



disciplinary approach to recover costs owed to the Site Remediation Program, which is largely administrative and supervisory rather than financial/cost accounting. The appellant states that he plans, organizes and assigns work of the cost recovery section and he describes the work of his unit. He states that his subordinates do not do cost accounting or any specific accounting work. He states that his current position is responsible for planning all cost recovery operations, including achieving cost recovery goals, improving operational efficiencies, and increasing receivables. He states that he evaluates all site information, enforcement status and remediation status, and generates reports to support cost recovery decisions. He says he is the primary contact with the Division of Law on cost recovery litigation matters, and chairs a bi-weekly cost recovery meeting with representatives of various units within the program and the Division of Law. He ensures completion of assignments given to all parties at these meetings, participates in settlement negotiations with responsible parties for the recovery of past costs, and coordinates with Information Technology staff to develop needed site data reports. He states that he reviews and evaluates policies and procedures, and recommends and implements revisions for consistency and compliance with documents, goals and objectives.

The Assistant Director of the Financial Services Element, Site Remediation Program, writes in support of this appeal. He provides a description of the appellant's duties which matches CPM's and the appellant's descriptions. He states that CPM's determination was not thorough as it compared the duties only to the Job Definitions on the job specifications. He then compares the appellant's duties to the Examples of Work on the job specifications, and finds favorable comparison to the Administrative Analyst 1 job specification and unfavorable comparison to the Administrative Analyst 1, Fiscal Management job specification. He states that another unit budgets for the Site Remediation Program and is supervised by an Administrative Analyst 1, Fiscal Management. He believes that supervision of the Cost Recovery Unit does not warrant the variant.

## CONCLUSION

The definition section of the job specification for Administrative Analyst 1 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 department administrative procedures, organization, and performance, and prepares recommendations for changes and/or revision therein; does other related duties as required.

The definition section of the job specification for Administrative Analyst 1, Fiscal Management states:

Under direction of an executive 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 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; does other related duties as required.

The definition section of the job specification for Environmental Specialist 4 states:

Under direction of a supervisory official in a State department or agency, supervises professional or non-professional staff as assigned, engaged in completion of environmental review and control tasks relative to assigned program/project areas; supervises and plans field studies, surveys, inspections or investigations relating to applications and associated Environmental Impact Statements; enforcement of environmental laws and/or regulations; prepares evidence for use in reviews and legal actions; supervises the processing of contract, grant and/or loan applications; does other related duties as required.

At its meeting on May 4, 2011, the Commission approved the consolidation of the Environmental Specialist, Site Remediation title series into the base Environmental Specialist title series, effective May 7, 2011. At that time, the appellant's regular title, Site Remediation Technical Specialist, which he still holds, was rendered archaic as the Department of Environmental Protection indicated it was no longer needed and there was no intention to make further appointments to the title.

In making classification determinations, emphasis is placed on the definition section of the job specification 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. 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.<sup>1</sup> How well or efficiently an employee does his or her job, length of service, and qualifications have

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<sup>1</sup> See *In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005).

no effect on the classification of a position currently occupied, as *positions*, not employees, are classified. 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). 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 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). Examples of work may include assisting in the review of department programs/activities and in evaluating their administration, objectives, efficiency, effectiveness, and suitability to current conditions, costs, and accomplishments using established procedures/standards; assisting in appraising adequacy/effectiveness of operating systems and assisting agencies in the development of the organizational structure and methods of operation necessary for the performance of existing, new, or expanded functions; identifying and working toward elimination of unnecessary and/or wasteful administrative practices/positions to determine where program and/or administrative duplication may exist; assisting in analysis of operational programs brought to light through budget studies, requests, and hearings; compiling and interpreting data, and appraising agency situations; assisting in developing, preparing, and executing plans of organization and methods, and with development/application of financial programs/policies; and assisting in analysis of statistical, financial, and operating reports to determine work backlogs, substandard operations, and/or other unfavorable conditions.

In the present matter, the appellant does not dispute CPM's findings regarding his primary duties and responsibilities which are also reflected on his PCQ. However, he maintains that his duties are commensurate with the duties of an Administrative Analyst 1. A review of these duties reveals that neither Administrative Analyst 1, Fiscal Management, nor Administrative Analyst 1 is the proper classification of this position. This position does not perform Administrative Analyst duties as it does not perform 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. However, it is also clear that this position does not perform Administrative Analyst, Fiscal Management duties as it does not primarily perform analysis in the areas of management, statistical, organizational, fiscal, performance, and budget. Rather, the position is responsible for maximizing cost recovery efforts in the Site Remediation Program.

