



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of William Wei,
Forensic Analyst Information
Technology, (C0153V), Bergen
County

Examination Appeal

CSC Docket No. 2017-3921

ISSUED: November 2, 2017 (RE)

William Wei appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the education requirement for the open competitive examination for Forensic Analyst Information Technology, (C0153V), Bergen County.

The examination at issue was announced with specific requirements that had to be met as of the March 8, 2017 closing date (see attached). As there were no admitted candidates, the examination was cancelled on June 26, 2017.

Mr. Wei indicated on his application that he graduated with a Bachelor's degree in Economics from Rutgers University in 1990. He also possesses a Master's degree in Adult and Continuing Education, which he earned from Rutgers University in 1994. Mr. Wei also indicated that he was a provisional in the subject title from November 2016 forward, and was employed prior to that as an Associate Director of Data Forensics with Altep Inc., and as a Lieutenant County Investigator with the Monmouth County Prosecutor's Office. All of his experience from December 1995 to the closing date was accepted. Agency Services noted that Mr. Wei possessed a Bachelor's degree, but it was not in the field of Computer Science, Computer Forensics, or other related field of technology with a specialization in digital forensics.

On appeal, Mr. Wei states that he created the Monmouth County Prosecutor's Office Computer crimes unit in 1999, which was the first county-wide computer forensics laboratory in New Jersey. He states that he was the first person

in New Jersey to obtain both the EnCE and CFCE computer forensics certifications. He indicates that he is taught computer forensics for guidance software, the manufacturer of EnCase, coached forensic examiners obtaining their EnCE certifications, and coauthored a book on the EnCE certification. He states that he taught computer investigations at Monmouth University for five years, from 2009 to 2013, and is the coach for the International Association of Computer Investigative Specialists members obtaining their CFCE certifications. The appellant explains that computer forensics is a relatively new science, and he was fortunate to be engaged in this field during its infancy. He states that degrees in computer forensics did not exist when he began performing data forensics in the late 1990s, and his training and experience came from like minded people who learn on the job and trained others. He states that he set Second Chair in the first computer theft case tried in New Jersey (*State of New Jersey v. Arun Gaikwad*, 349 *N.J. Super.* 62, 793 A.2d 39), and was an expert witness in the first prosecution against the fantasy defense in a child sexual exploitation case (*New Jersey v. James R. Davis*, 390 *N.J. Super.* 573, 916 A.2d 493).

The Bergen County Prosecutor sent a letter in support of this appeal. He states that Mr. Wei is a pioneer in computer forensics with many years of experience before it was offered as a curriculum at universities. He states that Ms. Wei teaches at the university level, is published author of a book on becoming a certified technician using the forensic software package EnCase, and he coaches candidates for certification in EnCase and other related forensic software. The Prosecutor and maintains that Mr. Wei's excellent work attests to the level of training he brings to the field.

CONCLUSION

N.J.A.C. 4A:4-2.3(b)2 requires applicants to possess all the requirements specified in an announcement for an open competitive examination by the closing date. Further, *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 appellant lacked an appropriate Bachelor's degree. The appellant possesses a Bachelor's degree and a Master's degree. He is also an expert in the field of computer forensics, which is a relatively new area of science. Therefore, the Commission finds that the totality of his college education, his certifications, his experience in the subject title, and his teaching experience in the field are acceptable to meet the education requirements for the subject examination. *See In the Matter of Meg-Anne McCarthy* (MSB, decided August 11, 2004) (Totality of experience, Bachelor's degree in Food and Nutrition, and Master's degree in Health Administration acceptable for required Master's degree in a nutrition specialty).

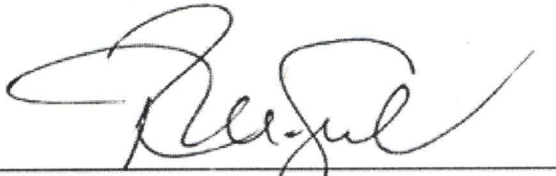
It is noted that this remedy is limited to the particular circumstances of this matter and does not set a precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted, the exam cancellation be rescinded, and the appellant's application be processed for current employment opportunities.

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
THE 1st DAY OF NOVEMBER, 2017



Robert M. Czedo, Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Attachment

c: William Wei
Michele Popkin
Kelly Glenn
Records Center



Job Announcements

Symbol: C0153V Title: **FORENSIC ANALYST INFORMATION TECHNOLOGY**

Issue Date: 02/15/2017

Closing Date: 03/08/2017

Jurisdiction: BERGEN COUNTY

Salary: \$13.13 - \$40.38 Per Hour

Num. of Positions: 1

Workweek: 40 Hours per week

Application Fee: \$25.00

OPEN TO RESIDENTS OF:

(1) Bergen County; (2) Essex County, Hudson County, Passaic County; (3) New Jersey

REQUIREMENTS:

EDUCATION: A Bachelor's Degree in Computer Science, Computer Forensics, or other related field of technology with a specialization in digital forensics. Please upload a copy of your transcript with your application. Failure to do so will result in ineligibility.

EXPERIENCE: Three (3) years of experience conducting computer forensic examinations, cellular phone data extractions, mobile device forensics, and/or mobile tracking technologies in a law enforcement, military, public, or other investigative agency.

NOTE: A Master's Degree in Computer Science, Information Technology, or related field may be substituted for one (1) year of the experience indicated above. If you are substituting a Master's degree for one year of the required experience, please upload a copy of your transcript with your application. Failure to do so will result in ineligibility.

Foreign transcripts must be evaluated by a recognized evaluation service. Please upload a copy of your evaluation with your application. Failure to do so will result in ineligibility.

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 essential duties of the position.

Customer Care and Technical Support: If you are having difficulty submitting your application online, customer care and technical support 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.nj.gov 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.

IMPORTANT INFORMATION:

1. NJAC 4A:4-2.3(b) states that all requirements must be met as of the closing date.
2. Online applications must be completed and submitted by the closing date listed above.
3. **You must complete your application in detail.** Your score may be based on a comparison of your background with the job requirements. **Failure to complete your application properly may lower your score or cause you to fail.**
4. If an employment list results from this announcement, it may be certified to fill full-time and part-time positions.
5. Effective September 1, 2011, the New Jersey First residency law was enacted. Please click here for additional information.
6. In accordance with Public Law 2010 c. 26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veteran's Preference with the DMAVA (as defined by NJSA 11A:5-1 et seq). Those claiming Veteran's Preference but have not yet received approval from DMAVA must pay the full application fee and may request a refund if the claim is approved at least 8 days prior to the issuance of the eligibility list. Please note this reduced fee does not apply to Public Safety titles.
7. Application fees submitted via personal check or money order must be postmarked within **five (5) business** days of submitting your application. If your fee is postmarked after five (5) business days, or is returned as invalid, you will be declared ineligible and denied admittance to the examination process.

close window