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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Richard Lambert,
Board of Public Utilities

Classification Appeal

CSC Docket No. 2015-38

ISSUED: MAR - 6 2015 (SLK)

Richard Lambert, 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 Customer Representative 1, Public Utilities. The appellant seeks a classification of Administrative Analyst 2.

The record in the present matter establishes that the appellant's permanent title is Administrative Analyst 3. Mr. Lambert then began provisionally serving as an Administrative Analyst 2 in June 2011. The appellant then applied for the promotional examination for Administrative Analyst 2 (PS8142R). The Division of Selection Services¹ (Selection Services) reviewed Mr. Lambert's application and referred the matter of his 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 as Customer Representative 1, Public Utilities and assigned an effective date of July 12, 2014.²

¹ CPM and the eligibility review function of Selection Services are now both known as the Division of Agency Services.

² According to agency records, the appellant was provisionally appointed to Supervising Customer Representative, Public Utilities, effective January 10, 2015.

On appeal, Mr. Lambert presents that his three primary areas of work that consume 50 percent of his time are the analysis and preparation of call center reports, division lead for the development and analysis of a new database system, and the analysis of complaint data and trends for division reports. The appellant maintains that these duties involve the review and analysis of incoming calls and complaints processed in order to recommend changes to better allocate staff resources and improve accessibility by utility customers. Mr. Lambert asserts that his work is primarily geared to analyzing the effectiveness of his unit's current administrative and organizational structure to determine the most efficient use of employment resources and emphasizes that he does not perform frontline customer complaint investigations. Moreover, Mr. Lambert contends that the determination upends the pre-existing professional title career ladder within his unit and repeals the 2007 BPU Reclassification Plan that was approved by the Civil Service Commission (Commission). The appellant also highlights that his union and BPU agreed to use the Administrative Analyst title series to reflect the increasing specialization and diverse skills required for those with higher levels of responsibility and the selection of the Administrative Analyst title series was to supplant existing titles, which was agreed upon with the consent and assistance of the Commission.

Dianne Solomon, President, BPU, and Jeanne Fox, Commissioner, BPU, submitted letters in support of this appeal. In pertinent part, they state that the appellant's position should be classified as Administrative Analyst 2 and that CPM's decision contravenes a 2007 professional and supervisory reclassification plan negotiated with the Communications Workers of America and implemented with the Commission's input and approval of the Governor's Office. Specifically, they state that it was agreed that employees in BPU specific titles would uniformly move into the titles of Administrative Analyst 2 and Administrative Analyst 1 after service in BPU specific entry and mid-level titles, such as Rate Analyst Trainee, Rate Analyst 3, and Rate Analyst 2.

CONCLUSION

N.J.A.C. 11A:3-1(d) states that the Commission shall assign and reassign titles to appropriate positions.

Initially, the appellant contends that CPM's decision contravenes a 2007 professional and supervisory reclassification plan negotiated with the CWA that was approved by the Commission. However, the appellant does not provide a copy of the plan or any documentation with his appeal submissions evidencing that the Commission formally approved use of the Administrative Analyst title series for use of the top professional level titles in each traditional BPU title series. More importantly, such an agreement could not be sanctioned by the Commission, as it could undermine the State classification plan and this agency's statutory duty to

ensure that positions are properly classified. Therefore, while the BPU and the CWA may have agreed to this plan, the purpose of position classification is not to provide a career path to an incumbent or any group of individuals, but rather to ensure the position is classified in the most appropriate title available within the State's classification plan. See *In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005).

The definition section of the job specification for Customer Representative 1, Public Utilities states:

Under direction of the Assistant Chief, in the Bureau of Customer Assistance, Board of Public Utilities, does the more complex field and office work involving the preparations and resolutions and investigations of customer complaints and/or administrative hearings and/or litigation concerning the character of service, rates, procedures, or facilities, and performs office and administrative work required in connection with such complaints; does other related work.

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 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 duties the appellant listed on his PCQ, it is clear that he is primarily responsible for the work involving the preparation, resolution, and investigation of customer complaints. Although the performance of these duties involves such things as reviewing and analyzing data in order to better allocate staffing resources and improving the accessibility of the customer complaint process, it is clear that the position is primarily involved in customer assistance. Additionally, 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

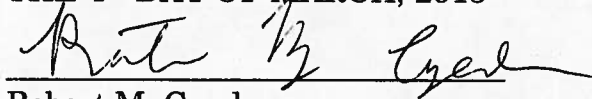
definition portion of the job specification is appropriately utilized. Further, the appellant supervises two Customer Representative 2s, Public Utilities. Incumbents in the Administrative Analyst 2 title are not assigned supervisory responsibility while the job specification for Customer Representative 1, Public Utilities specifically indicates that incumbents supervise Customer Representatives of a lower grade. Accordingly, the appellant's position is properly classified as Customer Representative 1, Public Utilities.

ORDER

Therefore, the Civil Service Commission concludes that Richard Lambert's position is properly classified as an Customer Representative 1, Public 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

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and
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Attachment

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



Chris Christie
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Kim Guadagno
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STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
DIVISION OF CLASSIFICATION AND PERSONNEL MANAGEMENT
P.O. Box 313
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Robert M. Czech
Chair/Chief Executive Officer

June 3, 2014

Mr. Richard Lambert
P.O. Box 350
Trenton, N.J 08625

Subject: Classification Review – Mr. Richard Lambert (Employee Id#: 000328999); Board of Public Utilities; CPM#: 05140286.

Dear Mr. Lambert:

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 #PS8142R), the New Jersey Civil Service Commission (NJCS) 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 Customer Assistance. You have supervisory responsibilities over two employees serving in the title of Customer Representative 2, Public Utilities (56779, P21), Anthony Visco and Raymond Matos. You have been serving provisionally in the title of Administrative Analyst 2, (50075, P26) since June 18, 2011.

Findings of Facts:

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

- Takes lead of staff responsible for monitoring, tracking and investigating trends and volume of customer complaints on specific utility problems that could be resolved through BPU regulatory intervention.
- Reviews and prepares a monthly report and recommendations for improvement on policies and procedures for the Division Director as it affects customers' complaint processing including investigation and disposition.

- Analyzes and investigates customers' complaints on rate cases against utilities and cable television companies operating in New Jersey and prepares reports to ensure compliance with the New Jersey Administrative Code and recommends improvement to current technological infrastructures.

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 Customer Representative 1 Public Utilities (56785, R24).

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 tracking, monitoring and investigating customer complaints in the call center.

The definition for the title Customer Representative 1 Public Utilities (56785, R24) states:

"Under direction of the Assistant Chief, in the Bureau of Customer Assistance, Board of Public Utilities, does the more complex field and office work involving the preparations and resolutions and investigations of customer complaints and/or administrative hearings and/or litigation concerning the character of service, rates, procedures, or facilities, and performs office and administrative work required in connection with such complaints; does other related work."

An incumbent in this title investigate customers' complaints and prepares reports based on investigation. The duties of your position include tracking and monitoring customer complaints and making recommendations to ensure compliance on the part of utility companies to rules and regulations. 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. Richard Lambert are commensurate with the attached job specification for the title of Customer Representative 1, Public Utilities (56785, R24). 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

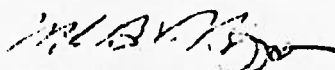
Mr. Richard Lambert
June 3, 2014

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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 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