



STATE OF NEW JERSEY

In the Matter of Brian McGorty,
Network Administrator 1 (PS6876P),
Division of State Police

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

CSC Docket No. 2022-1713

Examination Appeal

ISSUED: May 2, 2022 (SLK)

Brian McGorty appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the education requirements for the promotional examination for Network Administrator 1 (PS6876P), Division of State Police.

The subject examination’s closing date was October 21, 2021. The education requirement was a Bachelor’s degree which must include a minimum of 18 semester hour credits in Mathematics and/or Computer Science. The experience requirements were three years of experience in the development, implementation, and maintenance of multi-network, 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 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/Information Technology received at an accredited institution could have been submitted with the application for evaluation for possible credit. These training courses were to be examined to see how they compare, both in hours/content, to college courses to which they equate, with 16 training hours being equal to one college credit. In house training courses were not to be accepted as meeting these criteria. A total of three employees applied and none were determined eligible. Therefore, the examination was cancelled.

On the appellant's application, he indicated that he had a Bachelor's degree. He also indicated that he was provisionally serving in the subject title from December 2020 to October 2021, an Information Technology Specialist from January 2013 to December 2020, and a Director, Data Management, Systems Analyst for Front Rush, LLC from October 2007 to January 2013. Agency Services credited him for having a Bachelor's degree, 16 applicable specialized college credits and meeting the experience requirements, but determined that he lack two applicable college credits.

On appeal, the appellant asserts that he possesses 19 math or computer science credits. Specifically, he believes that his IT-1011 – Information Technology Concepts (1.5 credits), IT-1012-Computer Applications (1.5 credits), CSIT-123 DL1 – Intro to Office Software (3 credits), MP-1102 – College Algebra (3 credits), MP-1203 – Elementary Functions (3 credits), MP-3231 Statistics for Science (3 credits), and MP-1204 Calculus I (4 credits) courses provide him the required specialized college credits. The appellant also presents that he has earned information technology certifications. He notes that by the appointing authority provisionally appointing him in the subject title, it was certifying that he met the minimum qualifications for the title at the time of the appointment.

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. *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 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, it is noted that while under *N.J.A.C.* 4A:4-1.5(a)2 an appointing authority certifies that the appointee meets the minimum qualifications for the title at the time of the provisional appointment, it is only this agency that decides whether one meets the eligibility requirements for a Civil Service examination.

In this matter, Agency Services correctly determined that the appellant was not eligible as he only possessed 16 college credits in Mathematics and/or Computer Science. Specifically, the appellant's MP-3231 Statistics for Science (3 credits) course is not a Mathematics course as Statistics is its own field of study. It is defined as the practice of or science of collecting and analyzing numerical data in large quantities, especially for the purpose of inferring proportions in a whole from those in a representative sample. Moreover, he has not submitted confirmation from a Chair or a Head of a Department that a college or university would accept the Statistics for Science as a Mathematics class. Further, the appellant's information technology certifications were not mathematics and/or computer science classes from an accredited college or university.

However, it is noted that Statistics is a field that is closely related to Mathematics. 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(a) and accept the appellant's education, for eligibility purposes only, and admit him to the subject examination.

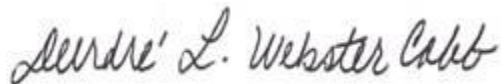
This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted, the cancellation of the examination 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 27TH DAY OF APRIL 2022



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Brian McGorty
Jessica Chianese
Division of Agency Services
Records Center