



STATE OF NEW JERSEY

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

In the Matter of Susan Rivera,
Administrative Analyst 4,
Department of Labor and Workforce
Development

Examination Appeal

CSC Docket No. 2018-1590

ISSUED: April 10, 2018 (RE)

Susan Rivera appeals the determination of the Division of the Agency Services (Agency Services), which found that she was below the minimum requirements in experience for a qualifying examination for Administrative Analyst 4.

By way of background, the appellant was appointed provisionally, pending a qualifying examination (PAQ), in the Administrative Analyst 4 title effective December 24, 2016. Agency Services processed a qualifying examination for the appellant, to determine if she possessed the necessary qualifications for the subject title and she failed. The requirements for Administrative Analyst 4 are graduation from an accredited college or university with a Bachelor’s degree, and four years of experience 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 recommendation, planning, and/or implementation of improvements in a business or government agency. Applicants who did not possess the required education could substitute additional experience on a year for year basis. The appellant has not yet been returned to her permanent title, Executive Assistant 2.

On her qualifying examination application, the appellant listed positions as Administrative Analyst 4, Executive Assistant 2, Personnel Assistant 2, and three positions as Executive Assistant 4. In its determination dated November 8, 2017, Agency Services credited the appellant with one year of qualifying experience in her

PAQ position and determined that the remaining positions were inapplicable. No out-of-title work was found. Therefore, since the appellant lacked five years, two months of applicable experience, she did not meet the minimum requirements and she did not pass the qualifying examination for the subject title.

On appeal, the appellant argues that, while serving as an Executive Assistant 2 for four years, five months, she performed out-of-title work, and she provides a list of duties, to which she adds that she was reviewing, analyzing, and evaluating programs and grants.

CONCLUSION

At the outset, it must be underscored that a “Qualifying Examination” requires the candidate to demonstrate on her qualifying examination application that she possesses the necessary experience for the subject title in order to effect a lateral transfer to the title. Additionally, 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).

A review of the appellant’s application reveals that she does not meet the experience requirements for Administrative Analyst 4. When an applicant indicates extensive experience in titles established under the State Classification Plan, it is appropriate to utilize the job specifications to determine the primary focus of the duties of incumbents serving in career service titles. In her Executive Assistant 2 position, the appellant presented a list of duties that contained some aspects of administrative analysis. However, the majority of those duties do not evidence that she primarily performs the duties required to establish eligibility for Administrative Analyst 4. Each position can have only one primary focus. The duties performed the majority of the time and the importance of those duties, or the preponderance of the duties, identify the primary focus of the position. The description of duties listed on appeal does not support that the primary focus of her Executive Assistant 2 position was administrative analysis. While the appellant may have been performing some out-of-title duties, a holistic view of the description of duties does not indicate that she was working out-of-title as an Administrative Analyst. The duties of her remaining positions are clearly inapplicable. Therefore, the appellant lacked five years, two months of qualifying experience when Agency Services issued its determination in November 2017.

Additionally, the definition section of the job specification for the title Administrative Analyst 4 states:

Under supervision of a supervisory official in a State department, institution, or agency, performs duties of significant difficulty and/or supervises staff involved with review, analysis, and appraisal of

current department administrative procedures, organization, and performance, and prepares recommendations for changes and/or revision therein; does other related duties as required.

Initially, incumbents in positions classified as professional-level supervisory titles are required to supervise professional-level subordinates who perform functions of a professional nature. While the definition for Administrative Analyst 4 indicates that an incumbent may perform duties of significant difficulty or supervise staff, the title is in the “R” or primary level supervisory Employee Relations Group. In 2015, the Commission determined that classifying employees in titles assigned to primary-level and secondary-level supervisory employee relations groups who do not have formal performance evaluations responsibility for subordinate staff members could create a conflict of interest between incumbents who are required to supervise staff serving in the same title. *See West Orange Board of Education v. Wilton* 57 N.J. 417 (1971). Therefore, since October 2015, the Commission has upheld the classification standard that in order for a position to be classified in a title assigned the primary-level or secondary-level employee relations group, incumbents are required to be the rater of employee, or subordinate-level supervisory employee, performance using a formal performance evaluation system. *See In the Matter of Alan Handler, et al.*, (CSC, decided October 7, 2015); *In the Matter of Marc Barkowski, et al.*, (CSC, decided October 19, 2016); and *In the Matter of David Bobal, et al.*, (CSC, decided November 23, 2016).

In this case, in order to warrant an Administrative Analyst 4 classification, the position should supervise staff involved with review, analysis, and appraisal of current department administrative procedures, organization, and performance, and prepares recommendations for changes and/or revision therein. On her application, the appellant indicated that she supervises one support staff, and as such, the appellant’s position is misclassified as Administrative Analyst 4. Under these circumstances, the matter of the appellant’s provisional position classification is referred to Agency Services for review. Additionally, Agency Services should undertake an analysis of the Administrative Analyst 4 job specification in order to make any necessary modifications in the verbiage regarding required supervision.

Agency Services correctly determined that the appellant did not pass the subject qualifying examination. Therefore, she has failed to support her burden of proof in this matter.

ORDER

Therefore, it is ordered that this request be denied, and the matter of the appellant’s provisional position classification be referred to Agency Services for 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 4TH DAY OF APRIL, 2018



Deirdre L. Webster Cobb
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c. Susan Rivera
Mary Fitzgerald
Kelly Glenn
Records Center