



STATE OF NEW JERSEY

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

In the Matter of Cindy Yanucil,
Department of Health and Senior
Services

Classification Appeal

CSC Docket No. 2022-347

ISSUED: DECEMBER 6, 2021 (RE)

Cindy Yanucil appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of her position with the Department of Health and Senior Services is Administrative Analyst 4, Fiscal Management. The appellant seeks a Section Supervisor, Fiscal Resources classification in this proceeding.

The record establishes that the appellant is permanent in the title of Administrative Analyst 4, Fiscal Management and is employed with the Department of Health and Senior Services, Division of Accounting and Procurement, Cash Management Unit. The position reports to a Manager 2 Fiscal Resources, and at the time supervised one Accountant 1, and two Administrative Analysts 3, Fiscal Management, one of which is vacant. Agency Services performed a classification review consisting of a detailed analysis of the documentation submitted, including the Position Classification Questionnaire (PCQ), and determined that this position was properly classified as Administrative Analyst 4, Fiscal Management. In its July 30, 2021 determination, Agency Services removed supervisory duties over the Accountant 1 as that title and Administrative Analyst 4, Fiscal Management are in the same Employee Relations Group (ERG), or bargaining unit, specifically, "R," which is defined as those titles used in the primary or first level of supervision.

On appeal, the appellant contends that her position is not properly classified as an Administrative Analyst 4, Fiscal Management. She argues that removing the

Accountant 1 from her supervision is not viable and the staff of the Cash Management Unit has reduced over the years while the duties have increased. She states that she oversees the drawing and reconciling of all funds received for the federal grants, and monitors the funds received from invoicing federal contracts. She maintains that the volume of the calculations and complexity of the structure of the grants has increased, and she expects the unit to add an Analyst Trainee and to fill the vacant Administrative Analyst 3, Fiscal Management position. She states that removing the Accountant 1 will be burdensome to herself and her supervisor. Additionally, she argues that the Covid-19 pandemic has resulted in an additional duty of drafting accounting principles, policies and protocols for work organization.

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 4, Fiscal Management states:

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 section of the job specification for Section Supervisor, Fiscal Resources states:

A position in this category typically functions as a supervisor of an organizational unit, authorizes payment, provides administrative support services for other units or departments, develops fiscal projections, approves transfer of monies from accounts, evaluates financial condition or status, monitors internal audit systems, develops budget expenditure projections, and consults with vendors or contractors; does other related duties as required.

Unique and Distinguishing Tasks/Classification Factors

Under supervision of a Manager 1, Fiscal Resources in a State department or agency, supervises professional staff in a major sub-element of the fiscal program such as budgeting, accounting, auditing, procurement, or finance.

Initially, it is noted that the primary experience of applicants 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); *In the Matter of Maria Jacobi* (MSB, decided July 27, 2005).

The Administrative Analyst, Fiscal Management variant plans and conducts management, statistical, organizational, fiscal, performance, and budget analyses, and performs cost benefit analyses and effectiveness surveys; and assists in making evaluations and recommendations as required. Analysis of management operations would include evaluating programs for effectiveness and efficiency, preparing management policies or procedures, developing budget controls, evaluations of alternative policy actions, studying operating procedures, and making recommendations for changes to programs. In the present case, the appellant indicated on her PCQ that 65% of her time is spent as the supervisor of staff and activities of the Cash Management Unit. This includes providing guidance, information and support to other units, approving the transfer or return of funds, consulting with vendors, monitoring funds, preparing reports, solving discrepancies in reporting, and training and supervising staff. She indicated that she oversees the completion of the annual report and the indirect cost plan for 10% of the time, reviewing transactions for accuracy, and preparing fiscal projections. For 10% of her time, she collects health care assessments and ensures proper billing and collection of funds. The remaining 15% of her time included preparing the monthly revenue report, collaborating on audits, and establishing codes for the electronic cost accounting and timesheet system (eCATS) database.

