

B-7



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE
ACTION OF THE
CIVIL SERVICE COMMISSION

Layoff Appeal

In the Matter of Paula Boss,
Administrative Analyst 1, Data
Processing, Department of Human
Services

CSC Docket No. 2014-2765

ISSUED: SEP 18 2014

(RE)

Paula Boss a former Administrative Analyst 1, Data Processing at the North Jersey Developmental Center requests to relax the applied uniform regulatory criteria in *N.J.A.C. 4A:8-2.1 et seq.* in order to provide her with layoff rights to the title Administrative Analyst 1.

By way of background, the Department of Human Services submitted a layoff plan to the Commission to lay off employees in various titles at the North Jersey Developmental Center, effective June 27, 2014, for reasons of economy and efficiency and over 2000 positions were impacted across facilities in the Department of Human Services. The position of the appellant was targeted in the layoff. As a result, Ms. Boss was demoted from her permanent title of Administrative Analyst 1, Data Processing to the title Administrative Analyst 2, Data Processing at the Commission for the Blind and Visually Impaired.

On appeal, the appellant argues that the definitions of the titles are substantially the same, the education is the same and the experience is only slightly different, as the Administrative Analyst 1, Data Processing title includes the "data processing" qualifier, the special skills of the Administrative Analyst 1, Data Processing exceed those of the base title, and little training would be required for an Administrative Analyst 1, Data Processing to perform the Administrative Analyst 1 duties.

The title rights for Administrative Analyst 1, Data Processing are as follows, including work week and months:

Lateral	Administrative Analyst 1, Data Processing	4E12
Demotional	Administrative Analyst 2, Data Processing	NL12
	Administrative Analyst 2, Data Processing	4E12
	Administrative Analyst 3, Data Processing	NE12
	Administrative Analyst 3, Data Processing	4012
	Administrative Analyst 4, Data Processing	NE12
	Administrative Analyst 4, Data Processing	4012

N.J.A.C. 4A:8-2.1(a) states that a lateral title right means the right of a permanent employee to exercise displacement rights as set forth in *N.J.A.C.* 4A:8-2.2 against an employee in the layoff unit holding a title determined to be the same or comparable to the affected title of the employee. For a probationary employee, a lateral title right means the right to fill a vacant position or displace a provisional or probationary employee in the same title. Title comparability shall be determined based on the following criteria:

1. The title(s) shall have substantially similar duties and responsibilities and the same class code;
2. The education and experience requirements for the title(s) are the same or similar and the mandatory requirements shall not exceed those of the affected title;
3. There shall be no special skills, licenses, certification or registration requirements which are not also mandatory for the affected title; and
4. Any employee in the affected title with minimal training and orientation could perform the duties of the designated title by virtue of having qualified for the affected title.

CONCLUSION

Usually, in an appeal of this nature, it must be determined whether the uniform regulatory criteria found in *N.J.A.C.* 4A:8-2.1 *et seq.*, in determining layoff rights was properly applied. It is an appellant's burden to provide evidence of misapplication of these regulatory criteria in determining layoff rights and the appellant must specify a remedy. A thorough review of the record establishes that the appellant's layoff rights were properly determined. In this case, the appellant is permanent in a variant title and would like bumping rights to the base title. A variant is a designation appended to a title to distinguish it from its base title because of certain aspects unique to the variant. It generally has special credentials appended.

The Administrative Analyst base title has seven active variants, and it does not have rights to the variants. It is noted that the use of occupational group categorizations, as recognized by the United States Department of Labor, was a

reasonable and objective method for identification of job similarities as required in *N.J.A.C. 4A:8-2.1* title rights criteria and the same criteria were uniformly applied to all titles in the State Classification Plan. Further, the use of the Dictionary of Occupational Titles (DOT) by the Division of Classification and Personnel Management (CPM) as a starting point for the development of 39 broad occupational groupings to enable the appropriate categorization of State job titles was appropriate and these were customized to account for the uniqueness found in occupations in the Merit System. Moreover, job specifications were used as the basis for the categorization into occupational groups. *See In the Matter of State Layoff Title Rights* (Commissioner of Personnel decided May 24, 1996), affirmed, A-5847-95T3 (App. Div. December 9, 1997).

