



B-30

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of James Kelly, Board
of Public Utilities

Classification Appeal

CSC Docket No. 2015-36

ISSUED: **MAR - 6 2015** (SLK)

James Kelly, represented by Rene Demuynck, Chief Steward, appeals the attached decision of the Division of Classification and Personnel Management (CPM) that the proper classification of his position with the Board of Public Utilities (BPU) is Rate Analyst 1, Utilities. The appellant seeks a classification of Administrative Analyst 2.

The record in the present matter establishes that the appellant's permanent title at the time of the classification review was Rate Analyst 1, Utilities.¹ Mr. Kelly began provisionally serving as an Administrative Analyst 2 on January 6, 2007. The appellant then applied for the promotional examination for Administrative Analyst 2 (PS8131R). The Division of Selection Services² (Selection Services) reviewed Mr. Kelly's application and referred the matter of Mr. Kelly's position classification as it appeared that he was not performing duties commensurate with those of an Administrative Analyst 2. As part of the classification review, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties he performed provisionally as an Administrative Analyst 2. CPM reviewed and analyzed the PCQ completed by the appellant and determined that his position would be properly classified by his permanent title, Rate Analyst 1, Utilities, and assigned an effective date of July 12, 2014.

¹ The appellant retired from State service effective June 30, 2014.

² CPM and the eligibility review function of Selection Services are now both known as the Division of Agency Services.

On appeal, Mr. Kelly states that he is appealing CPM's June 3, 2014 determination and that he reserves the right to supplement his appeal with additional information which will, if necessary, be filed by the close of business July 3, 2014.

Staff of the Division of Appeals and Regulatory Affairs (DARA) sent a letter dated July 30, 2014 to the appellant and his representative providing the opportunity to submit additional information or arguments in support of his appeal. However, the appellant did not provide any additional information for the Civil Service Commission (Commission) to review in this matter.

CONCLUSION

The definition section of the job specification for Rate Analyst 1, Utilities states:

Under the direction of a Supervising Rate Analyst, Utilities, or other supervisor, analyzes the impact of requested and alternate rate structures to determine equity and compliance with State and federal laws, regulations, and decisions, and provides recommendations; may supervise the work of other analysts; does other related duties.

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

Under general supervision of an Administrative Analyst 1 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.

Incumbents in the Administrative Analyst 2 title are primarily involved in 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 Maria Jacobi* (MSB, decided June 8, 2005). In reviewing the work duties that the appellant has listed on his PCQ as well as his resume that was submitted when applying for the promotional examination for Administrative Analyst 2 (PS8131R), his primary responsibility is to perform financial and other analysis of third-party organizations regarding their rate applications. In other words, Mr. Kelly is not primarily responsible for the overall operational analysis of his agency with direct responsibility for the recommendation, planning or implementation of improvements. Accordingly, the Commission finds that the appellant's position is properly classified as a Rate Analyst 1, Utilities.

ORDER

Therefore, the Civil Service Commission concludes that James Kelly's position is properly classified as a Rate Analyst 1, Utilities.

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 4th DAY OF MARCH, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: James Kelly
Rene Demuynck
Linda Alford-Fennell
Grace M. Kelly
Kenneth Connolly
Joseph Gambino



Chris Christie
Governor
Kim Guadagno
Lt. Governor

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
DIVISION OF CLASSIFICATION AND PERSONNEL MANAGEMENT
P.O. Box 313
Trenton, New Jersey 08625-0313

Robert M. Czech
Chair/Chief Executive Officer

June 3, 2014

Mr. James Kelly
P.O.Box 350
Trenton, NJ 08625

Subject: Classification Review – Mr. James Kelly (Employee Id#: 000315802); Board of Public Utilities;
CPM#: 05140287.

Dear Mr. Kelly:

A member of my staff has completed a review of your provisional position in the title of Administrative Analyst 2. This review involved a detailed analysis of the Position Classification Questionnaire; the table of organization; and other supporting documents provided.

