



STATE OF NEW JERSEY

In the Matter of Vincent Caliguire	:	FINAL ADMINISTRATIVE
Administrative Analyst 2,	:	ACTION
Department of Environmental	:	OF THE
Protection	:	CIVIL SERVICE COMMISSION
	:	
CSC Docket No. 2019-3148	:	
	:	
	:	
	:	Classification Appeal
	:	

ISSUED: AUGUST 12, 2019 (CSM)

Vincent Caliguire appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of his position with the Department of Environmental Protection is Administrative Analyst 2. The appellant seeks an Administrative Analyst 4 classification.

The record in the present matter establishes that at the time the appellant filed his request for a classification review, his permanent title was Administrative Analyst 2. The appellant’s position is located in the Division of Solid and Hazardous Waste, Bureau of Solid Waste Planning and Licensing and he reports to Carlton Dudley, Manager 4, Waste Management. The appellant’s position has no responsibility. The appellant sought a reclassification contending that his position would be more appropriately classified as Administrative Analyst 4. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties that he performed. Agency Services reviewed all documentation supplied by the appellant including his PCQ. Agency Services also conducted a telephone desk audit with the appellant and his immediate supervisor. Based on its review of the information provided, Agency Services concluded that the appellant’s position is properly classified as Administrative Analyst 2.

On appeal, the appellant states that his supervisor retired a year and a half ago and that he has been running the unit since then with less staff and more responsibilities. He also states that the classification reviewer had no knowledge of financial aspects or monetary foundations, and the appellant questions how the reviewer could judge his examples of work. The appellant emphasizes that his supervisors have limited financial experience and rely on his expertise to make final

decisions. As such, he maintains Agency Services' decision minimizes his functions to basic accounting. The appellant questions how not being responsible for conducting performance evaluations makes a difference when he is the person who is responsible for giving out work assignments, checking assignments and providing feedback. The appellant maintains that given the level of his responsibilities, his positions should not be classified as Administrative Analyst 2.

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that appeals from the decision of this agency's representative to the Civil Service Commission (Commission) may be made by an *employee, authorized employee representative, or local appointing authority*. The appeal must be submitted in writing within 20 days of receipt of the decision letter and include 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 the 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 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 departmental administrative procedures, organization, and performance, and prepares recommendations for changes and/or revisions therein; does other related duties as required.

The definition section of the job specification for Administrative Analyst 2 states:

Under limited supervision of an Administrative Analyst 4 or other supervisor in a State department, institution, or agency, assists in the review, analysis, and appraisal of current department administrative procedures, organization, and performance, and helps to prepare recommendations for changes and/or revisions; does related duties.

In the present matter, the record demonstrates that the appellant's position is properly classified as Administrative Analyst 2. Since October 2015, the Civil Service Commission (Commission) has upheld the classification standard that in order 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 this case, the title Administrative Analyst 4 is assigned to the “R,” or first level employee relations group. Therefore, incumbents in this title are required to supervise and be the rater of subordinate employees. The appellant’s position is not responsible for the supervision of any employees. As such, his position cannot be classified as Administrative Analyst 4. Further, the fact that some of an employee’s assigned duties may compare favorably with some examples of work found in a given job specification is not determinative for classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. Moreover, it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed. For purposes of determining the appropriate level within a given class, and for overall job specification purposes, the definition portion of the job specification is appropriately utilized.

With respect to his assertion that he performs similar level duties of his retired supervisor, a classification appeal cannot be based solely 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). In response to his argument that the unit has less staff and more responsibilities, 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). With regard to the conduct of the desk audit and the appellant’s allegation that this agency’s staff lacked technical knowledge, it is noted that this agency’s staff are not subject matter experts in the occupational field of a given interviewee. Their role is to elicit clear statements from the employee as they pertain to the duties and responsibilities of the position. Additionally, it is departmental policy that all audits are reviewed by supervisory and managerial staff prior to a decision being finalized. *See In the Matter of David Baldasari* (Commissioner of Personnel, decided August 22, 2006) (Appellant’s argument that this agency’s staff did not comprehend the information he conveyed to him and had no experience in various computer systems resulted in a flawed position audit found to have no basis since this agency’s staff role is to elicit information about the position and not to be a subject matter expert in a particular field); *In the Matter of Yvette Humphries* (Commissioner of Personnel, decided August 30, 2005) (Allegation that Consultant lacked the technical knowledge of computer terminology and other “technical information” provided at the on-site audit did not evidence that the position audit was flawed).

Accordingly, a thorough review of the information presented in the record establishes that the appellant's position is properly classified as an Administrative Analyst 2 and he has not presented a sufficient basis to establish that his position is improperly classified.

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
CIVIL SERVICE COMMISSION ON THE
DAY 31ST OF JULY, 2019



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