



STATE OF NEW JERSEY

In the Matter of Jason Allen,
Department of Law and Public
Safety

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

Request for Reconsideration

CSC Docket No. 2018-2963

ISSUED: JULY 20, 2018 (JET)

Jason Allen requests reconsideration of the attached Civil Service Commission (Commission) decision rendered on April 4, 2018, which found that he was below the minimum requirements in experience for the promotional examination for Administrative Analyst 3 (PS4560P), Department of Law and Public Safety.

In the prior matter, the requirements for the examination for Administrative Analyst 3 (PS4560P) were set forth in detail (see attached). As noted in the prior decision, the Division of Agency Services (Agency Services) credited Allen for his education and with eight months of pro-rated applicable experience for his service as a Council Member and as an MUA Board Member. However, it did not credit him with any other applicable experience and, as such, determined he was ineligible for the examination. Allen appealed Agency Services' determination arguing that he was qualified for the examination and in support he provided a letter from his former supervisor. The Commission denied Allen's appeal, finding that, other than his experience described above, the primary focus of his other experience did not involve the review, analysis, and evaluation of budget, organization, administrative practices, operational methods, management operations, or data processing applications, or any combination thereof, including responsibility for the recommendation, planning, and/or implementation of improvements in a business or government agency. Additionally, the Commission ordered Agency Services to conduct a classification evaluation of the duties the appellant is performing in his current position as a provisional Administrative Analyst 3, as he listed on the application that he was performing grant-related work in that position.

In his request for reconsideration, Allen maintains that he possesses applicable out-of-title experience to qualify for the examination. Allen contends that, since he possesses a Master's degree in Business Administration, he only required two years of applicable experience pursuant to the requirements listed in the announcement. Allen adds that, although the prior decision only states that he served as an Environmental Specialist 2 from June 2014 to December 2016, it did not indicate that he was appointed as an Environmental Specialist 2 in January 2005 and that he served in that position for 11 years. Allen explains that, while serving as an Environmental Specialist 2, he was responsible for performing fiscal analysis, completing budget review, providing input, and making recommendations to management. He also was responsible for reviewing, analyzing, and evaluating budgets and spending plans, and for assessing procedures and methods of operation. Allen adds that such duties were confirmed by his previous supervisor.

Further, Allen asserts that the description of duties in the job announcement for Administrative Analyst 3¹ indicated that candidates are responsible for the review and processing of assigned grants, agreements, memorandum of understanding, or lawfully binding contracts or documents that require the State Police to provide services and/or receive goods and services from an outside entity. He explains that he provides direct technical assistance to employees to facilitate the proper development of grant applications while also promoting responsible organizational methods. Allen maintains that employees in the Administrative Analyst 3 title are assigned grant related work, which he properly indicated in the prior matter and on his application. In this regard, he listed that he is responsible for reviewing and analyzing funding, evaluating and recommending recipients for funding; reviewing and approving budgets and spending plans; monitoring expenditures and verifying spending; construction reports; submitting recommendations to management on Bureau effectiveness; and providing input, suggestions, and recommendations to management for improvement.

In support, Allen provides a letter from Laura Maley, a Manager 2, Department of Law and Public Safety, which confirms that Allen's duties since 2016 include reviewing grant applications; providing technical assistance for grant applications; managing operations; reviewing government programs; analyzing budgets, reviewing contract agreements; assessing accounting documents; completing program projects, evaluating fiscal matters; addressing personnel matters; making recommendations to organizations; serving as liaison for various State, federal and local government agencies; interpreting and establishing regulations and procedures; managing operational methods for federally funded grant programs; reconciling accounts; implementing administrative and planning procedures; reviewing memorandums; and preparing funding information for

¹ The job announcement submitted by Allen is an internal announcement issued by the appointing authority.

submission to the Consolidated Grants Management Office, Office of the Attorney General.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) sets forth the standards by which the Commission may reconsider a prior decision. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

