

B-86



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Kelly Ottobre,
Department of Law and Public Safety

CSC Docket No. 2014-3163

Classification Appeal

ISSUED: FEB - 9 2015

(LDH)

Kelly Ottobre appeals the attached decision of the Division of Classification and Personnel Management (CPM) that determined the proper classification of her position with the Department of Law and Public Safety is Grants Specialist. Ottobre seeks a Contact Administrator 3 classification in this proceeding.

The record in the present matter establishes that Ottobre is currently serving provisionally, pending a promotional examination in the title of Administrative Analyst 1.¹ As a result, a promotional examination for the subject title was announced with a closing date of February 21, 2013. Initially, the appellant was admitted to the written examination which was held on October 29, 2013. During an audit of her application, the Division of Selection Services (Selection Services) asked CPM for a review of the appellant's classification. The promotional examination's scores are being held pending the decision of the appellant's classification. CPM based its decision on the Position Classification Questionnaire, phone audit and the appellant's most recent Performance Assessment Review. The position is located in the Division of Highway Traffic Safety, Department of Law and Public Safety. CPM found that the appellant's duties and responsibilities are: ensuring expenditures are in compliance with grant guidelines, State and federal regulations; reviewing and submitting grant information into GTS and SAGE systems; utilizing NJCFS for electronic transfer of grant funds; developing budget controls to meet fiscal constraints, State and federal guidelines; and preparing annual budget requests and financial status reports. Thus, CPM concluded that the

¹ The appellant's permanent title is Grants Manager.

duties of Ottobre's position were appropriately classified by the title of Grants Specialist, effective April 5, 2014.

On appeal, Ottobre does not dispute CPM's determination. However, she argues that the appointing authority has since given her new duties and responsibilities that are commensurate with a Contract Administrator 3 classification. Specifically, she asserts that she is responsible for the supervision of an Administrative Analyst 3 and is performing grant administration duties. Thus, she maintains that a Contract Administrator 3 classification is more appropriate to her current duties. Lastly, she asserts that it would be unfair for her to be admitted and take the examination for Administrative Analyst 1 (PS6737P), yet be deemed ineligible after the fact.

CONCLUSION

In the instant matter, the appellant does not dispute that the title of Grants Specialist was the appropriate classification for her position based upon CPM's review of her duties and responsibilities. Rather the appellant argues that the appointing authority has assigned her new duties which involve the supervision of an Administrative Analyst 3. However, though the appellant may have been given new duties and responsibilities, it is irrelevant to the instant appeal.² The foundation of position classification, as practiced in New Jersey, is the determination of duties and responsibilities being performed at a given point in time as verified by this agency through an audit or other formal study. This agency's established classification review procedures in this regard have been affirmed following formal Civil Service Commission review and judicial challenges. See *In the Matter of Community Service Aide/Senior Clerk (M6631A)*, *Program Monitor (M62780)*, and *Code Enforcement Officer (M00410)*, Docket No. A-3062-02T2 (App. Div. June 15, 2004).

With regard to the appellant's argument that she was admitted and took the Administrative Analyst 1 (PS6737P) examination, a determination of ineligibility can be made at any point in the selection and appointment process. See *N.J.A.C. 4A:4-6.1* and *6.2*. The fact that she was admitted in error to that examination does not provide her with an entitlement to eligibility. No vested or other rights are accorded by an administrative error. See *Cipriano v. Department of Civil Service*, 151 *N.J. Super.* 86 (App. Div. 1977); *O'Malley v. Department of Energy*, 109 *N.J.* 309 (1987); *HIP of New Jersey v. New Jersey Department of Banking and Insurance*, 309 *N.J. Super.* 538 (App. Div. 1998).

² If the appellant's duties have changed, she may request that the Division of Agency Services preform a new classification review of her current duties.

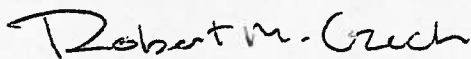
A thorough review of the information presented in the record establishes that Ottobre's position was properly classified as a Grants Specialist and she has presented no arguments that CPM's decision was incorrect.

ORDER

Therefore, the position of Kelly Ottobre is properly classified as Grants Specialist, effective April 5, 2014. Also, the Department of Law and Public Safety shall immediately place the appellant in the Grants Specialist title or her permanent title of Grants Manager, effective April 5, 2014, and effectuate steps for salary repayment. Failure to initiate procedures to properly effect changes to the appellant's classification by the appointing authority within 10 days of receiving this determination shall subject it to fines and penalties pursuant to *N.J.A.C. 4A:10-2.1*. Any actions taken by the appointing authority in this matter shall be promptly reported to the Division of Agency Services.

