



STATE OF NEW JERSEY

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

In the Matter of Greg Alvarez,
Department of Health

CSC Docket No. 2020-13

Classification Appeal

ISSUED: July 31, 2019 (RE)

Greg Alvarez appeals the determination of the Division of Agency Services (Agency Services) that his position with the Department of Health is properly classified as Grants Specialist. The appellant seeks an Administrative Analyst 4, Fiscal Management classification in this proceeding.

The appellant received a regular appointment to the title Grants Specialist on August 9, 2014. This position is in the Department of Health, Management and Administration, Budget and Financial Planning, currently reports to a Manger 2. Fiscal Resources, and has supervisory responsibilities for two Grants Specialists. Upon his request, a classification review of his position was performed, including interviews, and a review of his Position Classification Questionnaire (PCQ) and related documentation.

Agency Services found that based on the primary duties of this position, the position remains properly classified as Grants Specialist, and it indicated that supervisory duties must be removed. On appeal, the appellant contends that “the role-specific grading criteria was not evenly applied to the Administrative Analyst 4, Fiscal Management and Grants Specialist titles to clearly identify and distinguish the two as it applies to function, duties, etc.,” he performed supervisory work and was not compensated for it, and the Organization Chart included was incorrect or misinterpreted by Agency Services.

As to his duties, the appellant maintains that Agency Services failed to identify the specific tasks distinguishing Grant Specialist and Administrative

Analyst 4, Fiscal Management. He argues that his current duties are more closely aligned to the requested title than to Grant Specialist, both generally and specifically, and that Agency Services failed to review this issue. He believes that he supervises others who perform the duties of Administrative Analysts, Fiscal Management.

In support, the Director, Division of Management and Administration, states that the appellant has been serving as the lead for departmental guidance on federal fund policies and practices, has reworked the department's administrative guidance, and has assumed supervisory duties. The Director states that the appellant's job tasks are complex and related to very specific department administrative policies, accounting and fiscal concepts. Lastly, the appellant's supervisor provides a letter of support as well. He states that due to attrition the remaining workloads have increased, and there has been no increase in central office support after major reorganizations with the addition of the State Psychiatric Hospitals and the State Medical Examiner to the Department of Health. He explains that the function of a Grants Specialist is to serve as managing custodian of federal funding dollars received, including federal financial reporting, cash draws and salary reconciliations, among other duties. He states that the appellant has assumed supervisory duties so that work can be completed, and the department would remain in compliance with federal reporting. He states that the appellant is the point of contact for departmental guidance on federal fund policies and practices, has reworked the department's administrative guidance issued to each division, monitors and maximizes all federal and administrative salary resources, serves as quality control officer on outgoing documentation, and his position is 100% federally funded.

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 if 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.A.C. 4A:3-3.4 provides that no person shall be appointed or employed under a title not appropriate to the duties to be performed nor assigned to perform duties other than those properly pertaining to the assigned title which the employee holds.

N.J.A.C. 4A:3-3.5(a) states that when the duties and responsibilities of a position change to the extent that they are no longer similar to the duties and responsibilities set forth in the specification, and the title is no longer appropriate,

the Commission shall reclassify the position to a more appropriate title if there is one.

The definition set forth in the job specification for the title of Grants Specialist is:

Under the direction of a supervisory official, in a State department or agency, is responsible for the management of assigned federal and private grants within the department and the development of methods and means to secure new funds for proposed programs; does other related duties.

The definition set forth in the job specification for the title of Administrative Analyst 4 Fiscal Management is:

Under the general supervision of a supervisory official in the fiscal management areas in a State department or agency, coordinates and supervises work activities of Administrative Analysts, Fiscal Management of lower grade or other subordinate staff engaged in/responsible for fiscal management activities in planning and conducting management, statistical, organizational, fiscal, performance, and budget analyses of department and/or division programs, and where alternative programs are needed makes evaluations and recommendations as required; supervises staff and work activities. Prepares and signs official performance evaluations for subordinate staff; does other related duties as required.

The definition set forth in the job specification for the title of Administrative Analyst 3 Fiscal Management is:

Under the general supervision of an Administrative Analyst 4, Fiscal Management, or other supervisor, assists in supervising work activities involving planning and conducting management, statistical, organizational, fiscal, performance, and budget analyses of department programs; takes the lead in conducting cost benefit analyses and effectiveness surveys; where alternative programs are needed, assists in making evaluations and recommendations as required; does other related duties.

It is long-standing policy that upon review of a request for position classification, when it is found that the majority of an incumbent's duties and responsibilities are related to the examples of work found in a particular job specification, that title is deemed the appropriate title for the position. The outcome of position classification is not to provide a career path to the incumbents, but

rather is to ensure that the position is classified in the most appropriate title available within the State's classification plan. See *In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005). 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).

The Administrative Analyst 4 Fiscal Management is a supervisory title. Since October 2015, the Commission has upheld the classification standard that for a position to be classified in a title assigned the first-level or second-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 *In the Matter of Rosemary Lynn Gash, Office of Information Technology* (CSC, decided April 19, 2017), the Commission noted that Agency Services determined that the standard required to classify titles assigned to the primary level supervisory ERG is that position must supervise three or more lower-level employees, including the preparation and signing of their PARs.