In the present matter, Allen has not met the standard for reconsideration. Upon a review of Allen's submissions in this matter, he has not shown that a material error has occurred nor has he provided any new information that would change the outcome of the case. In this matter, Allen maintains that he is performing the duties of an Administrative Analyst 3. He provides further description of the duties he is performing as a provisional Administrative Analyst 3 and the duties he performed as an Environmental Specialist 2. Allen does not deny in this matter that he is performing grant-related work. Rather, the description of duties that he provides includes, among other things, grant-related work involving the proper development of grant applications. Additionally, Allen's supervisor, a Manager 2, Department of Law and Public Safety, confirms that Allen, while serving in his current position of provisional Administrative Analyst 3, is performing grant-related work, including reviewing grant applications, providing technical assistance for grant applications, and preparing funding information for submission to the Consolidated Grants Management Office.

Contrary to Allen's arguments in this matter, grant-related duties are *not* consistent with those performed by an Administrative Analyst 3. As noted in the prior decision, the duties of an Administrative Analyst 3 include the review, analysis, and evaluation of budget, organization, administrative practices, operational methods, or data processing applications, or any combination thereof, including responsibility for the recommendation, planning, and/or implementation of improvements in a business or government agency. Allen has not established that the *primary focus* of his position are the duties performed by an Administrative Analyst 3. As noted in the prior decision, 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 Blashkim Vlashi* (MSB, decided June 9, 2004).

Additionally, Allen clearly listed on his application and confirmed in both his original appeal and on reconsideration that he was performing grant-related duties while serving as a provisional Administrative Analyst 3, which correctly resulted in his ineligibility for the examination. The description of duties provided by Allen and Allen's former supervisor in the prior matter did not refute that he was

performing grant-related work. Moreover, Allen has not provided any substantive information to show that he primarily performed the duties of an Administrative Analyst 3 on an out-of-title basis at any time while serving as an Environmental Specialist 2. With respect to Allen's contention that the prior decision did not specifically mention that he had served as an Environmental Specialist 2 since January 2005, the appellant's former supervisor in the prior matter submitted a letter regarding his work as an Environmental Specialist 2 from January 2005 to August 2011. As such, his service as an Environmental Specialist 2 since 2005 was reviewed. However, such information did not establish his contentions. As such, it was properly determined in the prior matter that Allen was ineligible for the examination at issue.

With respect to Allen's argument that a job announcement issued by the appointing authority indicates that the duties of an Administrative Analyst 3 include grant-related work, such information does not change the outcome of the case or overcome that he is not eligible for the examination at issue. In this regard, internal job announcements issued by appointing authorities are not issued by this agency and do not establish eligibility for Civil Service examinations. Rather, it is the official job announcement issued by this agency that is utilized to determine eligibility of the candidates.

Moreover, the percentage of time and amount of work with respect to the grant-related duties that Allen is performing while serving as a provisional Administrative Analyst 3 cannot be determined in this matter. As such, as previously indicated, it is necessary that a classification evaluation should be conducted by Agency Services for Allen's current position as a provisional Administrative Analyst 3.

ORDER

Therefore, it is ordered that this request for reconsideration 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
CIVIL SERVICE COMMISSION ON
THE 18th DAY OF JULY, 2018



Deidre L. Webster Cobb
Chairperson
Civil Service Commission

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and
Correspondence

Christopher S. Myers
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Attachment

c: Jason Allen
Jessica Chianese
Kelly Glenn
Records Center ✓



STATE OF NEW JERSEY

In the Matter of Jason Allen.
 Administrative Analyst 3 (PS4560P).
 Department of Law and Public Safety

FINAL ADMINISTRATIVE ACTION
 OF THE
 CIVIL SERVICE COMMISSION

CSC Docket No. 2018-268

Examination Appeal

ISSUED: APRIL 6, 2018 (JET)

Jason Allen appeals the determination of the Division of Agency Services (Agency Services) that he did not meet the experience requirement for the promotional examination for Administrative Analyst 3 (PS4560P), Department of Law and Public Safety.

