-generation requests for proposals and contracts. Agency Services credited the appellant with one year and six months of applicable experience for her provisional service as an Administrative Analyst 1 (Data Processing). Agency Services noted that although the appellant indicated applicable experience as a Principal Biologist, Wildlife Management, such experience would be out-of-title. Therefore, she was found to be lacking two years and six months of experience.

On appeal, the appellant explains that when licenses and permits were previously paper-based, her role did not exist. In 2006, DFW migrated from separate and multiple paper-based systems to the IELS, the programming and infrastructure of which are handled by a contract vendor under DFW's direction. The appellant further explains that the majority of functions enabling the public to obtain necessary permits and licenses and much of DFW's internal business regarding regulatory, accounting and scientific data collection aspects of hunting and fishing are now controlled by the IELS, a single computer system. The appellant reiterates that she became the sole, primary contact and manager for the IELS in August 2008 and argues that she has been performing applicable duties since that date. In support, the appellant submits her Performance Assessment Review dated June 10, 2009, which states that the appellant took over the direct supervision of the IELS in August 2008 and that she is responsible for working with various parties to ensure that the IELS is working properly, reports are in order, change requests are made, and all aspects of the system are working smoothly at all times.

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Management from December 10, 2005 to May 17, 2013; and as an Assistant Biologist, Wildlife Management from July 28, 2001 to December 9, 2005. It is noted that the appellant's provisional appointment to the subject title resulted from a classification review of her duties.

In support of this appeal, David Chanda, DFW Director, requests that the appellant's out-of-title experience since August 2008 be credited and confirms that the appellant has been the sole project manager for the IELS since that date. He also confirms that DFW transitioned from a paper-based licensing system to an electronic system in 2006 and that the appellant's duties evolved as the electronic licensing system evolved. Mr. Chanda further states that, along with the contract vendor, the appellant has created the new system and pioneered core functionalities and explains that the appellant's role has morphed into that of a data processing project manager.

### 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 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.

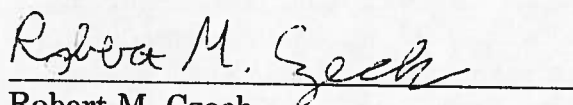
Agency Services correctly determined that the appellant was ineligible for the subject examination because she lacked two years and six months of creditable experience as of the October 21, 2014 closing date. On appeal, the appellant argues that she has been performing applicable duties since August 2008, when she was still serving in the title of Principal Biologist, Wildlife Management. However, the appellant's performance of applicable duties while serving in that title would be considered out-of-title work. Ordinarily, the Civil Service Commission (Commission) looks to whether or not "good cause" has been established in determining whether to grant or deny appeals involving out-of-title work. Generally, the Commission finds good cause where the record evidences that the examination situation is not competitive, no third parties are adversely impacted, and the appointing authority wishes to effect a permanent appointment and verifies that the appellant has performed the relevant duties which otherwise satisfy the eligibility requirements. *See In the Matter of John Cipriano, et al.* (MSB, decided April 21, 2004). In this particular case, the record evidences that the examination situation is not competitive since the examination was cancelled, and therefore, no third parties are adversely impacted. The DFW Director supports this appeal and indicates that the appellant has been performing applicable out-of-title duties since August 2008. This represents approximately four years and nine months of additional experience. Finally, the appellant continues to serve provisionally in the subject title. As such, good cause exists to accept the appellant's out-of-title work experience, for eligibility purposes only, and admit her to the examination.

**ORDER**

Therefore, it is ordered that this appeal be granted, the cancellation of the examination 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 3<sup>RD</sup> DAY OF JUNE, 2015**



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