Based on the submitted organizational chart, individuals are in inappropriate reporting relationships, in violation of *West Orange Board of Education v. Wilton 57 N.J. 417* (1971). A review of the unit's organizational chart, dated April 24, 2019, reveals that there are 18 positions, two of which are vacant supervisory positions, and three of which are vacant professional positions. There is a Manager, three incumbent supervisors, and nine incumbent professionals, including the appellant. One supervisor has a vacant position, and his subordinate's PAR is completed by the appellant. Another supervisor has two subordinates, and the appellant completes a PAR for one of them. This arrangement is simply unacceptable, as it leaves one existing supervisor with no current subordinates, and another with only one. Under these circumstances, a classification of the appellant's position to a supervisory position, although he performs the PARs of only two individuals which is a detriment to a classification change, would leave two other positions misclassified. Management cannot shuffle subordinates among supervisors resulting in the promotion of one individual to a supervisory title while simultaneously causing other supervisory positions to lose the subordinates which warrant the proper classification of their positions.

In this regard, the unit has five supervisory positions, with only three incumbered. One professional reports to the manager as her supervisor's position is vacant and her coworker's position is vacant. The appellant and two others report to the manager as their supervisor's position is vacant, while there are two

supervisors in the unit who do not supervise at least three positions. The appointing authority should reorganize the unit to ensure that each supervisory position has, and is performing the PARS, for at least three subordinates. Agency Services was correct in directing the appointing authority to remove the subordinates from the appellant's supervision as there were only two which does not warrant a supervisory title, and as those individuals report to other supervisors pursuant to the table of organization. As the position is not supervisory, the Administrative Analyst 4 Fiscal Management title does not properly classify the position. Accordingly, any appeal of improper compensation is moot.

Thus, the question remains as to whether the position is properly classified as Administrative Analyst 3 Fiscal Management or Grants Specialist. In making classification determinations, emphasis is placed on the Definition section to distinguish one class of positions from another. The Definition portion of a job specification is a brief statement of the kind and level of work being performed in a title series and is relied on to distinguish one class from another. On the other hand, the Examples of Work portion of a job description provides typical work assignments which are descriptive and illustrative and are not meant to be restrictive or inclusive. *See In the Matter of Darlene M. O'Connell* (Commissioner of Personnel, decided April 10, 1992).

In this respect, Agency Services indicated that the duties of the position included assisting the Director in managing State and federal allocations for the Federal Funds Management Unit; monitoring and reporting the expenditures of complex federal grant programs; making sure expenditures do not exceed appropriations; ensuring timely availability of funds; coordinating, reviewing and approving complex budget reports, accounting documents, contracts, federal grant applications, and federal financial reports; keeping the Director and Senior Divisional Staff fully informed of significant budgetary and fiscal developments and impacts relating to federal funding sources; and forecasting expenditures using statistical regression trend projection models. After providing this description, Agency Services determined that these duties are consistent with those normally performed by a Grants Specialist. The appellant is correct that there is no in-depth analysis of these duties as they relate to Administrative Analyst 4 Fiscal Management or Grants Specialist. However, he does not provide examples of how his duties are more accurately reflected by the Administrative Analyst, Fiscal Management title series.

The primary focus of responsibilities for titles in the Administrative Analyst title series includes being involved with the overall operational analysis of a specialized area in the organization with the direct responsibility for the recommendation, planning, or implementation of improvements for the agency as a result of such analysis. *See In the Matter of Victoria Yang-Liu* (CSC, decided April 28, 2010). Several variants were created for this title series, including Fiscal

Management. The Administrative Analyst, Fiscal Management primarily performs analysis in the areas of management, statistical, organizational, fiscal, performance, and budget. Duties that are not performed by an Administrative Analyst, Fiscal Management would be managing allocations, making sure expenditures do not exceed appropriations; ensuring timely availability of funds, and other grant management functions. Those duties more accurately fall under the Grants Specialist title.

The appellant performs some administrative analysis, such as coordinating, reviewing and approving complex budget reports, accounting documents, contracts, federal grant applications, and federal financial reports, and forecasting expenditures using statistical regression trend projection models. While these duties are very similar to the work of an Administrative Analyst, Fiscal Management, the majority of duties fall within the scope of Grants Specialist. The appellant performs analyses, not to find areas of improvement, but to ensure funding remains available or for compliance with contract and grant requirements. As such, an Administrative Analyst 3, Fiscal Management classification is not warranted. The appellant has the burden of demonstrating that the duties of his position have evolved to an extent which warrants reclassification, and he has not fulfilled this obligation.


Accordingly, the record amply supports a Grants Specialist classification for the appellant's position.

ORDER

Therefore, the position of Greg Alvarez is properly classified as Grants Specialist.

This is the final administrative action in the matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 31st DAY OF JULY, 2019



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