



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Sh-Keer Milbourne,
Administrative Analyst 4, Fiscal
Management (S0654W),
Statewide

Examination Appeal

CSC Docket No. 2019-3289

ISSUED: July 16, 2019 (RE)

Sh-Keer Milbourne appeals the decision of the Division of Agency Services which found that she did not meet the experience requirements for the open-competitive examination for Administrative Analyst 4, Fiscal Management (S0654W), Statewide.

The subject examination announcement was issued with a closing date of May 21, 2018, and was open to residents of New Jersey who met the requirements of graduation from an accredited college or university with a Bachelor's degree or supplemented by twenty-one semester hour credits in any combination of Accounting, Business Administration, Economics, or Finance courses, AND four years of experience in work involving fiscal analysis and evaluation, budgeting, and management operations in government, business, and/or a management consulting firm. A Master's degree in one of the areas listed above may be substituted for one year of experience; and a Doctorate in one of the areas listed above may be substituted for two years of experience. Applicants who did not possess the required 21 credit hours could substitute the remaining education with experience. Applicants who do not possess the Bachelor's degree, but who do possess the twenty-one semester hour credits as listed above, may substitute the remaining education with experience as indicated above on a year-for-year basis with thirty semester hour credits being equal to one year of experience. The appellant was found to be ineligible based on a lack of experience. Forty-nine candidates took the examination, and the results are not yet available.

The appellant indicated that she possessed the required education and she listed four positions on her application and resume: Accountant 1, Auditor 1 (two different positions), Billing Specialist/Accounts Receivable Clerk with Aetna, Inc., and Customer Service Representative with Magyar Savings Bank. None of this experience was accepted, and the appellant was found to be lacking four years of experience as of the closing date.

On appeal, the appellant argues that her experience should be accepted. In this regard, she argues that as an Accountant 1 in the Department of Human Services, she worked “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 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 due to the interim time of the work and the hiring of additional managers 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] in September 2013.” She further argues that she is “currently ranked and sitting on several lists including Administrative Analyst 4 (S0612V), Contract Administrator 2 (PS1625K), Budget Analyst 1 (S0793T), Business Manager 2 (S0802V), and Grants Specialist (S0695V). She provides an extensive description of her duties in the titles Accountant 1 and Auditor 3, and she provides a resume which includes a position after the closing date.

CONCLUSION

N.J.A.C. 4A:4-2.3(b) provides that applicants shall meet all requirements specified in the open competitive examination announcement by the closing date.

At the outset, it is noted that qualifying experience must have as its primary focus the duties and responsibilities required for the title under test. An experience requirement that lists a number of duties which define the primary experience, requires that the applicants demonstrate that they primarily performed all of those duties for the required length of time. Performance of only one or some of the duties listed is not indicative of comprehensive experience. *See In the Matter of Jeffrey Davis* (MSB, decided March 14, 2007).

In this case, the experience requirement included work involving fiscal analysis and evaluation, budgeting and management operations. Nothing in the appellant’s application or on appeal confirms that she performed work involving management operations. This would include evaluating programs for effectiveness

and efficiency, preparing management policies or procedures, developing budget controls, evaluations of alternative policy actions, studying operating procedures, and making recommendations for changes to programs. Rather, as an Accountant 1, the appellant indicated her main duties as including: processing third party contract settlements; providing technical assistance to explain the calculation of the contract settlement; establishing, maintaining and monitoring a tracking system for contract settlement payments and repayment plans; researching settlement disputes and making recommendations as adjustments to the settlement determination in response to additional documentation; preparing statistical reports regarding the status of contract settlements; preparing written correspondence; obtaining, analyzing and evaluating accounting documentation, reports and data; preparing and presenting reports of audit processes and results; and attending meetings, completing special reports and training staff. This position is primarily involved with fiscal analysis, and has little to do with budgeting and management operations. Additionally, in *In the Matter of Jeffrey Easthope and Sh-Keer Milbourne, Contract Administrator 2 (PS1625K), Department of Human Services* (CSC, decided April 4, 2018), the Civil Service Commission (Commission) acknowledged that the appellant accrued 15 months of applicable experience while in the title Accountant 1. That experience included contract/grant work, project financing, construction management, fiscal administration, social services administration, *and/or* budget and management operations of a government or business entity. Nevertheless, those duties involved the financial closeout of the Division of Developmental Disabilities' (Division's) third-party contracts, *i.e.*, contract/grant work. Specifically, her supervisor stated, "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." These duties were not appropriate to the Accountant 1 title and, thus, they are considered out-of-title work, but they were not found to be budget and management operations.

As an Auditor 1, the appellant indicated her main duties as including: assigning work and monitoring the ongoing progress, and providing job development of audit staff; providing supervision and technical advice and guidance to staff and others; assisting other State agencies "with guidance on the procedures as it pertained to Authority Regulation;" developing audit plans and defining audit steps with respect to new legislation; co-creating and implementing an electronic accounting and data information database for tracking purposes; attending meetings and giving speeches; reviewing completed audits and assisted with audit reviews; examining budgets to verify grant revenue was included; participated on a property tax reform implementation team; assisted with review and approval process of budget riders; and prepared reports. Basically, the appellant was performing auditing, which does not include management operations. Her duties in her second Auditor 1 position were similar, and are also not applicable. Her positions as a Billing Specialist/Accounts Receivable Clerk with Aetna, Inc., and

Customer Service Representative with Magyar Savings Bank are clearly inapplicable. The appellant's description of duties for each of her positions lacks the scope of the announced experience requirement; and therefore, she does not possess four years of applicable experience.

On appeal, the appellant provides a position that was not on her original application, as she held that position after the closing date. In that regard, *N.J.A.C.* 4A:4-2.3(b)2 states that an applicant must meet all the requirements specified in the examination announcement by the closing date. Also, *N.J.A.C.* 4A:4-2.1(f) provides that an application may only be amended prior to the announced closing date. That is, any documentation indicating work in any setting that was not previously listed on an application or resume cannot be considered after the closing date. See *In the Matter of Joann Burch, et al.* (MSB, decided August 21, 2003) and *In the Matter of Rolanda Alphonso, et al.* (MSB, decided January 26, 2005). The Commission can only consider information provided on appeal regarding the positions listed on the appellant's original application. See *In the Matter of Diana Begley* (MSB, decided November 17, 2004). Moreover, the Commission cannot consider experience gained after the closing date.

With regard to the appellant's argument that she was found eligible for other examinations for other titles, the Commission notes that eligibility is determined on the basis of each discrete announcement. If the appellant does not meet the requirements for the current announcement, the fact that she was admitted to other examinations does not provide her with an entitlement to eligibility in the instant matter. Each examination is separate, and the eligibility criteria for one examination cannot be used to score a different examination. It is simply not psychometrically appropriate to admit candidates for an examination using criteria for a different title.

An independent review of all material presented indicates that the decision of the Division of Agency Services that the appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support her burden of proof in this matter.

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 9th DAY OF JULY, 2019



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