



STATE OF NEW JERSEY

In the Matter of Veronica McNeil,
Chief, Contract Administration
Section (PS4581K), Department of
Children and Families

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

CSC Docket No. 2019-3257

Examination Appeal

ISSUED: AUGUST 2, 2019 (JET)

Veronica McNeil appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirements for the promotional examination for Chief, Contract Administration Section (PS4581K), Department of Children and Families.

The examination at issue was announced with specific requirements which had to be met as of the August 21, 2018 closing date. The requirements were graduation from an accredited college or university with a Bachelor’s degree, and five years of experience in work involving contract administration, program administration, financial management, and analysis, and/or budgets and management operations of a government or business entity, at least three years of which shall have been in contract administration in a supervisory capacity. It was noted that a Master’s degree in Business Administration or Public Administration could have been substituted for one year of non-supervisory experience. A total of seven applicants applied for the subject examination that resulted in a list of six eligibles with an expiration date of July 10, 2021. The list was certified on July 22, 2019 and no appointments have been made.

A review of the appellant’s application reveals that she possesses a Master’s degree in Public Administration. Agency Services credited her with one year of applicable general experience for her education pursuant to the substitution clause of education for experience. The appellant also listed that she served as a Contract Administrator 2 from June 2014 to the August 21, 2018 closing date, as a Budget Analyst 1 from February 2012 to June 2014, and as a Citywide Advocacy Contract

Manager from May 2010 to January 2012. Agency Services credited the appellant with six years of applicable general experience for her service as Contract Administrator 2 and as a Citywide Advocacy Contract Manager, and with one year and nine months of supervisory experience for her service as a Citywide Advocacy Contract Manager. The appellant also indicated that she served as a Budget Analyst 1 from February 2009 to April 2010, as an Assistant Director from September 2002 to September 2008, as a Voucher Operations/Personnel Manager from February 2001 to September 2002, and as a Legislative Financial Analyst from September 1998 to February 2001. Agency Services did not find any of the appellant's other experience applicable. Accordingly, Agency Services determined that the appellant was ineligible for the examination as she lacked one year and three months of applicable supervisory experience.

On appeal, the appellant argues, among other things, that she possesses nine years of supervisory experience. In this regard, she states that her duties as an Assistant Director in the Finance Division for the New York City Council included managing nine agencies that utilized city-wide contracts. Moreover, the appellant reiterates that she possesses several years of experience as a Budget Analyst, as a Legislative Financial Analyst, and as a Contract Administrator 2.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted for good cause, 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.

In this matter, Agency Services correctly determined that the appellant was ineligible for the subject examination as she lacked one year and three months of applicable supervisory experience in contract administration. Although the appellant argues on appeal that she possesses nine years of supervisory experience, the information listed on her application, resume and on appeal does not establish her contentions that she possesses three years of applicable supervisory experience in contract administration as required in the announcement. Other than the appellant's service as a Citywide Advocacy Contract Manager, the primary focus of the other supervisory experience listed on her application and resume does not include applicable supervisory experience in contract administration. As discussed more fully below, contrary to the appellant's arguments, the majority of her supervisory experience is related to budgetary work, which is not considered applicable experience to qualify her for the subject examination. As such, the *primary focus* of the appellant's duties listed in her application and on appeal as a Contract Administrator 2, Budget Analyst 1, Assistant Director, and Legislative

Financial Analyst do not include applicable supervisory experience in contract administration. In order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004).

With respect to the appellant's arguments that she possesses supervisory experience as an Assistant Director, she listed on her application and on appeal that her primary duties in that position included managing nine agencies that utilized contracts, managing staff who provided budgetary oversight, coordinating oversight hearings, maintaining a database, managing fiscal impact statements, reviewing budget reports, advising council members on budgetary actions, preparing documents for budget hearings, providing alternatives to budget proposals, and serving as a liaison. Additionally, although the title of Budget Analyst 1 is a supervisory title, the primary focus of such work does not include contract administration. Rather, the appellant indicated on her application and on appeal that her work as a Budget Analyst 1 included monitoring budgets, preparing budget reports, observing local office operations, conducting audits, serving as a liaison, and providing technical assistance. Regarding the appellant's service as a Legislative Financial Analyst, she listed on her application and on appeal that her duties included monitoring and evaluating budgets, completing fiscal analysis on regulatory proposals, and briefing council members on budget and policy related issues. As such, the appellant did not establish her contentions that the primary focus of her experience as an Assistant Director, Budget Analyst 1 and Legislative Financial Analyst included, as a primary focus, supervisory experience in contract administration.

Additionally, the Contract Administrator 2 title is not a supervisory title. Rather, the job specification for Contract Administrator 2 indicates that it is a professional title that is not responsible for supervision of employees. In this regard, supervisory experience is defined in the appropriate job specifications for supervisory titles as supervising work operations and/or functional programs and having responsibility for employee evaluation and for effectively recommending the hiring, firing, promoting, demoting, and/or disciplining of employees. A title whose job specification does not contain this clause or a reasonable variation thereof in the "Examples of Work" section is not considered a supervisory title. *See In the Matter of Sadie Hamer, et al.* (MSB, decided February 22, 2006). Even if the appellant performed supervisory duties while serving as a Contract Administrator 2, such experience is considered out-of-title work experience, which is generally not creditable without specific verification from the appointing authority and the examination situation is not competitive. *See In the Matter of Gregg Lucianin* (CSC, decided October 18, 2017) (No basis to accept appellant's claim of out-of-title work experience without verification from appointing authority). In this case, there is a complete list of six eligible, thus, even with verification, any out-of-title work would not be accepted.

A thorough review of all material presented indicates that Agency Services' determination that the appellant did not meet the eligibility requirements by the closing date is amply supported by the record. 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 31st DAY OF JULY, 2019



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