The appellant performs some administrative analysis, such as participating in the planning of all cost recovery operations, and ensuring data accountability. While these duties are very similar to the work of an Administrative Analyst, or an Administrative Analyst, Fiscal Management, they are not primarily those of that title. If they were, when the incumbent had completed an analysis of the cost recovery area, the incumbent would move on to another area to review, analyze, and appraise other administrative procedures, organization, and performance, and prepare recommendations for changes and/or revision in that area or would plan and conduct management, statistical, organizational, fiscal, performance, and budget analyses, and where alternative programs are needed, make evaluations and recommendations. Instead, the appellant performs analyses, not for the purpose of finding areas of improvement, but for maximizing cost recovery efforts. Unless there are a large number of reasons for operational or fiscal inefficiencies, eventually the appellant must return to his primary responsibility of supervision of cost recovery efforts, including supervising staff in the cost recovery section and chairing the bi-weekly cost recovery meeting, as well as other tasks.

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 correspond to the examples of work found in a particular job specification, that title is deemed the appropriate title for the position. A review of the appellant's duties reveals that they are more closely aligned to the Environmental Specialist 4 title. On his PCQ, the appellant indicated that for 30% of his time he supervises staff in the cost recovery section, discusses cases with managers, and gathers supporting documentation and correspondence. He also ensures that data entered into the data management system meets quality standards and accountability. For 25% of his time, the appellant chairs a bi-weekly cost recovery meeting including preparing agendas and notes and providing follow-up to ensure that assignments are carried out. Each of his remaining nine tasks were performed 5% of the time. These tasks included: participating in planning cost recovery operations; ensuring generation of final notice letters to responsible parties; ensuring generation of lien documents; acting as a data quality representative; supporting cost recovery enforcement actions of the Division of Law; providing financial assistance; coordinating cost recovery actions with the enforcement unit; maintaining records and files; and drafting correspondence. These tasks are best described as completion of environmental review and control tasks relative to an assigned program area and enforcement of environmental laws

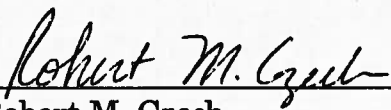
and regulations, as well as preparing evidence for use in reviews and legal actions. These job responsibilities are clearly focused on supervision of the enforcement of environmental laws and/or regulations. The appropriate classification of this position is Environmental Specialist 4.

**ORDER**

Therefore, it is ordered that this appeal be denied. It is further ordered that the position of Frank Faranca be classified as Environmental Specialist 4, pending promotional examination procedures, effective August 10, 2013.

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 19<sup>th</sup> DAY OF NOVEMBER, 2014**

  
\_\_\_\_\_  
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. Frank Faranca
- Deni Gaskill
- Kenneth Connolly
- Joseph Gambino



STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
Division of Classification and Personnel Management  
P. O. Box 313  
Trenton, New Jersey 08625-0313

CHRIS CHRISTIE  
*Governor*  
KIM GUADAGNO  
*Lt. Governor*

ROBERT M. CZECH  
*Chair/Chief Executive Officer*

March 14, 2014

Mr. Frank F. Faranca  
New Jersey Department of Environmental Protection  
Division of Enforcement, Technical and Financial Support  
Direct Billing and Cost Recovery Section  
PO Box 420 Mail Code 401-06  
Trenton, New Jersey 08625-0420

Re: Classification Appeal  
Site Remediation Technical Specialist  
Position #099400  
CPM #07130229  
Employee ID # 000377675

Dear Mr. Faranca:

This is to inform you, and the Department of Environmental Protection, of our determination concerning the classification appeal referenced above. Our review involved a detailed analysis of the Position Classification Questionnaire you completed, which was reviewed and signed by Gary Czock, Section Chief, Environmental Protection, the supplemental information that you provided, and a desk audit conducted on January 16, 2014.

**Issue:**

You requested that your position be audited to determine if you are performing out-of-title work for your title of Site Remediation Technical Specialist. You believe that your assigned duties and work performed are most appropriate to the title Administrative Analyst 1. The Bureau of Human Resources Operations agreed that an audit should be conducted in order to determine the appropriate classification of your position.

**Organization:**

The position is located in the Site Remediation Program, Division of Enforcement, Technical and Financial Support, Financial Services Element, Direct Billing and Cost Recovery Section, Department of Environmental Protection. You are supervised by Gary Czock, Section Chief, Environmental Protection (R30) and you directly supervise two (2) Environmental Specialists 2 and take the lead over one (1) Supervising Geologist, Environmental Protection. The position of one (1) of the Environmental Specialists 2 will be reclassified to Administrative Analyst 2, Fiscal Management effective August 10, 2013.