The Civil Service Commission emphasizes that 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. The appellant's duties, as listed on her performance evaluation, are to supervise the Cash Management Unit, which includes preparation or supervising the preparation of financial reports, to oversees the completion of the annual report, to collect health care assessments and ensure proper billing and collection of funds, to prepare the monthly revenue report, collaborate on audits, and establish codes for eCATS.

As to supervision, the appellant indicated on her PCQ that she directly supervised and did performance evaluations for two employees, an Accountant 1 and an Administrative Analyst 3, Fiscal Management. The organizational chart presented indicated that she also supervises a Data Entry Operator 4, a clerical position, and that there is a vacant Administrative Analyst 3, Fiscal Management position in the unit. Clearly, the purpose of the State's classification system is not to perpetuate misclassifications and the classification plan is not intended to limit an appointing authority's ability to organize its work force or supervisory structure as appropriate, so long as the designated titles are performing applicable in-title duties. However, a supervisor and a subordinate cannot hold titles that are both in the "R" ERG. See *In the Matter of Timothy Stewart* (CSC, decided February 26, 2014); *In the Matter of Veronica Rucker* (CSC, decided May 7, 2014); and *In the Matter of Jonah Kozma* (CSC, decided November 10, 2016). Therefore, in accordance with *N.J.A.C. 4A:3-3.9(c)5(ii)*, Agency Services appropriately ordered the removal of inappropriate supervisory duties over the Accountant 1 position.

Nonetheless, the Section Supervisor, Fiscal Resources title is clearly not appropriate as this title is a confidential equivalent of a high level supervisor. This title defines positions which are in charge of an organizational unit, and which provides administrative support for other units or departments. A comparison of the duties of the appellant's position with those of Section Supervisor, Fiscal Resources indicates that they are not at the same level and scope, and that the Section Supervisor, Fiscal Resources operates in a much larger office environment, where the fiscal program is large enough to be divided into elements such as budgeting, accounting, auditing and procurement. Among other duties, the Section Supervisor, Fiscal Resources answers questions about the application of regulations or policies; interprets laws, policies, rules and regulations; devises improvement or changes plans for a unit; addresses policy-making committees; monitors budgets; determines staffing needs; and makes cost estimates. It is a title which concerns financial management, administration, accounting, budgeting, auditing and program evaluation in a confidential setting. Classification of the position to Section Supervisor, Fiscal Resources is unwarranted given supervisory duties over only one primary level supervisor, and supervision of the Accountant 1 position was appropriately removed.

Lastly, the Section Supervisor, Fiscal Resources title is confidential as well. The New Jersey Employer-Employee Relations Act (Act) provides public employees

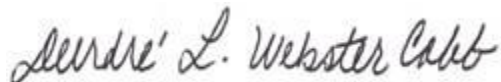
with broad power to form, join and assist employee organizations, with two exceptions: managerial executives and confidential employees are not permitted to join employee organizations. Pursuant to *N.J.S.A. 34:13A-3(g)*, the functional responsibilities or knowledge required for performing the duties of a confidential title are in connection with the issues involved in the collective negotiations process would make the membership of the incumbent in any appropriate negotiating unit incompatible with official duties. *See also State of New Jersey, supra*, 11 *N.J.P.E.R.* 16179 (holding that final determination is “whether the responsibilities or knowledge of each employee would compromise the employer’s right to confidentiality concerning the collective negotiations process if the employee was included in a negotiating unit.”). Mere access to confidential personnel files or information concerning the administrative operations of a public employer is insufficient to render a person a confidential employee. The court found that the test for confidentiality should be employee-specific, and its focus on ascertaining whether, in the totality of the circumstances, an employee’s access to information, knowledge concerning its significance, or functional responsibilities in relation to the collective negotiations process make incompatible that employee’s inclusion in a negotiating unit. *See New Jersey Turnpike Authority v. AFSCME (American Federation of State, County and Municipal Employees), Council 73* 150 N.J. 331 (1997). The appellant has not indicated any confidential duties which would warrant such a classification. The appellant is not performing duties at the level and scope of those required of a Section Supervisor, Fiscal Resources.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review is to be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 1ST DAY OF DECEMBER 2021



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