



STATE OF NEW JERSEY

In the Matter of Information
Technology Bureau Titles, Division of
State Police

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket Nos. 2016-917, 2016-918,
2016-919, 2016-920, 2016-921, 2016-
922, 2016-923, 2016-924, 2016-925,
2016-926, 2016-927, 2016-928, 2016-
929, 2016-930, and 2016-931

Request for Interim
Noncompetitive Appointments
CORRECTED DECISION

ISSUED: **NOV 08 2015** (CSM)

The Director, Division of Agency Services (Agency Services), requests the reallocation of certain titles within the Information Technology Bureau, Division of State Police, to the noncompetitive division of the career service on an interim basis.

By way of background, as far back as 1998, fifteen individuals were appointed to the unclassified title of Special Investigator within the Information Technology Bureau. However, due to the immediate need to expeditiously appoint staff to manage and maintain evolving technology, the Division of State Police did not reach out to this agency to ensure that the necessary research and classification reviews were not conducted to determine the proper classification of these positions. The Division of the State Police advises that this oversight continued until the matter was recently brought to the attention of their administrative staff, which resulted in Agency Services conducting classification reviews of the positions at issue. As a result of its reviews, Agency Services determined that the following Special Investigators' positions would be appropriately classified in the corresponding career service title:

NAME	TITLE
Sasikala Kumar	Administrative Analyst 2, Data Processing
Duoqi Sun	Database Administrator 1
Eric Syren	Database Administrator 1
Dharmender Kumar	Data Base Analyst 2
Rajiv Kerkar	Network Administrator 1

Bradley Horn	Network Administrator 1
William Gronikoski	Project Manager, Data Processing
Daniel Puliti	Project Manager, Data Processing
Chandrasek Botcha	Software Development Specialist 2
Marc Furman	Software Development Specialist 2
Andrew Jones	Software Development Specialist 2
Marina Novikov	Software Development Specialist 2
Boris Pugachevski	Software Development Specialist 2
Grigoriy Voskoboynik	Software Development Specialist 2
Babu Venkatarishnan	Software Development Specialist 3

As a result of the classification determinations, Agency Services conducted pre-appointment evaluations and determined that all of the individuals either meet the requirements of the respective title or would meet the requirements of the title with the Civil Service Commission's acceptance of out-of-title work.

In the instant matter, the Division of State Police indicates that subjecting the above noted employees to the open competitive testing process would risk their continued employment which, in turn, would compromise ongoing investigations and intelligence due to exposure of the secure infrastructure and data of the State Police. Therefore, the Division of State Police requests that the titles Agency Services determined to be appropriate for these employees' positions be reallocated to the noncompetitive division on an interim basis. In this regard, these employees have several years of service and are in this situation through no fault of their own. More significantly, the Division of State Police contends that placing these titles in the noncompetitive division on an interim basis will ensure the continued security of State Police systems and data.

A review of agency records indicates that there are no special reemployment, regular reemployment, or promotional lists for the subject employees' unit scope for any of the above referenced titles. Additionally, open competitive lists currently exist for Network Administrator 1 (S0453R), which expires on October 16, 2016 and contains the names of 11 eligibles, including 3 veterans, on the list for Mercer County and Database Analyst 2 (S0497S), which expires on January 21, 2018 and contains the names of 7 eligibles on the list for Mercer County. Agency Services notes that these examinations were announced as a result of provisional appointments in other departments, not the Department of Law and Public Safety. Moreover, these lists would not have been a factor had the individuals been properly classified as Network Administrator 1 and Database Analyst 2 when they were hired in 2003 and 2011. Therefore, in order to ensure the employment of individuals with the requisite knowledge, skills and length of service critical to the maintenance, data security and operations of the Division of State Police, Information Technology Bureau, Agency Services requests that the subject titles be reallocated to the noncompetitive division on an interim basis, for one pay period, in

order to effectuate the permanent appointments of these 15 employees to the appropriate career service titles. Additionally, Agency Services requests relaxation of *N.J.A.C.* 4A:4-2.6(c) to allow experience gained as a result of out-of-title work to satisfy the requirements for the titles as indicated for Furman, Gronikoski, Kumar, Norikov, Puliti, Sun and Syren.

In accordance with *N.J.A.C.* 4A:3-3.3(f), agency services states that the affected negotiations representatives were notified on July 27, 2015 of the request to reallocate the subject titles to the noncompetitive division on an interim basis.

CONCLUSION

N.J.A.C. 4A:3-1.2(c) provides that a job title may be placed in the noncompetitive division on an ongoing or interim basis when it is determined that it is appropriate to make permanent appointments to the title, and that one or more of the following criteria are met:

1. Competitive testing is not practicable due to the nature of the knowledge, skills and abilities associated with the job;
2. Certification procedures based on ranked eligible lists have not or are not likely to meet the needs of appointing authorities due to such factors as salary, geographic location, recruitment problems and working conditions; or
3. There is a need for immediate appointments arising from a new legislative program or major agency reorganization.

N.J.A.C. 4A:4-2.6(c) provides 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.

Based on the present record, interim noncompetitive status for the subject titles is appropriate in this matter. Additionally, *N.J.A.C.* 4A:3-1.2(g) provides that, if a title is designated noncompetitive on an interim basis, at the end of the interim noncompetitive period, which shall be no greater than one year, the job title shall be redesignated as competitive. Individuals appointed during the interim noncompetitive period shall, upon successful completion of their working test periods, attain permanent status in the competitive division. Therefore, as soon as administratively feasible, the subject titles are to be reallocated to the noncompetitive division on an interim basis for one pay period. Additionally, given the unique circumstances presented in this case, good cause exists to accept the out-of-title work experience of Furman, Gronikoski, Kumar, Norikov, Puliti, Sun, and

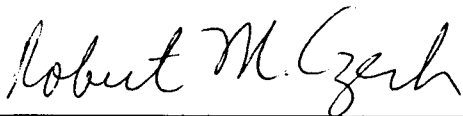
Syren to qualify them for the titles deemed appropriate for their positions.

ORDER

Therefore, it is ordered that this request be granted, and interim noncompetitive designations for the subject titles be effected. This designation will be effectuated as soon as administratively feasible and will only be effective for one pay period. At the end of this period, the subject titles will be returned to the competitive division of the career service. The working test periods of the affected employees will begin the pay period the titles are reallocated to the noncompetitive division on an interim basis.

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 OCTOBER, 2015



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