



STATE OF NEW JERSEY

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| In the Matter of Jeffrey Easthope, and Sh-Keer Milbourne, Contract Administrator 2 (PS1625K), Department of Human Services | : | FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION |
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| CSC Docket Nos. 2017-2119 and 2017-2411 | : | Examination Appeal |
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ISSUED: APRIL 10, 2018 (JH)

Jeffrey Easthope and Sh-Keer Milbourne appeal the determination of the Division of Agency Services, which found that they did not meet the experience requirements for the promotional examination for Contract Administrator 2 (PS1625K), Department of Human Services.

The subject examination was open to employees in the competitive division who had an aggregate of one year of continuous permanent service and were serving in the Contract Administrator title as of the August 22, 2016 closing date or to employees in the competitive division who had an aggregate of one year of continuous permanent service in any competitive title and met the following requirements: graduation from an accredited college or university with a Bachelor’s degree; three years of experience in work involving contract/grant work, project financing, construction management, fiscal administration, social services administration, and/or budget and management operations of a government or business entity, at least one year of which shall have involved responsibility for some aspect of contract/grant administration. Pursuant to the substitution clause, applicants who did not meet the education requirement could substitute additional experience on a year-for-year basis with 30 semester hour credits being equal to one year of experience. A Master’s degree from an accredited college or university in Accounting, Finance, Business Administration, Public Health, Public Administration, Hospital Administration, or Social Work (with concentrations in Health, Administration, or Social Policy) could be substituted for one year of the requisite experience. It is noted that the appellants were the only applicants and thus, the examination was cancelled.

Easthope's application and attached resume indicated that he worked as Contract Administrator with the Department of Human Services from September 2011 through the closing date. He indicated his main duties as including: analyzing agency budgets to ensure accuracy, compliance with State policy, and reasonable cost; reviewing requests for additional funding for new programs and program expansion; "point of contact for agencies with assistance with managing and modifying their contracts;" and reviewing agencies' contracted budgets against actual expenditures to determine over/underspending. A review of the appellant's employment record finds that he received a provisional appointment to the Contract Administrator 2 title effective April 30, 2016 and he continued to serve in that title through the closing date. As such, the Division of Agency Services credited him with five months of contract/grant administration experience. His employment record further indicated that he served in the Analyst Trainee title from September 10, 2011 through September 7, 2012 and in the Fiscal Analyst title from September 7, 2012 through April 29, 2016. The Division of Agency Services credited him with four years, seven months of general experience. He further indicated that he worked as an Employment Counselor with the Department of Labor and Workforce Development from October 2005 through September 2011. He indicated his main duties as including: evaluating job seekers to determine the nature of assistance needed; determining customers' need and eligibility for training program; and counseling customers on preparing for and passing the GED test. The Division of Agency Services determined that this experience was not applicable. Accordingly, the Division of Agency Services determined that he lacked seven months of contract/grant administration experience and found him ineligible for the subject promotional examination.

Milbourne's application and attached resume indicated that she worked as an Accountant 1 with the Department of Human Services from September 2013 through the closing date. She indicated her main duties as including: processing third party contract settlements in accordance with Department policies and ensuring compliance with Department, Division and State statutes, rules, policies and procedures; providing technical assistance to the provider agency and Division staff to explain the calculation of the settlement; establishing, maintaining and monitoring tracking system for contract settlement payments and repayment plans; researching settlement disputes and making recommendations as to whether the Division should adjust the settlement determination in response to the additional documentation provided; and preparing statistical reports regarding the status of contract settlements. The Division of Agency Services credited her with three years of general experience. She also indicated that she worked as an Auditor 1 with the Department of Community Affairs from September 2010 to September 2013. She indicated her main duties as including: assigning work and monitoring the ongoing progress of audit staff; providing supervision and technical guidance to Division staff in answering questions on procedures and statutes; assisting other State

agencies “with guidance on the procedures as it pertained to Authority Regulation;” and developing audit plans and defining audit steps with respect to new legislation. The Division of Selection Services credited her with three years of general experience. She indicated that he worked as an Auditor 1 with the Department of Community Affairs from October 2004 through September 2010.¹ She indicated her main duties as including: reviewing financial audits performed by external auditors; and performing detailed examinations of annual budgets for municipality, local authorities and fire districts. The Division of Agency Services credited her with five years, 11 months of general experience. Thus, the Division of Agency Services concluded that the appellant satisfied the general experience requirement but did not possess one year of contract/grant administration experience. Consequently, the appellant was found ineligible for the subject promotional examination.

On appeal, Easthope presents that “since first assuming the position of Analyst Trainee to my current position of [Contract Administrator] 2, the entirety of these positions have sole[ly] involved contract/grant administration.” He provides a listing of “the ID numbers and associated monetary amounts of the contracts for which I have been the Contract Administrator signatory during my service with the Division of Developmental Disabilities” and concludes that he has administered 107 contracts “representing \$727,507,439 in [S]tate dollars.” In support of his appeal, he provides additional documentation including a letter from Jose Gonzalez, Chief, Contract Administration Section, in which Mr. Gonzalez indicates that since September 2011, Easthope “has been assigned a caseload of Provider Agency contracts comparable to employees sitting in a Contract Administrator 2 (then CA1) title. He was and is charged with administering the full life cycle of a contract including, but not limited to the following: Negotiating and approving total contract costs[;] Reviewing and approving contract renewals[;] Reviewing and approving contract modifications[;] Reviewing and approving Reports of Expenditures . . . During my soon to be four year tenure as the [Division of Developmental Disabilities] Chief of Contract Administration[,] I have observed Mr. Easthope performing his duties in an exemplary and commendable manner.”

