



**STATE OF NEW JERSEY**

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

In the Matter of Rajan Bhatia,  
Department of Corrections

CSC Docket No. 2018-2636

Classification Appeal

**ISSUED:** May 2, 2018 (RE)

Rajan Bhatia, represented by Michael Mormando, Esq., appeals the decision of the Division of Agency Services (Agency Services) which found that his position with the Department of Corrections is properly classified as Administrative Analyst 3, Procurement. He seeks an Administrative Analyst 4, Procurement job classification in this proceeding.

By way of background, the appellant received a regular appointment to the title Administrative Analyst 3, Fiscal Management on November 14, 2015. This position is located in the Division of Administration, Bureau of Procurement and Contract Management, reports to a Supervising Administrative Analyst, and has supervisory responsibilities over one Principal Clerk Typist. Agency Services performed a detailed analysis of the appellant’s Position Classification Questionnaire (PCQ) and other materials submitted, and determined that the position was properly classified as Administrative Analyst 3, Procurement, and the appellant was provisionally appointed to that title on October 28, 2017.

On appeal to the Civil Service Commission (Commission), the appellant argues that Agency Services’ determination that he did not supervise three or more subordinates was incorrect. In support, he argues that he supervises a Principal Clerk Typist, Clerk Typist, and two vacant positions, one for Purchasing Assistant and one for Administrative Analyst 3, Procurement. He states that in the past, he has regularly supervised more than three individuals. Additionally, he indicates that there are four other Administrative Analysts 4 who do not supervise any subordinates, and have not done so historically. He provides performance assessments for both current subordinates and past subordinates. He claims that it

is not appropriate to deny him the supervisory title because subordinate positions are currently vacant. The appellant argues that he possesses a Bachelor's degree and a Master's degree, and that his duties match all of the examples of work from the job specification for the requested title. He states that he performs Procurement rather than fiscal management duties due to business needs. These needs have resulted in multiple subordinates leaving the unit and transferring to other institutions, and there has been a lack of promotions during a promotion/hiring freeze. He states that he is entitled to the higher title based on the duties that he has been performing, and that he should receive retroactive seniority to 2001. The appellant applied for an examination for Administrative Analyst 4, Procurement, appeared as one of two candidates on the eligible list, which was certified in 2015, and was not appointed. He states that his performance evaluation indicates that he supervises personnel and performs other duties related to the Administrative Analyst 4, Procurement title. He submits a certification signed by his supervisor on September 21, 2017 that he performed the duties of an Administrative Analyst 4 Procurement while in the title Administrative Analyst 3 Fiscal Management from March 2003 to September 2017.

## 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 job specification for Administrative Analyst 3 Procurement states:

Under general supervision of a Administrative Analyst 4 Procurement or other supervisory official in a State department, institution, or agency, assists in the review and analysis of procurement transactions, proposals, goods, commodities or services, in order to ensure efficient and effective procurement; does related work as required.

The definition section of the job specification for Administrative Analyst 4 Procurement states:

Under the direction of a higher level supervisory official in a State department, institution, or agency, is responsible for analyzing procurement transactions, proposals, goods, commodities or services, in order to ensure efficient and effective procurement; does related work as required.

In the instant matter, Agency Services found that the appellant's position was properly classified as an Administrative Analyst 3 Procurement on the basis that he is not supervising three subordinates. In that regard, Agency Services has determined that the standard required to classify titles assigned to the primary level supervisory employee relations group is that position must supervise three or more lower-level employees, including the preparation and signing of their PARs. *See In the Matter of Rosemary Lynn Gash, Office of Information Technology* (CSC, decided April 19, 2017). Additionally, it is long-standing policy that incumbents in a supervisory professional-level title are to supervise at least one professional-level subordinate who performs functions of a professional nature. *See In the Matter of Ruth Ade* (Commissioner of Personnel, decided May 17, 2007). When a title is supervisory in nature, the Commission has found that, along with the myriad of other supervisory duties that must be performed, the essential component of supervision is the responsibility for formal performance evaluation of subordinate staff. *See In the Matter of Timothy Teel* (MSB, decided November 8, 2001).