**Findings of Fact:**

The position performs the following duties and responsibilities:

- Supervises staff in the Cost Recovery Section in the review and analysis of financial data for Site Remediation cost recovery.
- Ensures data quality standards are met for NJEMS entries.
- Chairs bi-weekly cost recovery meetings including developing the agenda and minutes of items discussed, and follows-up on assignments.
- Participates in the planning of all cost recovery operations designed to increase cost recovery receivables and improve operational efficiency.
- Recommends procedural changes to increase productivity, accuracy, and efficiency.
- Coordinates with DEP IT staff to develop data reports to assist staff.
- Reviews and evaluates operational and administrative processes and procedures.
- Ensures final notice letters and lien documents are prepared when appropriate.
- Serves as data quality representative for the section ensuring standards are met and accountability established.
- Supports Division of Law (DOL) initiated cost recovery enforcement actions.



- Coordinates cost recovery actions with DEPs Enforcement Element and the Responsible Party Investigation Unit.

### **Review and Analysis:**

The duties and responsibilities of the position were compared to those described within the class specifications for Site Remediation Technical Specialist, Administrative Analyst 1, and Administrative Analyst 1, Fiscal Management.

The definition section of the specification for the title, Site Remediation Technical Specialist (P28, 15857), states:

"Under the general supervision of a supervisory official in the Department of Environmental Protection, Site Remediation Program, functions as a coordinator of environmental projects and prepares the required documents by performing any of the following: reviews/audits documents related to any and all aspects of site remediation projects and provides a coordinated program response to same; plans, reviews and oversees site remediation projects; approves and signs Remedial Action Progress Reports; approves and signs with supervisor concurrence as deemed appropriate for Entire Site/Area of Contamination ; Notices of Deficiency, Preliminary Assessments, Site Investigation Reports, Remedial Investigation Reports, Remedial Investigation Work plans, Notice of Deficiency Extension Approvals and Denials, Potable Well Letters, NJPDES Permits, Indoor Air Letters; prepares Remedial Action Work plan and No Further Action Approvals for supervisory official signature; conducts inspections, audits, meetings, investigations, enforcement actions, case assignments, environmental assessments, surveys, sampling, permitting or contracting for site remediation projects to include preparing and/or reviewing the required documents/letters by applying the applicable laws, regulations and guidance; conducts grant and/or loan processing and/or review of publicly funded contracts or Spillfund claims; reviews Spillfund claims for eligibility and signs Spillfund Claims approvals or denials up to \$35,000 for site remediation projects, oversees, conducts and/or participates in special projects including but not limited to, Standard Operating Procedures (SOP) development, training; conducts community relations and/or outreach for site remediation projects, conducts landfill permitting, closure and disruption approvals for site remediation projects; the oversight of remedial

and/or non-remedial activities (State and/or Federal lead); review term contract engagement requests related to Site Remediation Projects, Direct Purchase Authorizations, contract modifications and other procurement documents for accuracy and processing with a signature authority of procurement documents up to \$20,000; when assigned to Publicly Funded Site Remediation Program, has approval authority for individual work orders up to \$40,000 and individual change orders up to \$40,000; prepares open-competitive Requests for Proposals (RFPs) or Invitation for Bids (IFBs) and approves RFPs/IFBs up to \$100,000; sets priorities including work assignments; conducts meetings with staff to review cases within boundaries of specific job duties and/or responsibilities; prepares required technical correspondence, documents and/or reports deemed as appropriate and based on case load assignments; does related work as required."

Within the Site Remediation Program, a Site Remediation Technical Specialist plans and directs site assessments to identify areas of concern and exposure pathways, determines the nature and extent of contamination, and evaluates/selects the most cost effective and environmentally sound remedial solutions. Incumbents in this title review and approve all formal documents related to the remediation. Incumbents oversee the compliance with terms and conditions of all oversight documents for multi-media contaminated hazardous/non-hazardous waste sites.

Your position directly supervises a staff responsible for cost analysis and cost accounting to identify and compile information on all Departmental funds allocated to the remediation of contaminated sites. These reports are utilized in fund recoupment from the identified responsible party. The duties and responsibilities of your position are completely supervisory and financial/cost accounting related while the Site Remediation Technical Specialist title is limited for use in the Site Remediation Program coordinating environmental projects. Your position oversees the financial or cost recovery initiatives for the Site Remediation Program. Additionally, the Site Remediation Technical Specialist is assigned to the "P" bargaining unit which does not allow for the supervision of staff. Therefore, taking the aforementioned into consideration, the Site Remediation Technical Specialist title is an inappropriate classification for the functions of this position.

