

On appeal, the appellant presents that while serving a Senior Systems Analyst, he was responsible for the training and supervision of two staff members. Further, since he was provisionally appointed to the subject title, he indicates that a third staff member was added to his team and asserts that he now has four years of supervisory experience. He presents that two staff members that he supervises are Systems Analysts, which is a professional title, and one staff member is a Data Processing Programmer Trainee, which is a para-professional title. Moreover, the appellant describes in detail how he performs the required supervisory work while overseeing the three staff members.

CONCLUSION

N.J.A.C. 4A:4-2.1(g) provides that the Civil Service Commission (Commission) can accept clarifying information in eligibility appeals. For example, information submitted on appeal pertaining to duties in a given position that expands or enlarges information previously submitted is considered clarifying and is accepted.

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. *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in order to effectuate the purpose of Title 11A, New Jersey Statutes. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

Initially, Agency Services correctly determined that the appellant was not eligible as he only indicated on his application that while provisionally serving in the subject title and as a Senior Systems Analyst, he supervised “support staff.” Further, he did not describe any supervisory duties on his application. Therefore, his application did not clearly articulate that he was performing the required supervisory duties. However, on appeal, the appellant clarifies that he supervises two professionals and one para-professional, and he describes how he has performed the required supervisory duties for the required time. It is noted that the appellant’s “supervision” of staff while serving as a Senior Systems Analyst would be out-of-title work as this is a lead worker title. Further, he has provided no evidence that he signed the performance evaluations of the staff that he oversaw while serving as a Senior Systems Analyst and performance evaluation of subordinates, and its myriad of potential consequences to the organization, is the key function of a supervisor which distinguishes him or her from a “lead worker.” *See In the Matter of Alexander Borovskis, et al.* (MSB, decided July 27, 2005). Therefore, the record indicates that the appellant served as a lead worker as a Senior Systems Analyst and was not a supervisor as defined above. However, it cannot be ignored that the appellant led staff with responsibility for the coordination and/or planning, and/or implementation of data processing systems for the required time. Moreover, the appellant continues to successfully provisionally serve in the subject title and the examination was cancelled due to a lack of qualified candidates. The Commission notes that the dual

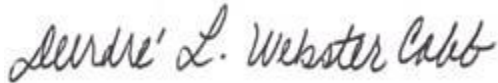
purpose of the Civil Service system is to ensure efficient public service for State and local governments and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. These interests are best served when more, rather than fewer, individuals are presented with employment opportunities. *See Communications Workers of America v. New Jersey Department of Personnel*, 154 N.J. 121 (1998). Therefore, the Commission finds good cause under N.J.A.C. 4A:1-1.2(c) to relax the provisions of N.J.A.C. 4A:4-2.6 and accept the appellant's clarified lead worker experience as well as his supervisory experience gained after the closing date, for eligibility purposes only, and admit him to the subject examination. Finally, the appointing authority is directed to ensure that the appellant, if he is not already doing so, should be signing the performance evaluations of the staff he supervises.

ORDER

Therefore, it is ordered that the appeal be granted, the examination cancellation be rescinded, and the appellant's application be processed for prospective employment opportunities 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 16TH DAY OF FEBRUARY, 2022



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