Further, Agency Services found that the appellant has supervisory responsibilities over one Principal Clerk Typist. The appellant argues that he supervises two individuals, a Principal Clerk Typist and a Clerk Typist. The appointing authority provided a copy of an organizational chart which indicated two positions subordinate to the appellant's position. One was a Purchasing Assistant, and another was a Principal Clerk Typist. Agency Services has access to Electronic Performance Assessment Reviews (ePARS) for all State positions. The only ePAR that appeared with the appellant as the Rater at the time of the classification review in December 2017 and was one Principal Clerk Typist. Another organizational chart shows four subordinates, a Principal Clerk Typist and a Clerk Typist, and two vacancies. Thus, there may be four budgeted subordinate positions; however, vacancies cannot be considered in a classification review. As stated above, the essential component of supervision is the responsibility for formal performance evaluation, and this cannot be performed for vacancies. Moreover, the Commission cannot require an appointing authority to fill any vacancies. *See In the Matter of Gertrude Remsen, Department of Human Services, A-1126-96T3* (App. Div. January 17, 1997). Additionally, the appellant is not supervising at least one professional-level subordinate who performs functions of a professional nature. At the time of the audit, the appellant's position did not involve supervision for at least one professional, an Administrative Analyst 4 Procurement classification is not appropriate. If it has not already done so, the appointing authority must remove any remaining supervisory duties.

Additionally, the Commission rejects the appellant's argument regarding purported past supervisory duties and his appearance on an eligible list for the subject title does not have any bearing on a classification review of the position. In this regard, the foundation of position classification, as practiced in New Jersey, is the determination of duties and responsibilities being performed at a given point in

time as verified by this agency through an audit or other formal study. Thus, classification reviews are based on a *current* review of assigned duties and any remedy derived therefrom is prospective in nature since duties which may have been performed in the past cannot be reviewed or verified. Given the evolving nature of duties and assignments, it is simply not possible to accurately review the duties an employee may have performed six months ago or a year ago or several years ago. This agency's established classification review procedures in this regard have been affirmed following formal Civil Service Commission review and judicial challenges. See *In the Matter of Community Service Aide/Senior Clerk (M6631A)*, *Program Monitor (M62780)*, and *Code Enforcement Officer (M00410)*, Docket No. A-3062-02T2 (App. Div. June 15, 2004) (Accepting policy that classification reviews are limited to auditing current duties associated with a particular position because it cannot accurately verify duties performed by employees in the past). See also, *In the Matter of Engineering Technician and Construction and Maintenance Technician Title Series, Department of Transportation*, Docket No. A-277-90T1 (App. Div. January 22, 1992). See also, *In the Matter of Theresa Cortina* (Commissioner of Personnel, decided May 19, 1993). Also, 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).

Moreover, the Commission is not persuaded by the appellant's arguments regarding the classification of his colleagues. The appellant's position stands on its own and is classified based on the duties he performs. The duties performed by other individuals, whether properly or improperly classified, are irrelevant in determining the proper classification of the appellant's position. Regardless, as evidenced by *Gash, supra*, the classification standard with respect to primary level supervisory employees was not settled by the Commission until April 2017. Thus, there may be positions which were reclassified to these higher-level titles prior to April 2017. However, it cannot be ignored that the duties of a position may change over time due to such things as attrition or addition of staff members. Accordingly, when an employee requests a classification review of his and her position, it is done based on the duties currently assigned and being performed in that position and not those of other positions. Civil Service rules generally hold position incumbents harmless when the standards that set the level of position compensation and/or classification had to be revised over time based on this agency's review.

Accordingly, a thorough review of the entire record fails to establish that Rajan Bhatia has presented a sufficient basis to warrant an Administrative Analyst 4, Procurement classification of his position.

**ORDER**

Therefore, the position of Rajan Bhatia is properly classified as an Administrative Analyst 3, Procurement.

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 2nd DAY OF MAY, 2018



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