The definition section of the specification for the title, Administrative Analyst 1 (R29, 50076), states:

"Under supervision of a supervisory official in a state

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Date: March 14, 2014

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department, institution, or agency, performs duties of significant difficulty and/or supervises staff involved with review, analysis, and appraisal of current department administrative procedures, organization, and performance, and prepares recommendations for changes and/or revision therein; does other related duties as required."

An Administrative Analyst 1 supervises and reviews programs/activities and evaluates their administration, objectives, efficiency, effectiveness, and suitability to current conditions, costs, and accomplishments. Incumbents in this title determine whether department activities/programs are essential to good government and are carried out economically/efficiently. An Administrative Analyst 1 supervises the development, preparation, and execution of budgets and evaluates budget requests.

Your position supervises a unit responsible for compiling cost data and implementing actions to recoup public funds expended in the remediation of contaminated sites. Your position chairs bi-weekly cost recovery meetings to review and prioritize cases to be pursued for cost recovery. Your position serves as the data quality representative for the section. Your position does not review, analyze, or appraise current department administrative procedures, organization, or performance nor recommend changes or revisions. Therefore, taking the aforementioned into consideration, the Administrative Assistant 1 title is an inappropriate classification for the functions of this position.

The definition section of the specification for the title, Administrative Analyst 1, Fiscal Management, (R29, 50076H), states:

"Under direction of an executive 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 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; does other related duties as required."

An Administrative Analyst 1, Fiscal Management supervises work activities of Administrative Analysts, Fiscal Management of lower grades planning and conducting management, statistical, and fiscal analyses of Department or Division programs. Incumbents in this title coordinate cost benefit analysis activities and makes evaluations and recommendations. An Administrative Analyst 1, Fiscal

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Management coordinates development of fiscal management standards and reporting systems and develops management reporting systems identifying expenditures and revenue. Incumbents in this title coordinate analysis of operational problems identified, compile and interpret data, and develop course of action to recover funds.

Your position directly supervises a staff responsible for cost analysis of public funds expended in the remediation of contaminated sites and the processing of liens and other methods to recoup funds expended. Your position identifies and selects cases for possible cost recovery actions through computer inquiries, Division of Law referrals, and Operations and Maintenance Group of Site Management referrals. Your position chairs cost recovery meetings to review, identify, and initiate cost recovery efforts. Your position reviews prepared cost analysis and liens to ensure correctness of information. Your position reviews innovative ways to recover public funds expended. Your position certifies lien renewal costs. Your position develops and revises unit SOPs dealing with cost recovery, lien processing, and settlements/negotiations. Your position coordinates with the Division of Law on the processing of cost recovery actions being implemented. Taking the aforementioned factors into consideration, the breadth and depth of your position within the section aligns with the professional expectations of the Administrative Analyst 1, Fiscal Management title.

**Determination:**

By copy of this letter, the Appointing Authority is advised that we will reclassify your position to Administrative Analyst 1, Fiscal Management, (R29, 50076H) effective August 10, 2013, unless they assign duties and responsibilities that are commensurate with your current title, Site Remediation Technical Specialist (P28, 15857) within thirty days of receipt of the determination letter.

The class specification for Administrative Analyst 1, Fiscal Management, (R29, 50076H) is descriptive of the general nature and scope of the functions that may be performed by an incumbent in this position. However, the examples of work are for illustrative purposes and are not intended to restrict or limit performance of related tasks not specifically listed.

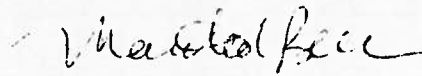
Please note that this classification determination does not imply that you will meet the eligibility requirements of the title. It is the responsibility of the Appointing Authority to ensure an incumbent meets the eligibility requirements prior to any appointment.

Name: Frank Faranca  
Date: March 14, 2014

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Please be advised that in accordance with N.J.A.C. 4A:3-3.9, you may appeal this decision within twenty (20) days of receipt of this letter. The appeal should be addressed to the Written Records Appeals Unit, Division of Appeals and Regulatory Affairs, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include a copy of the determination being appealed as well as written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,



Martha T. Bell  
Human Resource Consultant 5  
Classification and Personnel Management

MTB/rej  
C: Robin Liebeskind  
Joseph Siracusa  
CPM #07130229