

B-32



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Donna Deveney and
Cynthia Dey, Manager 1, Information
Processing (PS0775T), Department of
the Transportation

Examination Appeals

CSC Docket Nos. 2016-986 and 2016-
947

ISSUED: **DEC 17 2015** (SLK)

Donna Deveney and Cynthia Dey appeal the determinations of the Division of Agency Services (Agency Services) that they were below the minimum requirements in experience for the promotional examination for Manager 1, Information Processing (PS0775T), Department of the Transportation. These appeals have been consolidated due to common issues presented.

The examination at issue was announced with specific requirements that had to be met as of the May 21, 2015 closing date (see attached). The appellants were the only employees that applied for the examination which was cancelled due to a lack of qualified applicants.

On Ms. Deveney's application, she indicated that she was provisionally serving in the subject title from March 2013 to the May 21, 2015 closing date, a Supervisor, Data Processing Technical Support from October 2004 to March 2013, an Administrative Analyst 2, Data Processing from February 2003 to October 2004, a Principal Technician, Management Information Systems from June 1999 to February 2003, a Senior Technician, Management Information Systems from February 1997 to June 1999, a Technician, Management Information Systems from February 1996 to February 1997, a Principal Clerk Typist from May 1988 to February 1996, and a Senior Clerk Typist from September 1986 to April 1988. She also indicated that she had 16 college credits. Personnel records indicate that she was provisionally serving in the subject title from March 2013 to the May 21, 2015 closing date, a Supervisor, Data Processing Technical Support from October 2004 to March 2013, an Administrative Analyst 2, Data Processing from April 2003 to

October 2004, a Principal Technician, Management Information Systems from June 1999 to April 2003, a Senior Technician, Management Information Systems from February 1997 to June 1999, a Technician, Management Information Systems from February 1996 to February 1997, a Principal Clerk Typist from December 1989 to February 1996, a Senior Clerk Typist from July 1989 to December 1989, a Senior Clerk Stenographer from April 1988 to July 1989, a Senior Clerk Typist from January 1987 to April 1988, and a Clerk Typist from September 1986 to January 1987. She also indicated that she had 16 college credits. Agency Services credited her with two years and 10 months of general experience based on her provisional experience in the title under test and her completed college credits and two years and four months of supervisory experience based on her provisional experience in the title under test. Therefore, Ms. Deveney would need an additional six years and two months of general experience to qualify for the examination.

On Ms. Dey's application, she indicated that she was serving provisionally in the subject title from November 2014 to the May 21, 2015 closing date, a Geographic Information Systems Specialist 1 from August 2000 to November 2014, a Geographic Information Systems Specialist 2 from August 1996 to August 2000, a Geographic Information Systems Specialist 3 from October 1993 to August 1996, and a Technician, Management Information Systems from October 1989 to October 1993. She also indicated that she had 83 college credits. Personnel records indicate that she was provisionally serving in the subject title from November 2014 to the May 21, 2015 closing date, a Geographic Information Systems Specialist 1 from September 2000 to November 2014, a Geographic Information Systems Specialist 2 from June 1995 to September 2000, a Geographic Information Systems Specialist 3 from October 1993 to June 1995, a Technician, Management Information Systems from October 1989 to October 1993, a Word Processing Specialist 2 from January 1985 to October 1989, a Senior Vari-Typist from June 1982 to January 1985, and a Vari-Typist from March 1980 to June 1982. Agency Services credited her with three years and four months of general experience based on her completed college credits and her provisional service in the title under test and one year and five months of supervisory experience based on her provisional service in the title under test. Therefore, Ms. Dey would need an additional five years and eight months of general experience and one year and five months of supervisory experience to qualify for the examination.

On appeal, Ms. Deveney clarifies her duties while serving as a Supervisor, Data Processing Technical Support. Among other duties as a supervisor of information technology professionals, she provides specific examples where she was involved in software application development and/or systems analysis.

Ms. Dey clarifies her experience as a Geographic Information Specialist 1 by providing specific examples of projects where, as a supervisor, she was involved in the development of application software and system analysis and design in a multi-

platform environment. Also, the Director of Information Technology confirmed that she performed the required duties out-of-title as a Geographic Information Specialist 1 and 2 from August 1996 to November 2014 due to critical projects that could not be completed otherwise due to staff retirements, promotion/hiring freezes, inability to backfill vacated positions, and fiscal constraints.

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: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. *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 purposes of Title 11A, New Jersey Statutes.

