



**STATE OF NEW JERSEY**

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

In the Matter of John VanLoan,  
Juvenile Justice Commission

Classification Appeal

CSC Docket No. 2018-1335

**ISSUED: NOVEMBER 2, 2018** (HS)

John VanLoan appeals the determination of the Division of Agency Services (Agency Services) that his position with the Juvenile Justice Commission (JJC) is properly classified as Administrative Analyst 3. He seeks an Administrative Analyst 4 job classification in this proceeding.

The record in the present matter establishes that at the time of his request for a classification review in March 2017, the appellant was permanent in the title of Administrative Analyst 3. Agency Services received the appellant’s request and performed a review of all submitted information, including a Position Classification Questionnaire. Agency Services found that the primary duties and responsibilities of the appellant’s position entailed, among other things: receiving and sorting information from the Annual Uniform Crime Report regarding juvenile arrests and rates of recidivism; conducting research involving the Outcome Report Database of Juveniles to acquire data on recidivism rates; analyzing information to construct an annual report summarizing research results; functioning as the JJC liaison to other units and outside agencies; and supporting the efforts of Ethics Officers in response to select employee requests. In its October 26, 2017 determination, Agency Services noted that Administrative Analyst 4 is a supervisory title but that the appellant’s position did not possess supervisory responsibility. Agency Services determined that the duties and responsibilities of the appellant’s position were commensurate with his permanent title, Administrative Analyst 3.

On appeal to the Civil Service Commission (Commission), the appellant states that the job specification for Administrative Analyst 4 does not indicate that

the incumbent *must* supervise; that his duties have expanded; and that he received “Successful” ratings on his interim and final Performance Assessment Reviews (PARs) for the rating cycle ending 2017. In addition, the appellant asserts that there is a JJC employee serving in the title of Administrative Analyst 4 who does not supervise anyone, and the appellant questions why he should be treated differently.

## 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.

*N.J.S.A.* 11A:3-1(a) and *N.J.A.C.* 4A:3-3.2(a) provide that the Commission shall establish, administer, amend and continuously review a State classification plan governing all positions in State service.

*N.J.A.C.* 4A:3-3.1(b)1 provides that positions shall be assigned by the Commission and be assigned the title which describes the duties and responsibilities to be performed and the level of supervision exercised and received.

*N.J.A.C.* 4A:2-1.4(c) provides that the appellant has the burden of proof on appeal.

The definition section of the job specification for 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.

The definition section of the job specification for Administrative Analyst 3 states:

Under general supervision of an Administrative Analyst 4 or other supervisor in a State department, institution or agency, performs the review, analysis and appraisal of current department administrative procedures, organization and performance and helps to prepare

recommendations for changes and/or revisions; does other related duties.

In this matter, Agency Services properly found that the appellant's position was classified as Administrative Analyst 3. While the definition of Administrative Analyst 4 provided above is not the paragon of clarity, it is clear that the title is at the supervisory level. In this regard, in addition to the inclusion of such language in the definition, examples of work listed in the job specification confirm that individuals in this title function as supervisors. For instance, and most illustrative, one example of work in the job specification states that an incumbent: "Plans, organizes, and assigns work of the organizational unit and evaluates employee performance and conduct, enabling the effective recommendation of the hiring, firing, promoting, and disciplining of subordinates." As discussed below, the inclusion of this duty alone transforms a title to supervisory in nature.

Further evidence that the Administrative Analyst 4 title is at the supervisory level is its inclusion in the "R" Employee Relations Group (ERG). In this respect, titles are assigned to ERGs based on the classification of the position by this agency. *See N.J.S.A. 11A:3-1*. Each ERG is distinctly defined, and the "R" ERG is defined as those titles used in the primary or first level of supervision. *See In the Matter of Alan Handler, et al.* (CSC, decided October 7, 2015) (Commission found that Auditor 1 was a supervisory level title based on the job definition, duties and inclusion in the "R" ERG).

Moreover, the Commission has long defined a supervisor as an incumbent who is responsible for performing performance evaluations of subordinate staff. Performance evaluation authority is a reasonable standard because it is the means by which it can be demonstrated that a supervisor can exercise his or her authority to recommend hiring, firing and disciplining of subordinate employees. Simply stated, the actual authority and exercise of performance evaluation of subordinate staff is what makes a supervisor a supervisor. *See In the Matter of Alexander Borovskis, et al.* (MSB, decided July 27, 2005). *See also In the Matter of Timothy Teel* (MSB, decided November 8, 2001) (It was determined that the **essential component** of supervision is the responsibility for formal performance evaluation of subordinate staff). In this regard, only the individual who signs the evaluation as the supervisor can be considered to have the ultimate decision-making responsibility for that subordinate's rating. Therefore, as the appellant did not sign subordinate PARs at the time of the classification review, his position cannot be classified as Administrative Analyst 4. *See In the Matter of Joshua Brown, et al.* (CSC, decided November 18, 2015). *See also In the Matter of Dana Basile, et al.* (CSC November 5, 2015).

Although the appellant points to his expanded duties and PAR ratings, how well or efficiently an employee does his or her job and volume of work 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). While he also alleges that there is a current incumbent in the Administrative Analyst 4 title who does not supervise and questions why he and the other employee should be treated differently, a classification appeal cannot be based on a comparison to the duties of another position, especially if that position is misclassified. See *In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided March 16, 1995); *In the Matter of Dennis Stover, Middletown Township* (Commissioner of Personnel, decided March 28, 1996). See also, *In the Matter of Lorraine Davis, Office of the Public Defender* (Commissioner of Personnel, decided February 20, 1997), *affirmed*, Docket No. A-5011-96T1 (App. Div. October 3, 1998). The remedy for such a misclassification, if accurate, would not be to perpetuate the misuse of the Administrative Analyst 4 title by reclassifying the appellant's non-supervisory position to that title. Rather, the appropriate action would be to review the allegedly misclassified position to ensure that it is properly classified. See *In the Matter of Stephen Berezny* (CSC, decided July 27, 2011). However, the Commission has no substantive basis on which to order such a review here since the appellant failed to provide the name of the employee whose position he alleges is misclassified. A thorough review of the information presented in the record establishes that the appellant's position is properly classified as Administrative Analyst 3, and he has not presented a sufficient basis to establish that his position is improperly classified.

Finally, it is appropriate for Agency Services to review and modify the job specification for the Administrative Analyst 4 title to make it consistent with this decision and make any other modifications it deems necessary.

### **ORDER**

Therefore, it is ordered that this appeal be denied, and the position of John VanLoan is properly classified as Administrative Analyst 3. Additionally, the Division of Agency Services is ordered to revise the job specification for Administrative Analyst 4, consistent with this decision.

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 31<sup>ST</sup> DAY OF OCTOBER, 2018



Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c. John VanLoan  
Josephine Piccolella  
Kelly Glenn  
Records Center