The promotional examination was announced with specific requirements which had to be satisfied by the March 21, 2017 closing date. The requirements were graduation from an accredited college or university with a Bachelor's degree, and three 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 the recommendation, planning and/or implementation of improvements in a business or government agency. It was noted that applicants who possessed a Master's degree in Public Administration, Business Administration, Economics, Finance, or Accounting could be substituted for one year of the above indicated experience. One candidate was admitted and the resultant eligible list promulgated on July 20, 2017. One certification was issued and no appointments have been made.

On his application, the appellant indicated that he possessed a Bachelor's degree and a Master's degree in Business Administration. Agency Services credited him with one year of applicable experience for his education pursuant to the substitution clause. Further, the appellant listed that he served as a provisional Administrative Analyst 3 from December 2016 to the March 21, 2017 closing date.

as a part-time Municipal Utilities Authority (MUA) Board Member from September 2015 to March 2017, and as a part-time Council member from January 2011 to March 2017. He also listed that he served as an Environmental Specialist 2 from June 2014 to December 2016, as a Loan Assistant from June 2004 to August 2004, and as a Program Technician from June 2002 to May 2003. Agency Services credited the appellant with one month of pro-rated applicable experience for his service as a MUA Board Member and with seven months of pro-rated applicable experience for his service as a Council member. However, it did not credit him with any other applicable experience. Agency Services noted that the duties the appellant listed for his work as a provisional Administrative Analyst 3 were primarily focused on grant-related experience. As such, his provisional experience in the subject title was not accepted. Accordingly, Agency Services determined that the appellant was not eligible for the examination as he lacked one year and four months of applicable experience.

On appeal, the appellant maintains that he is qualified for the examination. In support, he submits a letter from Kimberly Cenno, Bureau Chief, Division of Water Monitoring and Standards, Bureau of Environmental Analysis, Restoration and Standards, Department of Environmental Protection. Cenno states that the appellant served in her unit from January 2005 to August 2011, and his duties included analyzing project proposals, recommending qualified funding for qualified recipients, reviewing budgets and spending plans for clients, providing technical guidance for the restoration of water quality, completing budget and expenditure reports, and initiating budget modifications.

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

CONCLUSION

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

In this matter, Agency Services correctly determined that the appellant was ineligible for the subject examination. Other than the appellant's part-time experience as a MUA Board Member and as a Council member, the primary focus of the other experience listed on his application does not involve the review, analysis, and evaluation of budget, organization, administrative practices, operational methods, management operations, or data processing applications, or any combination thereof, including responsibility for the recommendation, planning, and/or implementation of improvements in a business or government agency. 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). As such, he did not meet

the requirements listed in the subject announcement. Additionally, the letter from the appellant's former Bureau Chief does not establish that he was performing Administrative Analyst 3 duties. Analyzing project proposals, recommending qualified funding, reviewing spending plans, providing technical guidance, and completing reports are not examples of work performed by an Administrative Analyst 3. Moreover, since the appellant listed on the application that he is performing grant-related work while serving in his current position as a provisional Administrative Analyst 3, it appears that the appellant's provisional position is misclassified. Accordingly, the appellant has not provided a sufficient basis to disturb Agency Services' determination in this matter.

ORDER

Therefore, it is ordered that this appeal be denied, and that the matter of the appellant's classification of his provisional position be referred to Agency Services to conduct a classification evaluation.