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 4TH DAY OF FEBRUARY, 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: Kelly Ottobre
Mirella Bednar
Kenneth Connolly
Joseph Gambino



Chris Christie
Governor
Kim Guadagno
Lt. Governor

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

Robert M. Czech
Chair/Chief Executive Officer

March 14, 2014

Ms. Mirella Bednar, Director of Human Resource Management
Department of Law and Public Safety
Division of Personnel
P.O. Box 081 Trenton, NJ 08625-0081

**Re: Classification Review--Administrative Analyst 1, Position # 943348,
Log # 07130064**

Dear Ms. Bednar:

This is to inform you and the incumbent, Kelly Ottobre, of our determination concerning the classification review referenced above. The determination is based upon the results of a detailed analysis of the Position Classification Questionnaire, information obtained during a phone audit on January 29th, 2014, and Ms. Ottobre's most recent Performance Assessment Review.

Issue:

Ms. Ottobre is serving provisionally (PAP) in the title, Administrative Analyst 1 (50076, R29), and holds permanent status (RAP) in the title, Grants Manager (51082, M28). A review of Ms. Ottobre's duties was initiated as a result of a request from the Division of Selection Services, Civil Service Commission, upon receiving an application for the promotional examination for the title, Administrative Analyst 1 (PS6737P). The description of current job duties provided in the application appears to be inconsistent with the definition of the job specification for the title.

Organization:

Ms. Ottobre is assigned to the Fiscal Unit of the Division of Highway Traffic Safety, Department of Law and Public Safety. She reports to Gary Poedubicky, Manager Office of Highway Safety, Law and Public Safety (17466, M32).

Findings of Fact:

The incumbent performs the following duties and responsibilities:

- Ensures expenditures are in compliance with grant guidelines, state, and federal regulations.

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- Reviews and submits grant information into GTS and SAGE systems.
- Utilizes NJCFS for electronic transfer of grant funds.
- Develops budgets and budget controls to meet fiscal constraints, state and federal guidelines.
- Prepares annual budget requests and financial status reports.

Review and Analysis:

The definition section of the class specification for the title, Administrative Analyst I(R29), 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."

An incumbent properly classified in this title evaluates the functioning of a department to improve work systems and determine if established programs are essential, effective and economically efficient. She/He investigates administrative practices to identify inefficiencies and eliminate unnecessary procedures and positions. She/He evaluates program objectives, methods of operations, costs, and accomplishments to identify problem areas and prepare recommendations to improve administrative functioning.

The primary responsibility assigned Ms. Ottobre's position is not analyzing and appraising the efficiency of program operations. The primary function of the position is to audit expenditures to ensure compliance with grants guidelines and agreements as well as state and federal regulations.

The definition of the class specification for the title, Grants Specialist (P27), states:

"Under the direction of a supervisory official, in a state department or agency, is responsible for the management of assigned federal and private grants within the department and the development of methods and means to secure new funds for proposed programs; does other related duties."

A position assigned this title is responsible for the preparation of budgets and financial status reports. She/He monitors expenditures to ensure compliance with grant guidelines and state and federal regulations. She/He assists in implementing procedures to oversee the accuracy of accounting and efficiency of work flow. She/He ensures proper utilization of resources and makes budgetary amendments as needed. She/He operates computerized grant information systems to input and analyze data for the preparation of reports, issuance of reimbursements and tracking of expenditures. The duties and responsibilities assigned to Ms. Ottobre's position compare most favorably with the definition section and the examples of work of the class specification for the title, Grants Specialist.

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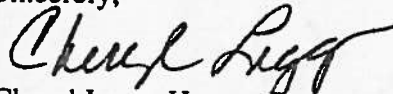
Determination:

Within thirty days of receipt of this letter, this department will initiate procedures to reclassify Ms. Ottobre's position to the title, Grants Specialist, effective April 5, 2014, unless duties and responsibilities are assigned commensurate with her permanent title, Grants Manager. If she is to be returned to her permanent title, then please provide documentation by submitting a Position Classification Questionnaire (DPF-44S) and an organization chart within the timeframe indicated.

For encumbered positions, please advise the employee that this classification determination does not imply she 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.

An appeal of this decision may be filed within twenty days of receipt of this letter. Since an appeal will be subject to final administrative review, all arguments that you wish considered should be submitted within the specified timeframe. Appeals should be addressed to the Division of Appeals and Regulatory Affairs, New Jersey Civil Service Commission, 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 portion(s) of the determination being disputed and the basis for the appeal.

Sincerely,



Cheryl Legg, Human Resource Consultant 5
Classification and Personnel Management

CL/sr

C: Kelly Ottobre
Jane Bando
File