

On appeal, Mr. Peters presents that CPM ignored details of his responsibilities as outlined in his PCQ which indicate that he made recommendations to improve processes, procedures, and changes and additions to programs. Additionally, Mr. Peters provides that he indicated seven other items on his PCQ that take up approximately 45 percent of his time, or almost half his time, which the reviewer did not address. Further, the appellant represents that sometimes these seven other items can be assigned to him on a nearly full-time basis for extended periods of times such as the development of new databases, reviewing mergers and acquisitions, and the review of existing rules and regulations. Mr. Peters argues that his duties are almost a perfect match to the job specification of an Administrative Analyst 2. While the appellant acknowledges that he does perform the duties of a Telecommunications Systems Analyst 3, he states that his work goes far beyond these duties, including working with the Division of Taxation in recovering millions of dollars in unpaid taxes and working with the Department of Transportation for the purpose of expediting road improvement projects where delays in utility line relocations were costing the State millions of dollars. Moreover, Mr. Peters 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.

Jeanne Fox, Commissioner, BPU, submitted a letter in support of this appeal. In pertinent part, she states 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, she states 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 Telecommunications Systems Analyst 3 states:

Under general direction of a supervisory official or a Telecommunications Systems Analyst 1 or 2 in a State department or agency, assists in the planning and provision of effective and economic telecommunications facilities and services throughout the State; performs related studies and evaluations involving voice and data transmission, computerized and electro-mechanical switching; keeps abreast of modern telecommunications technology; does related work as required.

The definition section of the job specification for 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 work duties listed on his PCQ, Mr. Peters represented that his duties include making recommendations to improve processes, changes and additions to programs, improvements in existing procedures, adopting and changing rules and regulations, and creating new system reporting requirements. However, these duties are clearly part of his responsibilities to report and recommend new equipment and technology where necessary to investigate and resolve complaints and disputes with various service

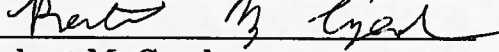
providers, which is consistent with a Telecommunications Systems Analyst 3 classification. Additionally, the fact that some of an employee's assigned duties may compare favorably with some examples of work found in a given job specification is not determinative for classification purposes, since, by 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. Accordingly, the appellant's position is properly classified as Telecommunications Systems Analyst 3.

ORDER

Therefore, the Civil Service Commission concludes that Bernard Peters' position is properly classified as Telecommunications Systems Analyst 3.

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
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Robert M. Czech
Chair/Chief Executive Officer

June 3, 2014

Mr. Bernard Peters
P.O.Box 350
Trenton, N.J 08625

Subject: Classification Review – Mr. Bernard Peters (Employee Id#: 000343399); Board of Public Utilities; CPM#: 05140288.

Dear Mr. Peters:

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 #PS8131R), the New Jersey Civil Service Commission (NJSCS) 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 Cable Television. 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:

- Conduct field inspections of cable television and telecommunication facilities assessing equipment performance and write reports and also make recommendations for new equipment and technology.
- Serve as liaison with other departments and attend committee meetings and hearings regarding technical information, complaints and settlement issues as it affects office of cable television.
- Investigate, analyze and resolve complaints from various municipalities and cable television subscribers regarding service qualities, outages, billing and other service related matters.

- Ensure compliance of service providers to the existing industry standards, rules and regulations by recommending justification for approval or denial of petitions.

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).

→ error - TSA 3.

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 organizational, and analysis of department and/or division programs. The duties of your position are not commensurate with this title because the duties of your position include conducting field inspections of cable and telecommunication facilities; investigating and resolving cable television subscriber complaints with the various service providers.

The definition for the title Telecommunications Systems Analyst 3 (53043, P25) states:

"Under general direction of a supervisory official or a Telecommunications Systems Analyst 1 or 2 in a state department or agency, assists in the planning and provision of effective and economic telecommunications facilities and services throughout the state; performs related studies and evaluations involving voice and data transmission, computerized and electro-mechanical switching; keeps abreast of modern telecommunications technology; does related work as required."

An incumbent in this title conduct field inspections of cable and telecommunication facilities; prepares report and recommends for new equipment and technology where necessary. The duties of your position include investigating and resolving cable television subscriber complaints/disputes with the various service providers. 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. Bernard Peters are commensurate with the attached job specification for the title of Telecommunications Systems Analyst 3 (53043, P25). 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

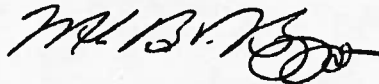
Mr. Bernard Peters
June 3, 2014

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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 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