



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Heather Frank-
Cavallo, Department of the Treasury

Classification Appeal

CSC Docket No. 2016-1904

ISSUED: **NOV 2 5 2016** (SLK)

Heather Frank-Cavallo appeals the attached decision of the Division of Agency Services (Agency Services) that the proper classification of her position with the Department of the Treasury is Administrative Analyst 2, Information Systems. The appellant seeks a classification of Administrative Analyst 3, Information Systems.

The record in the present matter establishes that at the time of her classification appeal, Ms. Frank-Cavallo's permanent title was at the equivalent level of Administrative Analyst 1, Information Systems.¹ The appellant is assigned to the Division of Taxation, Technology Series and reports to Terri Burd, Administrative Analyst 4, Information Systems. The appellant does not have supervisory responsibility. Ms. Frank-Cavallo sought a reclassification of her position, alleging that her duties were more closely aligned with the duties of Administrative Analyst 3, Information Systems. In support of her request, she submitted a Position Classification Questionnaire (PCQ) detailing the different duties she performs as an Administrative Analyst 1, Information Systems. Agency Services reviewed and analyzed the PCQ and additional information and documentation. On October 28, 2015, Agency Services conducted a telephone audit with Ms. Frank-Cavallo and Ms. Burd. In its decision, Agency Services determined

¹ At the time she filed her classification review, her permanent title was Administrative Analyst 4, Data Processing. However, effective October 3, 2015, the variant for the title series changed from "Data Processing" to "Information Systems" and the numeric value associated with each level for the title series changed from descending to ascending, and the job specifications were changed.

that the duties performed by the appellant were consistent with the definition and examples of work included in the job specification for Administrative Analyst 2, Information Systems.

On appeal, Ms. Frank-Cavallo presents email correspondence with different individuals to demonstrate instances where she exercised independent initiative and judgment without supervision. She provides that she conducts extensive analysis and evaluation of user needs and she makes information technology recommendations to support user and agency functions. She emphasizes that her analysis is performed independently as there is no one from information technology to assist her. She claims that she performs that same duties as two other Administrative Analyst 3s, Information Systems in her unit. She represents that she is the backup administrator for Taxation Web and performed these duties for almost six months when the administrator was out on leave. She maintains that she works under general supervision and not limited supervision as she seldom refers matters to her supervisor except for clarification of policy. She attaches a letter from her supervisor which states that she performs her work under general supervision. She submits examples of her work which she states is identical to the work that others in her unit, who are classified as Administrative Analyst 3, Information Systems, perform. She notes that her audit was performed over five months after her appeal was forwarded to Agency Services, she indicates that there were changes to the jobs specifications for the title series when the variant changed from "data processing" to "information systems" and she contends that the prior job specifications under the "data processing" variant should have been used since those were in place at the time she filed her classification appeal.

In response, Agency Services states that all the documentation and information that was submitted at the time of her telephone audit established that she received limited supervision. Further, this information did not establish that she recommended information technology policies and procedures or exercised independent initiative and judgment in planning and carrying out assigned functions. Based on a review of the organization chart, it highlights that two of the individuals that it presumes she is referencing do not serve in the Administrative Analyst 3, Information Systems title. Furthermore, it emphasizes that the classification of a position cannot be based upon a comparison to the duties of another person. It asserts that her email attachments were not presented at the time of her classification review and thus cannot be considered on appeal. Regardless, it maintains that these attachments do not clearly demonstrate the frequency and the level of independent initiative and judgment needed to establish that her duties rise to the level of an Administrative Analyst 3, Information Systems. It also states that there was a delay in the determination of her appeal due to a large volume of appeals and various other factors.

CONCLUSION

The definition section of the job specification for Administrative Analyst 2, Information Systems states:

Under limited supervision of an Administrative Analyst 4, Information Systems, or other supervisory officer in a State department or agency, assists in the analysis and evaluation of internal operations, business practices, methods, and techniques of the organization to determine optimal solutions and/or approaches to satisfy agency information technology (IT) business needs/initiatives. Assists in the evaluation of users' needs and recommends IT solutions; does other related duties as required.

The definition section of the job specification for Administrative Analyst 3, Information Systems states:

Under general supervision of an Administrative Analyst 4, Information Systems, or other supervisory officer in a State department or agency, performs the analysis and evaluation of internal operations, business practices, methods and techniques of the organization to determine optimal solutions and/or approaches to satisfy agency information technology (IT) business needs/initiatives; evaluates users' needs and recommends (IT) solutions; provides recommendations in support of the agency's business needs and IT goals and objectives; formulates and/or recommends IT policies and procedures; may function as project leader; does other related duties as required.

