



STATE OF NEW JERSEY

In the Matter of Louann Wonski,
Department of Transportation

CSC Docket No. 2023-2609

**FINAL ADMINISTRATIVE ACTION
OF THE CHAIR/
CHIEF EXECUTIVE OFFICER
CIVIL SERVICE COMMISSION**

Classification Appeal

ISSUED: October 3, 2023 (SLK)

Louann Wonski appeals the determination of the Division of Agency Services (Agency Services) that the proper classification of her position with the Department of Transportation (DOT) is Research Analyst 3. The appellant seeks a Regulatory Officer 2 classification.

The record in the present matter establishes that the appellant's permanent title is Research Analyst 3. The appellant sought reclassification of her position, alleging that her duties were more closely aligned with the duties of a Regulatory Officer 2. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the duties that she performed as a Research Analyst 3. Agency Services reviewed and analyzed the PCQ and all information and documentation submitted. Agency Services found that the appellant's primary duties and responsibilities entailed, among other things: reviewing policies and revising drafts to ensure the adherence to legislative and internal policies; preparing and drafting summaries of rule descriptions, detailing of public comments, impacting statements and analysis, *etc.*; researching to identify the requirements of legislation and rules as they pertain to DOT administrative procedures; assisting the subject matter experts to draft policy recommendations for final draft approval; and reviewing State and federal statutory revisions as it pertains to DOT programs and functions. In its decision, Agency Services determined that the duties performed by the appellant were consistent with the definition and examples of work included in the job specification for Research Analyst 3.

On appeal, the appellant asserts that the determination incorrectly stated that her duties were performing research of department policies and procedures, and she believes that an old performance assessment review (PAR) was used to make an inaccurate determination. She presents that in March 2021, she was laterally reassigned to the Regulatory Unit. The appellant indicates that she exclusively works on amending and keeping the DOT's New Jersey Administrative Code Title 16 (Title 16) current and legally up to date. She states that her duties include legal review and legal advice to update and amend Title 16 and to make legal decisions to implement the language to amend Title 16. The appellant describes her duties as drafting, coordinating, and revising Title 16 rules according to the rule expiration schedule and needs that are necessary to implement the statutory authority, powers, and duties imposed upon the DOT over the entities and activities to which the DOT has jurisdiction. She emphasizes that she has sole responsibility for the promulgation of new rules and the repeal, amendment, and readoption of existing rules plus drafting the necessary documents to effectuate each purpose. The appellant provides that she spends 90 percent of her time working on regulatory matters and 10 percent on administrative matter. Further, she does not believe that the PCQ signed by her supervisor, the division director, as well as the statements signed by the Personnel Coordinator, which support her appeal, were considered.¹

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that in classification appeals, the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the Research Analyst 3 (P25) job specification states:

Under direction of a supervisory official in a State department or agency, performs legislative research in connection with department programs and prepares reports, summaries, and recommendations on the impact/scope of legislation or regulations; does other related work.

The definition section of the Regulatory Officer 2 (P29) job specification states:

¹ The PCQ reviewed by Agency Services indicates that the appellant's supervisor was Division Director Alexander Owen. That PCQ also indicates that Owen did not agree with the requested title. It was further signed by the Director of Human Resources also indicating disagreement with the requested title. The PCQ referred by the appellant appears to be an "alternate" version that was not forwarded to this agency as the PCQ of record.

Under limited supervision of a supervisory official or other designated official in a State department, institution, or agency, functions independently on routine issues, and assists with respect to complex regulatory matters, formal and informal, both legislative and quasi-judicial in nature, including matters related directly to administrative procedure and policy matters considered by the agency; does related work as required.

Regarding the “alternate” PCQ the appellant submits on appeal where the division director supported her appeal, the PCQ that Agency Services reviewed indicated that the division director did not support her appeal. While unclear, it is likely that after the appellant’s division director signed the appellant’s PCQ, he changed his response, and his agreement was “whited out” and changed indicating that he disagreed with the appellant’s proposed title. The PCQ reflecting the disagreement was forwarded to this agency as the PCQ of record. Regardless, while these opinions may be considered in making a determination, it is this agency that is responsible for determining position classification based on its review of the duties presented.

In this matter, a review of the job specifications for Regulatory Officer 2 and Research Analyst 3 indicate that the key distinguishing duty between the titles is that incumbents in the Regulatory Officer 2 title perform duties related to matters that are quasi-judicial in nature, *i.e.* legal decisions issued from a quasi-judicial body such as a regulatory agency, while incumbents in the Research Analyst 3 title perform duties related to regulations. On appeal, the appellant indicates that her primary duty is the promulgation of new rules and the repeal, amendment, and readoption of existing rules plus drafting the necessary documents to effectuate each purpose regarding Title 16 of the New Jersey Administrative Code. In other words, the appellant’s primary duty is to perform work related to State regulations and not matters where a legal decision is issued by a quasi-judicial body. Further, whether the appellant has a law degree and legal experience which provide her the background to perform her duties does not signify that she is working on quasi-judicial matters. In fact, the job specification for Research Analyst 3 indicates that a law degree can substitute for the required experience for eligibility for that title, which implies that Research Analysts 3s may perform legally-related work. Moreover, the fact that the appellant is the sole individual working on Title 16 regulations does not indicate that she is performing duties related to quasi-judicial matters. How well or efficiently an employee does his or her job, length of service, volume of work and qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees are classified. *See In the Matter of Debra DiCello* (CSC, decided June 24, 2009). Therefore, Agency Services correctly determined that the appellant is performing Research Analyst 3 duties.

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
THE 26TH DAY OF SEPTEMBER, 2023

Allison Chris Myers

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Chair/Chief Executive Officer
Civil Service Commission

Inquiries
and
Correspondence

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

c: Louann Wonski
Kelly Hutchinson
Division of Agency Services
Records Center