Initially, Agency Services correctly determined that the appellants did not meet the required experience. As of the May 21, 2015 closing date, Ms. Deveney only had two years and 10 months of experience as she did not clearly explain in her application how her experience as a Supervisor, Data Processing Technical Support was applicable. However, in accordance with *N.J.A.C.* 4A:4-2.1(g), the Commission can accept clarifying information in eligibility appeals. For example, information submitted on appeal pertaining to duties performed in a given position that expands or enlarges on information previously submitted is considered clarifying. Ms. Deveney clarifies by providing specific projects that she worked on as a Supervisor, Data Processing Technical Support where she was involved in software application development and/or systems analysis. Further, it noted that the definition section of the job specification for a Manager 1 Information Processing, Level 1 states:

Under general supervision, organizes and directs the activities of an information processing installation or facility having a total employee complement of 10 or fewer. *This installation must include at least two of the following functional elements: applications development and maintenance, operations production and control, database management, operating systems programming and maintenance; network management;* or under the direction of a Manager 2, who serves as the chief MIS manager for a Department or Agency, directs a major sub element (such as programming); or in a Department or Agency where the chief MIS manager is classified as a Manager 3 or higher level manager, directs the work of a technical work unit (such as systems programming).

Accordingly, an incumbent in this position can manage two installations, such as database management and network management, which are not necessarily primarily involved in application development. Therefore, although Ms. Deveney's experience does not precisely mirror the requirements contained in the announcement, the Commission is satisfied that the totality of her experience including her provisional service in the subject title and as a Supervisor, Data Processing Technical Support, as far back as October 2004, warrants her admission to the subject examination.

In regard to Ms. Dey, she only had three years and four months of applicable general experience as any other applicable experience she gained as a Geographic Information Specialist 1 and 2 would be out-of-title work. However, the Director of Information Technology has confirmed that Ms. Dey performed the required out-of-title duties as a Geographic Information Specialist 1 and 2 from August 1996 to November 2014, including over 14 years as a supervisor from August 2000 to November 2014, due to business necessity.

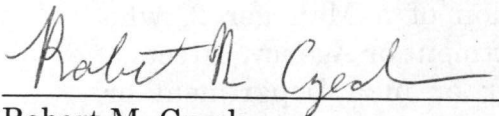
Additionally, the examination was cancelled due to a lack of qualified applicants and the appellants continue to serve provisionally in the title under test. Therefore, under these circumstances, good cause exists to accept the appellants' provisional experience after the closing date, the totality of Ms. Deveney's experience as far back as October 2004, and Ms. Dey's out-of-title work, for eligibility purposes only, and admit them to the subject examination.

ORDER

Therefore, it is ordered that these appeals be granted, and Donna Deveney's and Cynthia Dey's applications 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 DECEMBER, 2015



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Chairperson
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and
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Attachment

c: Donna Deveney
Cynthia Dey
Michele Shapiro
Kelly Glenn
Joseph Gambino

NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL ANNOUNCEMENT



\$25.00 PROCESSING FEE REQUIRED
 Make Check/Money Order Payable to NJCSC

SYMBOL: PS0775T	WEIGHT CODE: *
TITLE: MANAGER 1 INFORMATION PROCESSING	SALARY: \$73,868.00 - \$107,118.00
ISSUE DATE: May 01, 2015	CLOSING DATE: May 21, 2015
TITLE CODE: 61608/Q6RXR8	CLASS CODE: 32
DEPARTMENT: TPA/TRANSPORTATION	
UNIT SCOPE: T533 Information Technology	

Visit www.state.nj.us/csc
 And select "Job Announcements"
 to view this announcement and to file an application

Open to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Education: Graduation from an accredited college or university with a Bachelor's degree. You must indicate either possession of a degree or total number of college credits completed to date on your application. (Foreign degrees/ transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Applicants who do not possess the required education may substitute four (4) years of additional non-supervisory experience of the type indicated in the experience section.

Experience: Five (5) years of experience in work involving the development of application software and systems analysis and design in a multi-platform environment, two (2) years of which shall have been in a supervisory capacity.

License: Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility, is necessary to perform the essential duties of the position. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

Note: This announcement may be tested via the Management Test Battery (MTB). Under the guidelines of the MTB program, an applicant's score will be retained and applied to subsequent promotional or open competitive announcements for titles tested under this program. For information regarding the Management Test Battery, please refer to our website <http://www.state.nj.us/csc/seekers/about/steps/step7.html>

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed, including assignment to the department and unit scope, must be met as of the closing date.
2. YOU MUST COMPLETE YOUR APPLICATION IN DETAIL. Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.
3. This examination is open to full- and part-time permanent employees. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions. If 35- and 40-hour positions are used within the unit scope, the resulting list may be used to fill either work week position.
4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.
5. In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the DMAVA (as defined by N.J.S.A. 11A:5-1 et seq.), or your claim is approved by DMAVA at least 8 days prior to the issuance of this eligibility list. PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.
6. SPECIAL NOTE TO ALL APPLICANTS Please make sure you are assigned to the unit scope indicated above. If you do not know your unit scope assignment, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the unit scope indicated above, YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.
7. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please Email: OAS.support@csc.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.

DPF-256A * Revised 03/09