The Commission agrees with Agency Services' determination that the appellant's position is properly classified as Administrative Analyst 2, Information Systems. Based on the job specifications, the main difference between the titles in question is that an Administrative Analyst 2, Information Systems works under limited supervision while an Administrative Analyst 3, Information Systems works under general supervision. On the appellant's PCQ, dated April 10, 2015, she indicated that she worked under limited supervision and her supervisor and program manager or division director agreed with her statement of her duties. On the appellant's ePAR, dated April 23, 2015, her supervisor specifically stated that the appellant was working under limited supervision. Further, the reviewer's notes from the October 28, 2015 telephone audit indicate that both the appellant and her supervisor stated that she is now working under limited supervision. Therefore, while the appellant and her supervisor are now claiming that she is working under general supervision, the record supports Agency Services' finding that she was working under limited supervision at the time of the classification review.

In reference to the appellant's claim that she independently evaluates user and agency needs, her PCQ indicates that she spends the majority of her time creating and designing website based database programs, coordinating and implementing requests for data processing services, acting as the Administrator for the Branch's eRef application, and acting as the Administrator of TaxCom website. Further, the reviewer's notes from the telephone audit do not indicate that the appellant spent the majority of her time or that it was a major responsibility for her to make recommendations in support of the agency's business needs and information technology goals and objectives and to formulate and/or recommend information technology policies and procedures. Additionally, the appellant's email and other submissions on appeal cannot be considered since they were not presented at the time of the classification review. Further, even if they were considered, they do not by themselves indicate that she spent the majority of her time using independent initiative and judgment that rises to the level of an Administrative Analyst 3, Information Systems. With regard to the appellant's comments that her duties are the same as others who have their position classified as Administrative Analyst 3, Information Systems, a classification appeal cannot be based solely on a comparison to the duties of another position, especially if that position is misclassified. See *In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided March 16, 1995); *In the Matter of Dennis Stover, Middletown Township* (Commissioner of Personnel, decided March 28, 1996). See also, *In the Matter of Lorraine Davis, Office of the Public Defender* (Commissioner of Personnel, decided February 20, 1997), *affirmed*, Docket No. A-5011-96T1 (App. Div. October 3, 1998).

In response to her comments regarding the timeliness of her classification review, the record indicates that Agency Services received the appeal on May 7, 2015. Agency Services' determination letter is dated November 5, 2015. Under *N.J.A.C. 4A:3-3.9(c)8*, the determination shall be issued within 180 days of receipt of the appeal. Agency Services explains that there was a delay due to a large volume of cases and other factors. Regardless, the determination letter was issued within the required regulatory time frame.

With regard to the appellant's argument that Agency Services should have used the job specifications for Administrative Analyst 2, Data Processing at the time she filed her classification appeal, while generally the job specifications that are in place at the time Agency Services receives a request for a classification appeal are used for the review, there were job specification revisions to all levels of the Administrative Analyst, Data Processing title series under way at the time the appellant submitted her classification appeal. These revisions were made as a result of a number of meetings and discussions with State appointing authorities due to changes in the field of information technology. The appellant's completed PCQ was received by Agency Services on May 7, 2015 and the modifications to the

job specifications and name change to the Administrative Analyst, Information System title series became effective October 3, 2015. However, it would not have been appropriate to utilize the prior job specification in this case as it could have resulted in this position being currently misclassified. Consequently, Agency Services correctly determined that it was inappropriate to classify her position based on outdated job specifications. However, even utilizing the prior job specification, the appellant's position would not have been reclassified to Administrative Analyst 2, Data Processing.

The definition section of the job specification for Administrative Analyst 2, Data Processing states:

Under direction of a supervisory official, performs tasks involved in the development, implementation, and quality control of the various manual, mechanical and automated data processing systems of the organization; coordinates all data processing activities of an agency, division, small department, or large bureau.

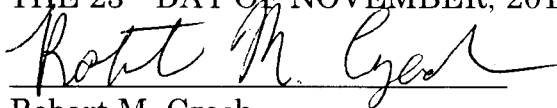
At the time her classification appeal was received, a review of the appointing authority's organization chart reveals that she was one of three members of the Database/IVR support team performing data processing analyst duties. As such, she did not coordinate all data processing activities of an agency, division, small department, or large bureau. Accordingly, her duties were not consistent with an Administrative Analyst 2, Data Processing classification.

ORDER

Therefore, the Civil Service Commission concludes that the position of Heather Frank-Cavallo is properly classified as an Administrative Analyst 2, Information Systems.

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 23rd DAY OF NOVEMBER, 2016



Robert M. Czech

Chairperson

Civil Service Commission

Inquiries
and
Correspondence

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: Heather Frank-Cavallo
Douglas Ianni
Kelly Glenn
Records Center



STATE OF NEW JERSEY
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Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

November 5, 2015

Ms. Heather Frank-Cavallo

**Re: Classification Appeal, Administrative Analyst 1 Information Systems,
AS Log # 05150181 Position # 094128 EID # 000374458**

Dear Ms. Frank-Cavallo:

This is to inform you, and the Department of the Treasury of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information and documentation submitted and a telephone audit conducted with you, and your immediate supervisor, Terri Burd, on October 28, 2015.