Milbourne maintains that she clearly meets the experience requirement. In this regard, she argues that as an Accountant 1 in the Department of Human Services, she works “specifically in the Fiscal Compliance unit processing Contract Closeouts.” As an Auditor 1 with the Department of Community Affairs, she was “responsible for the fiscal evaluation and financial analysis of Counties, Municipalities, Local Authorities, Fir[e] Districts and Housing Authorities annual

¹ A review of Ms. Milbourne’s employment record finds that she served in the Auditor Taxation Trainee title from October 18, 2004 to October 28, 2005 and in the Auditor 3 title from October 29, 2005 to September 6, 2013. She was provisionally appointed to the Accountant 1 title effective September 7, 2013 and permanently appointed effective June 28, 2014. She continued to serve in that title through the closing date. It is noted that prior to October 2015, Auditor 3 was the lowest title in the Auditor title series. However, effective October 17, 2015, the title series was changed to reflect Auditor 1 as the lowest title.

budgets.” She argues that “from September 2010 to September 2013 I was doing out of title work functioning as a Supervisor Auditor/Auditor 3. A Classification Appeal . . . was done by CSC back in 2012 and that determined I was working out of title but . . . it was determined that I would go back to my normal duties as Auditor 1. Unfortunately, all my duties were not taken away and I was still performing out of title work as an Auditor 3 up until I left [the Department of Community Affairs].” She further argues that she is “currently ranked and sitting on several open competitive lists that actually tak[e] out of title work into consideration when making a determination on eligibility. . . Also, I’m ranked and sitting on a promotional list which does not take out of title work into consideration when making a determination on eligibility and that title is Administrative Analyst 4 (PS6458K).”² In support of her appeal, she provides additional documentation including a letter from Jill A. Babashak, Supervisor of Compliance, Office of Budget and Finance, in which Ms. Babashak indicates that “as Ms. Milbourne’s supervisor, I am confirming that she is performing the duties, as stated in her appeal, while serving in the Accountant 1 title. The duties Ms. Milbourne performs mainly involve the financial closeout of the Division of Developmental Disabilities’ (Division’s) third-party contracts. This experience has provided Ms. Milbourne with a broad understanding of the Division’s third-party contracting process in regard to the administration of the contract, contract policies and procedures, and contract and audit compliance requirements. Ms. Milbourne reviews the Division’s contract files/documents, contract databases, contract level of service data, contract payment data and other contract reports as needed to perform the Accountant 1 duties.”³ She also provides a copy of an email sent December 22, 2015 from Ms. Babashak in which she provides a listing of Milbourne’s duties.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 states that applicants for promotional examinations must meet all requirements by the announced closing date. *N.J.A.C.* 4A:4-2.6(c) provides that except when permitted for good cause, applicants for promotional examinations may not use experience gained as a result of out-of-title work to satisfy eligibility requirements.

The appellants were determined to be ineligible for the subject examination since they lacked one year of applicable contract/grant administration experience. However, the appointing authority supports Milbourne’s claim that she performed

² Open competitive examinations are not subject to the out-of-title work provisions of *N.J.A.C.* 4A:4-2.6(c).

³ Babashak also indicates that the Accountant 1 position is “separate from the Division’s Contract Administration Unit and as such[,] it does not allow for any review and/or approval authority over how the contract is administered by the Division. The job duties listed in Ms. Milbourne’s appeal are from the Division’s standpoint within the scope of the Accountant 1 title . . .” However, it is noted that a review of the job specification finds that such duties are not appropriate to the Accountant 1 title and, thus, they are considered out-of-title work.

applicable work while serving in the Accountant 1 title. Furthermore, Easthope's supervisor indicates that he performed applicable out-of-title work, which was not confirmed by the appointing authority, since September 2011. Nevertheless, the appellant was provisionally appointed to the subject title on April 30, 2016 and continues to serve in that title. Thus, he has accrued an additional 15 months of applicable experience after the August 22, 2016 closing date.

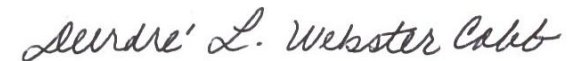
In the present matter, the record establishes that the examination situation is not competitive, and that processing applications from the appellants would enable the appointing authority to effect a permanent appointment. Based on the particular circumstances presented, good cause has been established to relax the provisions of *N.J.A.C. 4A:4-2.6(a)* to permit accepting Easthope's experience gained after the closing date, for eligibility purposes only, in order to qualify him for the subject examination and to accept Milbourne's out-of-title experience for eligibility purposes only and to admit her to the subject examination.

ORDER

Therefore, it is ordered that this appeal be granted and the appellants be deemed eligible for the examination.

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 4TH DAY OF APRIL, 2018



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