Issue:

Based on your application for promotional examination for the title of Administrative Analyst 2 (Symbol #PS8138R), the New Jersey Civil Service Commission (NJCSC) Division of Selection Services advised the Division of Classification and Personnel Management (CPM) the duties you were performing were not commensurate with those of an Administrative Analyst 2. As a result, CPM has reviewed the duties and responsibilities of your position in order to determine the appropriate title classification.

Organization:

Currently, your position is located in the Board of Public Utilities, Division of Water and Wastewater. You have no supervisory responsibilities. You have been serving provisionally in the title of Administrative Analyst 2, (50075, P26) since January 6, 2007.

Findings of Facts:

The primary responsibilities of the position include, but are not limited to the following:

- Reviews and evaluates water and sewer rate cases in compliance to Board of Public Utilities statutory mandates.
- Prepares essential financial information, reports, recommendations and meeting agendas for the immediate supervisor and/or the Bureau Chief.
- Monitors proposals and changes to State and Federal laws and regulations as it affects regulatory treatment of public utilities.
- Prepares charts, graphs and other statistical calculations highlighting the impact of various options for structuring rate schedules.

- Participates and or testifies in committee meetings.

Review and Analysis:

Based on the materials received during the classification review process, specific alternative titles were considered. In addition to the employee's current provisional title of Administrative Analyst 2, (50075, P26), the Civil Service Commission also considered the title of Rate Analyst 1, Utilities (56724, P24).

The definition for the title Administrative Analyst 2, (50075, P26) states:

"Under general supervision of an Administrative Analyst 1 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."

An incumbent in this title performs varied analyses of organization, department and/or division programs. The duties of your position are not commensurate with this title because the duties of your position include review and critical analysis of water and sewer rates in compliance with the Board of Public Utilities statutory mandates.

The definition for the title Rate Analyst 1, Utilities (56724, P24) states:

"Under the direction of a Supervising Rate Analyst, Utilities, or other supervisor, analyzes the impact of requested and alternate rate structures to determine equity and compliance with state and federal laws, regulations, and decisions, and provides recommendations; may supervise the work of other analysts; does other related duties."

An incumbent in this title analyzes the impact of rate structures using various statistical tools in ensuring the division's compliance to both state and federal laws and regulations. The duties of your position include preparation of reports to the Bureau Chief and or Division Director, participating in committee meetings and or testifying in public hearings as it affects water rates. As a result, the duties of your position are commensurate with this title.

Determination:

The review revealed the current duties and responsibilities assigned to Mr. James Kelly are commensurate with the attached job specification for the title of Rate Analyst 1, Utilities (56724, P24). This determination shall be effective on July 12, 2014.

The specification is descriptive of the general nature and scope of the functions which may be performed by an incumbent in this position. Please note, the examples of work are for illustrative purposes and are not intended to restrict or limit the performance of related tasks not specifically listed. The relevance of such specific tasks is determined by an overall evaluation of their relationship to the general classification factors listed in the specification.

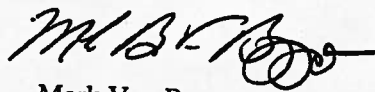
In accordance with the New Jersey Administrative Code (N.J.A.C. 4A:3-3.5), Within 30 days of receipt of the reclassification determination, unless extended by the Commissioner in a particular case for good cause, the appointing authority shall either effect the required change in the classification of the employee's position; assign duties and responsibilities commensurate with the employee's current title; or reassign the employee to the duties and responsibilities to which the employee has permanent rights. Any

Mr. James Kelly
June 3, 2014

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change in the classification of a permanent employee's position, whether promotional, demotional or lateral, shall be effected in accordance with all applicable rules. According to the New Jersey Administrative Code (N.J.A.C. 4A:3-3.9), either the affected employee or the employee's authorized representative may appeal this determination within 20 days of receipt of this notice. This appeal should be addressed to Written Record Appeals Unit, Division of Merit System Practices and Labor Relations, P.O. Box 312, Trenton, New Jersey 086225-0312. Please note the submission of an appeal must include written documentation and/or argument substantiating the portions of the determination being disputed and the basis for appeal.

Sincerely,



Mark Van Bruggen
HR Consultant Supervisor

Enclosure

MVB/OO

C: Linda Alford-Fennel, BPU
PMIS Classification Determination Unit
File