Issue:

Please note that following the submission of this appeal, there were title changes made to the titles in the Administrative Analyst, Data Processing job series. The class code and salary range has remained unchanged for each level in the series; however the numeric value associated with each level is now in ascending order; and the variant has been changed from "Data Processing" to "Information Systems." All references to titles in this determination letter will reflect updated title names.

You are appealing that your current title of Administrative Analyst 1, Information Systems (P19) is not consistent with your current assigned duties and responsibilities. You contend that the title of Administrative Analyst 3, Information Systems (P26) is an appropriate title for your position.

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Organization:

Your position is located in the Department of the Treasury, Division of Taxation, Technology Solutions and you report directly to Terri Burd, Administrative Analyst 4, Information Systems (R29). Your position does not possess supervisory responsibility.

Finding of Fact:

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

- Creating and designing website-based database programs. Databases are used to run queries and save data.
- Revising and developing automated applications which include import and export record formats, call flow routing, language packets and testing.
- Coordinating and implementing requests for data processing services. Analyzing existing operations and making improvements to satisfy users.
- Administering the Branch's eRef program. Writing and editing content, maintaining web page design layouts and features using Cascading Style Sheets and HTML extensions.
- Administrator of the Division of Taxation's intranet website, Taxcom. Writing and editing content, maintaining webpage design layouts, and features HTML extensions.
- Serving as a liaison with the Division of Revenue and Enterprise Services (DORES) and the Division of Taxation's website function. Coordinating requests for updates and approve updates for posting.

Review and Analysis:

In reviewing your request, various titles were examined in relation to the overall duties being performed by your position to determine the appropriate classification for the tasks described by you and your supervisor.

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Your position is currently classified by the title Administrative Analyst 1, Information Systems (50072D-P19). The definition section of the job specification for this title states:

"Under close supervision of a supervisory officer in a state department or agency, assists in the analysis and evaluation of internal operations, business practices, methods, and techniques of the organization to determine optimal solutions and/or approaches to satisfy agency information technology (IT) business needs/initiatives. Assists in the evaluation of users' needs and in the preparation of recommendations for IT solutions; does other related duties as required."

A review of your position finds that your position has been assigned duties and responsibilities of a higher level than those associated with the title above.

Your classification appeal submission indicates that you believe the title Administrative Analyst 3, Information Systems (50075G-P26) is an appropriate title for your position. The definition section for this title states:

"Under general supervision of a supervisory officer in a state department or agency, performs the analysis and evaluation of internal operations, business practices, methods and techniques of the organization to determine optimal solutions and/or approaches to satisfy agency information technology (IT) business needs/initiatives; evaluates users' needs and recommends (IT) solutions; provides recommendations in support of the agency's business needs and IT goals and objectives; formulates and/or recommends IT policies and procedures; may function as project leader; does other related duties as required."

The definition section of the job specification for the title, Administrative Analyst 2, Information Systems (50073F-P21) states:

"Under limited supervision of a supervisory officer in a state department or agency, assists in the analysis and evaluation of internal operations, business practices, methods, and techniques of the organization to determine optimal solutions and/or approaches to

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satisfy agency information technology (IT) business needs/initiatives. Assists in the evaluation of users' needs and recommends IT solutions; does other related duties as required."

The Administrative Analyst 2, Information Systems and Administrative Analyst 3, Information Systems are similar in nature as they are part of the same title series. However, incumbents of the Administrative Analyst 3, Information Systems title receive general supervision; exercise independent initiative and judgment in planning and carrying out assigned functions; and may function as a subject matter expert. A thorough review of your position finds that the position does not rise to the level of an Administrative Analyst 2, Information Systems.

Your position receives limited supervision and provides support for the technology-based solutions being utilized for taxpayer filings and information dissemination. Your position creates and designs website database programs; coordinates and implements requests for data processing services; acts as an administrator for the eRef application; acts as a liaison with Division of Revenue and Enterprise Services staff; maintains essential data in SQL databases; and performs other duties in supporting and enhancing technology utilized through the Division of Taxation.

A comprehensive review and analysis of the assigned duties and responsibilities of your position finds that it is significantly descriptive and consistent with tasks classified by the title, Administrative Analyst 2, Information Systems.

Determination:

Based upon the findings of fact above, it is my determination that the assigned duties and responsibilities of your position are properly classified by the title Administrative Analyst 2, Information Systems (50073F-P21), effective May 30, 2015.

The Civil Service Commission will work with the Department of the Treasury to effectuate this transaction.

The New Jersey Administrative Code 4A:3-3.5(c)1 states that "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 an employee's position; assign duties and

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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 application rules.

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. This appeal should be addressed to 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,



Joseph Ridolfi, Team Leader
Agency Services

JR/tc

C: Ms. Laura Budzinski, Treasury Human Resources
PMIS Unit, CSC

