



STATE OF NEW JERSEY

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

In the Matter of Karen Luckie,
Department of Community Affairs

CSC Docket No. 2023-1220

Classification Appeal

ISSUED: June 28, 2023 (RE)

Karen Luckie appeals the decision of the Division of Agency Services (Agency Services) which found that her position with the Department of Community Affairs is correctly classified as Technical Assistant 3. She seeks an Administrative Analyst 3 classification in these proceedings.

The appellant requested a review of her position as a Technical Assistant 3, the title to which she was regularly appointed on May 4, 2015. Her position, located in the Department of Community Affairs, Division of Fire, reports to a Division Director, and has no supervisory responsibility. A classification review was conducted by Agency Services in response to the appellant’s request for an audit of her position.

Agency Services found, in its October 18, 2022 decision, that based on the primary duties of the appellant’s position her title is properly classified as Technical Assistant 3. On appeal, the appellant argues that the duties of her position were not properly described in Agency Services’ determination. Also, the appellant indicates that she prepared a Position Classification Questionnaire (PCQ) as she was told that there would be an informal review, and that it was forwarded to the Civil Service Commission (Commission) without her consent. She states that she took over the duties of a Fiscal Officer who retired.

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 the title Technical Assistant 3 states:

Under the general supervision of a supervisory official in a State department, institution, or agency, takes the lead over the technical and/or clerical staff and has responsibility for the work programs of an identifiable technical unit responsible for reviewing, monitoring, and processing specific actions requiring the application of rules, regulations, policies and/or procedures, or independently, under general supervision, reviews, analyzes, and makes effective recommendations for actions involving a specific element of a regulatory or administrative program requiring the application of rules, regulations, policies, procedures, and/or technical concepts; does other related duties as required.

The definition section of the job specification for the title Administrative Analyst 3 states:

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

The appellant argues that she did not request that her classification review be forwarded to the Civil Service Commission by the appointing authority without her permission. In this regard, *N.J.A.C.* 4A:3-3.9 is the rule which governs classification reviews, and, in State service, is applicable for employees who believe that they are working out-of-title and wish to challenge their position classification. *N.J.A.C.* 4A:3-3.3 is the rule for administration of classification plans. *N.J.A.C.* 4A:3-3.3(d) states that positions in the career, unclassified and senior executive services shall be subject to job audit by the Commission to ensure accurate classification in compliance with Title 11A of the New Jersey Statutes and Title 4A of the New Jersey Administrative Code. Thus, regardless of how the matter was

forwarded, the Commission has the authority to conduct classification reviews independently, and how the review was initiated is irrelevant to the classification determination. Further, *N.J.A.C. 4A:3-3.9(c)4* states, in pertinent part, that within 10 days of receipt of the petition, the agency representative shall either notify the petitioner that specific additional information is required, or forward the petition with organizational chart to the appropriate representative of the Commission. As such, once the employee submits the PCQ to his or her supervisor, and it is reviewed and passed on, the appointing authority is required to submit the PCQ to the Commission. It is not incumbent on the appointing authority to get further permission from the employee to do so.

Next, the appellant believed that Agency Services did not describe or consider her duties properly. In this regard, the duties listed in the determination are a summary of primary duties rather than a word for word copy of what was listed in the PCQ. The intention of a classification determination is not to detail every facet of every duty, but to outline the primary focus of the position and to describe the major duties. The appellant listed 16 duties on her PCQ, one at 25% of her time, one at 15% of her time, and the remaining duties at 5%, 4%, 3% and 2% of her time. She states that she is the project lead for the division website (3% of her time), and is the lead for a new automated registration/inspection system (25% of the time). For 15% of the time, the appellant manages an on-line program, and acts as Liaison to OIT. For her remaining time, she maintains, analyzes and reviews data and reports, prepares fiscal and other reports, is system administrator for Business Objects reports and the Fire Official Library, analyzes problem areas for automation improvements, reviews dishonored checks, designs and implements forms and reports, processes Out of Business requests and investigates outstanding bills, and utilizes a tracking system. Her ePAR states that her major goals are to address data processing needs; prepare reports and applications as related to code enforcement processing and activities; and assist in the preparation of reports and data processing needs and applications.

Based upon a thorough review of the information presented in the record, it is clear that the appellant's position is properly classified as Technical Assistant 3. Incumbents in this title take the lead over the work of other employees, and perform technical work. The duties of the title include providing recommendations in developing and evaluating methods for reducing the workload at the clerical and/or para-professional level without sacrificing efficiency and essential information, overseeing the maintenance of the unit's specialized and general files, and maintaining an automated data processing tracking and information system to ensure efficient flow of actions.

The primary focus of the title Administrative Analyst 3 is to review, analyze, and appraise current department administrative procedures, organization, and performance, and help to prepare recommendations. A review of the duties listed

by the appellant on her PCQ, and those provided on appeal, do not indicate that her work *primarily* consists of an analysis of administrative procedures, organization, and performance. The appellant's duties in taking the lead regarding a new automated registration/inspection system, performed 25% of the time, falls under the definition of the requested title, as does her investigation of problem areas to determine improvements and feasibility for automation, performed 5% of the time. However, her remaining duties, performed 70% of the time, are not those of the requested title. An Administrative Analyst analyzes and evaluates administrative procedures, organization, and performance to determine economy and efficiency, not merely to fix problematic issues. For example, managing the on-line program, for 15% of the time, the appellant listed multiple functions, including being a liaison, validating logged issues, investigating issues with the system, creating reports, preparing manuals, and analyzing operational problems. This description involves analyzing and evaluating issues with the system mainly to troubleshoot problems. Making changes to a website is not the responsibility of an Administrative Analyst, nor is being system administrator for Business Objects Reports.

As to the appellant's claim that she inherited duties from an employee in a higher title, a classification cannot be based on a comparison to the duties of other positions, especially if those positions are 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); *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). The duties of the position must still match the definition of the title. The primary function of the position more closely matches the appellant's current title than the requested title.

A thorough review of the information presented in the record establishes that the appellant's position is properly classified as Technical Assistant 3, and she has not presented a sufficient basis to establish that her position is properly classified as Administrative Analyst 3.

ORDER

Therefore, the position of Karen Luckie is properly classified as Technical Assistant 3.

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 28TH DAY OF JUNE, 2023

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