The record further establishes that for purposes of layoff rights and determinations, CPM operationalized *N.J.A.C. 4A:8-2.1* layoff title rights criteria. Title rights for each title were determined prior to the layoff and the layoff rights determination process was automated so as to ensure objectivity and uniformity in the process of determining rights. Title rights were determined based on a comparative analysis of job specifications and application of *N.J.A.C. 4A:8-2.1(a)* and (b) title rights criteria. Title rights criteria require that potential title right options be in the same Occupational Group and Family as the affected title. The Administrative Analyst base title belongs in Occupational Group 1 (Occupations in Professional/Technical/Managerial) and in Family 16 (Occupations in Administrative Specializations). The Administrative Analyst, Data Processing variant belongs in Occupational Group 1 (Occupations in Professional/Technical/Managerial) and in Family 12 (Information Processing Systems). While they are in the same Occupational Group (Group 1 -- Professional/Technical/Managerial) they are in different Families. That is, they perform dissimilar duties and responsibilities.

For example, and in order to more fully explain this matter, the Definition portions of the job specifications for the titles Administrative Analyst 1, Data Processing and Administrative Analyst 1 are as follows:

Administrative Analyst 1, Data Processing

Under direction of a higher level supervisory officer in a State department or agency, supervises the development, implementation, and quality control of data processing systems and coordinates all data processing activities of the organization with other state agencies; does related work as required.

Administrative Analyst 1

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.

Incumbents in the Administrative Analyst 1 title perform and supervise the performance of the review, analysis, and appraisal of current department administrative procedures, organization, and performance and prepare recommendations for changes and/or revisions. They do such things as review department programs/activities and evaluate their administration, objectives, efficiency, effectiveness, and suitability to current conditions, costs, and accomplishments; determine whether department activities/programs are essential to good government and are carried out economically and efficiently; plan, conduct and develop analytical studies of operations and routines to determine feasibility for data processing, and make recommendations; provide policy assistance to operating personnel; appraise the adequacy and efficiency of operating systems; plan investigations and develop solutions to problem areas; identify and work toward eliminating unnecessary or wasteful administrative practices and positions; develop standards and reporting systems for assessing agency performance; stimulate and assess new administrative ideas and approaches; analyze and develop solutions to operational problems; supervise aspects of budgeting; supervise planning and installation of administrative improvements; analyze legislation for budgeting purposes and reports for unfavorable conditions. In short, applicants must have primary experience being 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). While data processing applications is a listed specialized area in the experience requirement, it refers to administrative procedures, organization, and performance with respect to data processing applications, and not to data processing systems. If it were to be read the other way, there would be no need for the data processing variant.

An Administrative Analyst 1, Data Processing is required to perform such duties as providing guidance to management in determining operating policy and priorities concerning the data processing requirements; planning and conducting studies of existing operations and procedures to determine feasibility for data processing; providing guidance in the preparation of schedules regarding the installation or conversion to new or revised systems; participating in evaluating the suitability, objectives, efficiency, effectiveness, and administration of data processing, manual and/or mechanical systems and programs; analyzing reports to detect work backlogs and system problems, and investigating and developing solutions for them; coordinating and initiating requests for data processing services; establishing statistical, financial, and operating systems, logs, and reports;

maintaining accurate control records and follow up procedures for all ongoing data processing projects; conducting training on new or existing systems; participating in administrative planning, as well as in organization, administrative, and procedural studies, and in electronic data processing planning and research; providing policy guidance and coordinating feasibility studies requiring the detailed analysis of existing functions and the preparation of cost estimates to determine the advisability of changing or reviewing data processing programs; and reviewing the finished product and making appropriate recommendations.

Thus, the variant Administrative Analyst 1, Data Processing title develops, implements, and assures quality control of data processing systems and coordinates all data processing activities, whereas the base Administrative Analyst 1 title is responsible for review, analysis, and appraisal of current department *administrative* procedures, organization, and performance, and preparing recommendations for changes and/or revision. Therefore, these titles are not functionally similar.

Based on the above, there is no basis to relax the criteria in *N.J.A.C. 4A:8-2.1 et seq.* in order to provide the appellant with layoff rights to the title Administrative Analyst 1, as no good cause has been shown. As previously mentioned, the titles are functionally dissimilar and there is no error in the determination of layoff rights in this circumstance.

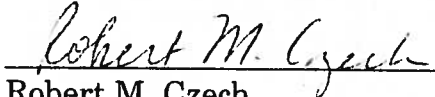
Thus, a review of the merits fails to establish that Ms. Boss's layoff rights were determined incorrectly and the appellant has not met her burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal and request 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 17th DAY OF SEPTEMBER, 2014



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