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

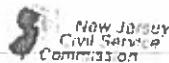
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c: Jason Allen
Kelly Glenn
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NEW JERSEY CIVIL SERVICE COMMISSION-STATE SERVICE
PROMOTIONAL-ANNOUNCEMENT

Click here to file Online ^{Print}
\$25.00 PROCESSING FEE REQUIRED
Make Check/Money Order Payable to NJCSC

SYMBOL: PS4560P

WEIGHT CODE: *

TITLE: ADMINISTRATIVE ANALYST 3

SALARY: \$64,677.00 - \$92,012.00

ISSUE DATE: March 01, 2017

CLOSING DATE: March 21, 2017

TITLE CODE: 50075/OPRXR7

CLASS CODE: 26

DEPARTMENT: LPP/LAW & PUBLIC SAFETY

UNIT SCOPE: P605 State Police/Administration

Visit www.state.nj.us/csc
And select "Job Announcements"
to view this announcement and to file an application

Open to employees in the competitive division who are currently serving in a title to which the announcement is open and have an aggregate of one year of continuous permanent service as of the closing date in the following title(s):

Administrative Analyst 2

Or to employees in the competitive division who have an aggregate of one year of continuous permanent service as of the closing date in any competitive title and meet the requirements listed below:

Education: Graduation from an accredited college or university with a Bachelor's degree. You must indicate either possession of a degree or total number of college credits completed to date on your application. (Foreign degrees/ transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

Note: Applicants who do not possess the required education may substitute additional experience as indicated below on a year-for-year basis, with thirty (30) semester hour credits being equal to one (1) year of experience.

Experience: Three (3) 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 the recommendation, planning and/or implementation of improvements in a business or government agency.

Note: A Master's degree in Public Administration, Business Administration, Economics, Finance, or Accounting may be substituted for one (1) year of indicated experience. You must indicate the details of your Master's degree on your application. (Foreign degrees/transcripts must be evaluated by a recognized evaluation service.) Failure to do so will result in rejection from the examination process.

License: Appointees will be required to possess a driver's license valid in New Jersey only if the operation of a vehicle rather than employee mobility, is necessary to perform the essential duties of the position. The responsibility for ensuring that employees possess the required motor vehicle license, commensurate with the class and type of vehicles they operate, rests with the Appointing Authority.

IMPORTANT INFORMATION

1. NJAC 4A:4-2.6 states that all requirements listed must be met as of the closing date, including assignment to the department and unit scope, and satisfying the permanent status requirement.

2. ONLY ON-LINE APPLICATIONS WILL BE ACCEPTED. YOU MUST COMPLETE YOUR APPLICATION ONLINE. Your score may be based on a comparison of your credentials with the job requirements. Failure to complete your application properly may lower your score or cause you to fail.

3. This examination is open to full- and part-time permanent employees. If an employment bid results from this announcement, it may be certified to fill full-time and part-time positions. If 35- and 40-hour positions are used within the unit scope, the resulting list may be used to fill either work week position.

4. NJAC 4A:4-1.5 states that any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his/her title SHALL BE SEPARATED FROM THE PROVISIONAL TITLE.

5. In accordance with Public Law 2010 c.26, Veterans pay a reduced application fee of \$15.00 if they have previously established Veterans Preference with the Department of Military and Veterans Affairs (DMVA) (as defined by N.J.S.A. 17A:51 et seq.). Those claiming Veterans Preference but have not yet received approval from DMVA must pay the full application fee and may request a refund if the claim is approved at least 3 days prior to the issuance of this eligibility list. PLEASE NOTE THIS REDUCED FEE DOES NOT APPLY TO PUBLIC SAFETY TITLES.

6. SPECIAL NOTE TO ALL APPLICANTS: Please make sure you are assigned to the unit scope indicated above. If you do not know your unit scope assignment, please contact your Human Resource Office. If you file an application for this announcement and you are not assigned to the unit scope indicated above, YOU WILL BE FOUND INELIGIBLE FOR THIS EXAM AND YOUR APPLICATION FEE WILL NOT BE REFUNDED.

7. If you are having difficulty submitting your application online, technical support and customer care are available during regular business hours, 8:00 a.m. to 4:00 p.m. EST, Monday - Friday, excluding holidays and emergency closings. Please E-mail: OAS.support@ese.state.nj.us or call (609) 292-4144. Please note that application support requests received outside regular business hours on the closing date will not change the application filing deadline so PLEASE FILE EARLY.