



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Shahazan Khalique-Hughes, Senior Program Monitor (PC2714W), Hudson County, Superintendent of Schools Department

Examination Appeal

CSC Docket No. 2019-2212

ISSUED: JANUARY 16, 2020 (ABR)

Shahazan Khalique-Hughes appeals the determination of the Division of Agency Services, which found that she did not meet the experience requirement for the promotional examination for Senior Program Monitor (PC2714W), Hudson County, Superintendent of Schools.

The examination was open, in part, to applicants who, as of the October 22, 2018 closing date, possessed a Bachelor's degree and one year of experience in inspecting or reviewing activities or programs for compliance with established standards, guidelines, regulations or contractual agreements or in the review, analysis and evaluation of activities or programs in order to ascertain their adequacy, efficiency, deficiencies and effectiveness in achieving their objectives. The subject examination was cancelled on February 28, 2019, as both applicants, including the appellant, were deemed ineligible.

On her application, the appellant indicated that she possessed a Bachelor's degree in Social Studies. With regard to her experience, she indicated that she served as a Data Processing Technician/Technician, Management Information Systems from December 2004 to March 2018. In relevant part, the appellant indicated that she reviewed the content of transportation contracts; trained attorneys and new district employees about transportation requirements; reviewed criminal history data for emergent hires; answered questions from districts and vendors related to the New Jersey Administrative Code (Administrative Code); updating the State facility pupil count; processed the payroll when her supervisor was absent; and monitored school administrators' and board members' financial and

ethics disclosure statements. However, agency records indicate that the appellant served provisionally as a Senior Programming Monitor from September 2017 to the closing date (October 2018); as a Technician, Management Information Systems from August 2007 to September 2017 and provisionally from January 2007 to August 2007; and as a Keyboarding Clerk 1 from January 2003 to January 2007. Agency Services did not credit the appellant with any applicable experience, as there was no indication that the required duties were the primary focus of her responsibilities in any listed position. Consequently, she was deemed ineligible for the subject examination.

On appeal, the appellant submits that she has been serving as the support person for the Hudson County Business Administrator since December 2004, with duties that have included reviewing districts' bid specifications to verify that they adhere to the Hudson County Department of Education template and comply with applicable State laws and regulations; ensuring that any emergent hires at district or charter schools are fingerprinted; reviewing school administrators' and school board members' financial and relative disclosure statements for completeness; training new staff on the Administrative Code and on the preparation of all documentation required for transportation contracts; preparing correspondence; monitoring the results of tests of lead levels in water; and processing the payroll when her supervisor is absent.

Agency records indicate that the appellant continues to serve provisionally in the subject title.

CONCLUSION

N.J.A.C. 4A:4-2.6(a)2 provides that applicants must meet all requirements specified in a promotional examination announcement by the closing date.

Agency Services correctly deemed the appellant ineligible for the subject examination. On appeal, the appellant argues that the duties she has been performing since December 2014 constitute applicable experience for the subject examination. 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). The announcement for the subject examination required one year of experience in *inspecting or reviewing activities or programs* for compliance with established standards, guidelines, regulations or contractual agreements *or in the review, analysis and evaluation of activities or programs* in order to ascertain their adequacy, efficiency, deficiencies and effectiveness in achieving their objectives. Here, it does not appear that the primary focus of the appellant's responsibilities in any title included the inspection or review, analysis and evaluation of *activities or programs*. Moreover, an independent review of all material presented indicates

that the decision 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.

Finally, a review of the duties the appellant describes in her application and on appeal suggests that her current position may be misclassified. On her application and the resume she submitted therewith, she did not state that she was serving provisionally in the subject title. Instead, she indicated that she was serving as a Data Processing Technician/Technician, MIS with primary duties that included reviewing the content of transportation contracts, training employees on transportation requirements, reviewing emergent hires' criminal histories, updating pupil counts for aid entitlement purposes, reporting lead levels in water to the State, and monitoring financial and ethics disclosure statements. On appeal, while the appellant indicates that she performed some relevant duties, it does not appear that the primary focus of her responsibilities in her provisional title was the inspection or review, analysis and evaluation of *activities or programs*. In particular, it does not appear that she engages in in-depth reviewing, observing and reporting on how programs are being carried out. Rather, the bulk of her duties appear to be related to the review and administration of transportation contracts, and providing technical assistance. Since it appears that the appellant may not be currently performing the work of a Senior Program Monitor, it is appropriate to refer the matter of the classification of her provisional position to Agency Services for review, and the appointing authority shall affect the proper classification of the position within 30 days of Agency Services' classification determination. If it is determined that the appellant's provisional position should be reclassified and the appellant is found to be ineligible for the new provisional appointment, she should be returned to her regular prior-held title at that time.

ORDER

Therefore, it is ordered that this appeal be denied and that the classification of the appellant's provisional position be referred to the Division of Agency Services for further review.

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 15TH DAY OF JANUARY, 2020

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