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STATE OF NEW JERSEY

In the Matter of Rosemarie Millan,
Administrative Analyst 2 and
Administrative Analyst 3,
Department of Environmental
Protection

CSC Docket No. 2016-1529

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Administrative Appeal

ISSUED: DEC 18 2015 (JET)

Rosemarie Millan appeals the determination of the Division of Agency Services (Agency Services) which found that she was below the minimum requirements in experience for a prospective promotional examination for Administrative Analyst 2. Millan also appeals the determination that she is below the minimum requirements in experience for a prospective promotional examination for Administrative Analyst 3.

By way of background, Millan's experience was reviewed as part of a pre-appointment evaluation to determine if she possessed the necessary qualifications for the Administrative Analyst 3 examination.¹ On January 22, 2015, Agency Services issued a determination which indicated that Millan's experience was sufficient to meet the requirements for the Administrative Analyst 3 title. Subsequently, the appointing authority requested a review of Millan's work experience to determine if it met the requirements for Administrative Analyst 2. On September 23, 2015, Agency Services issued a determination indicating that Millan's experience was not sufficient to meet the requirements for Administrative Analyst 2. Thereafter, on October 1, 2015, Agency Services issued a revised determination which indicated that Millan did not possess sufficient experience to meet the requirements for Administrative Analyst 3.

¹ It is noted that a classification determination issued on September 5, 2011 indicated that the appropriate classification of Millan's position was Administrative Assistant 3. Millan was appointed as a provisional Administrative Assistant 3 effective November 5, 2011. It is noted that Millan's permanent title is Senior Clerk Typist.

It is noted that the requirements for Administrative Analyst 3 and Administrative Analyst 2 are graduation from an accredited college or university with a Bachelor's degree, and two years of experience for Administrative Analyst 3 and three years of experience for Administrative Analyst 2, involving the review, analysis, and evaluation of budget, organization, administrative practices, operational methods, management operations, or data processing applications, or any combination thereof, which shall have included responsibility for the recommendation, planning, and/or implementation of improvements in a business or government agency. Applicants who do not possess the required education may substitute additional experience on a year-for-year basis with 30 semester credits being equal to one year of experience.

In accordance with the substitution clause, Agency Services found that Millan possessed two years and six months of applicable experience for each title based on her completion of 76 college credits, but that the remainder of her experience was not applicable. Therefore, pursuant to the substitution clauses listed in the job specifications for Administrative Analyst 2 and Administrative Analyst 3, Millan would need an additional four years and six months of applicable experience for the Administrative Analyst 2 title, and an additional three years and six months of applicable experience for the Administrative Analyst 3 title. Accordingly, Agency Services found that Millan did not meet the requirements for either title.

On her application and resume submitted in support of her requests, Millan indicated that she was serving provisionally as an Administrative Assistant 3 from June 2004 to December 2014.² From October 2002 to August 2006 she was a Management Assistant and from December 1999 to September 2002 she was an Administrative Assistant with McGraw-Hill. From August 1996 to December 1999, she worked as an Assistant Rental Manager with Town Ford.

On appeal, Millan argues that she has been serving as a provisional Administrative Assistant 3 since November 2011, and she continues to serve in that position. Specifically, Millan explains that her duties include analyzing the budget and making budget recommendations. Further, her duties include reviewing administrative procedures, assessing organization structure, recommending changes to organizational charts, evaluating changes to the organizational structure, and submitting statistical reports. Moreover, Millan confirms that her work is in compliance with applicable policies, procedures, and standards. Additionally, Millan maintains that Agency Services' initial January 22, 2015 determination was correct and that she has sufficient experience to qualify her for both titles. Millan adds that it was improper for Agency Services to issue the October 1, 2015 revised determination.

² It is noted that Millan served as a Clerk Typist from June 2004 to December 2004, and as a Senior Clerk Typist from December 2004 to November 2011.

CONCLUSION

A review of the record demonstrates that Agency Services correctly determined that Millan did not meet the requirements for Administrative Analyst 2 and Administrative Analyst 3. In order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the job specification. See *In the Matter of James L. Walsh* (MSB, decided March 15, 1988). On her original applications and resume she provided on appeal, Millan described duties that are primarily focused on the performance and coordination of administrative support services, such as reviewing correspondence, maintaining files, and issuing reports. In addition, while Millan lists several duties on appeal that she claims to have performed, even if she performed some of the duties required to qualify for the Administrative Analyst 2 and Administrative Analyst 3 titles, it is clear that she did not perform these duties on a full-time basis, and they were not the primary focus of her position. Further, in *In the Matter of Rosemarie Millan* (CSC, decided November 18, 2015), the Commission upheld the determination that her position is properly classified as Administrative Assistant 3 as an Administrative Analyst 3 classification would not be appropriate for functions performed by her position. Accordingly, the Division of Agency Services correctly determined that Millan had not met the requirements for the Administrative Analyst 2 and Administrative Analyst 3 titles.

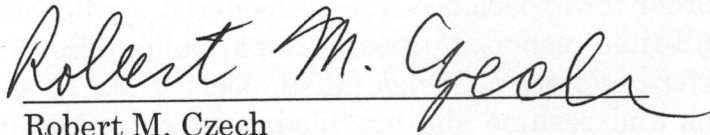
In regard to Agency Services' revised October 1, 2015 determination, as noted above, Agency Services correctly determined that Millan did not meet the requirements for the Administrative Analyst 3 title. A review of the record demonstrates that Agency Services' initial January 22, 2015 determination was issued in error and Millan should have been informed that she did not meet the requirements of the title. In this regard, it is noted that there are no vested or other rights that are accorded by an administrative error. See *Cipriano v. Department of Civil Service*, 151 N.J. Super. 86 (App. Div. 1977). See also, *In the Matter of Floyd Borden* (MSB, decided July 14, 2004) (Erroneous determination of Request for Evaluation did not in itself demonstrate eligibility of candidate for subsequent promotional examination).

ORDER

Therefore, it is ordered that this appeal be denied.

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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