



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Rosemarie Millan,  
Department of Environmental  
Protection

Request for Reconsideration

CSC Docket No. 2016-2203

ISSUED: **NOV 29 2016** (HS)

Rosemarie Millan requests reconsideration of the attached final decision, rendered on November 18, 2015, which upheld the determination of the Division of Agency Services (Agency Services) that her position with the Department of Environmental Protection is properly classified as an Administrative Assistant 3. She seeks an Administrative Analyst 3 classification in this proceeding.

By way of background, the petitioner requested a classification review in December 2014 seeking an Administrative Analyst 3 classification. Agency Services received the request and performed a review of all submitted information, including a Position Classification Questionnaire, and performed a telephone audit with the petitioner and her supervisor. Agency Services determined that the petitioner's assigned duties and responsibilities were commensurate with the title of Administrative Assistant 3. The petitioner appealed Agency Services' determination to the Civil Service Commission (Commission), which upheld that determination.

In her request for reconsideration, the petitioner contends that it is possible to accurately review duties that were performed in the past and claims that she has been performing the duties of an Administrative Analyst 3 since 2006.<sup>1</sup> For example, she states that she regularly meets with management teams to review

<sup>1</sup> Agency records indicate that the petitioner served in the title of Senior Clerk Typist from December 25, 2004 to January 14, 2011. She has been serving in the title of Administrative Assistant 3 since January 15, 2011.

administrative and fiscal procedures and to provide input and recommendations on ways that the division can be more efficient and effective. She requests that she be approved for the requested title and/or be given credit for the appropriate years of experience and seeks recognition that her current duties align with the requested title. In support, the petitioner submits her Performance Assessment Review (PAR) forms for the rating cycles ending in each year from 2007 through 2016, inclusive.<sup>2</sup>

### CONCLUSION

*N.J.A.C.* 4A:2-1.6(b) sets forth the standards by which a prior decision may be reconsidered. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding, which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding. A review of the record in the instant matter reveals that reconsideration is not justified.

The Commission reiterates that the foundation of position classification, as practiced in this State, 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. In addition, this agency's established classification review procedures have been affirmed following formal Commission review and judicial challenges. See, e.g., *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). For the reasons explained in Agency Services' determination and the Commission's prior decision, the petitioner was not primarily performing the duties of an Administrative Analyst 3 at the time of her classification review. Moreover, while it cannot be denied that the petitioner's PARs are generally indicative of past job responsibilities, those job responsibilities were not verified by this agency through an audit or other formal study. It also remains that any remedy derived from a classification review is prospective rather than retrospective in accordance with established classification procedures. See *In the Matter of Engineering Technician and Construction and Maintenance Technician Title Series, Department of Transportation*, Docket No. A-277-90T1 (App. Div. January 22, 1992); *N.J.A.C.* 4A:3-3.9(e)3. Therefore, the petitioner's PARs do not present a basis to reconsider the prior decision.

Further, it should be noted that the petitioner is essentially claiming that her position was misclassified as early as 2006 in that she allegedly began performing

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<sup>2</sup> It is noted that the petitioner's PAR forms for the rating cycles ending in 2014 and 2015 were part of the respective records before Agency Services during the classification review and before the Commission in the prior appeal. See *N.J.A.C.* 4A:3-3.9(c)3 and *N.J.A.C.* 4A:3-3.9(c)7. Therefore, these documents have already been considered and determined not to be evidence that the petitioner's position should be classified as an Administrative Analyst 3. It is further noted that the petitioner's PAR form for the rating cycle ending in 2016 postdates Agency Services' classification determination and, thus, has no bearing on that determination.

the duties of an Administrative Analyst 3 that year. The appropriate course of action would have been to request a classification review of her position at that time. *See N.J.A.C. 4A:3-3.9(a)*. However, the petitioner only sought reclassification to Administrative Analyst 3 in December 2014. As such, regardless of the job responsibilities that appear on the petitioner's PARs, her present request that duties dating back to 2006 be reviewed and she be approved for the requested title also constitutes an untimely request for relief. *See N.J.A.C. 4A:2-1.1(b)*.

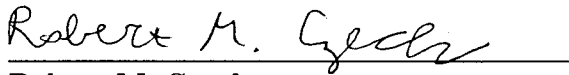
Two additional issues warrant comment. If the petitioner believes that she is currently performing the duties of an Administrative Analyst 3, she may file a new request for a classification review of her position. *See N.J.A.C. 4A:3-3.9*. Finally, since this request for reconsideration is being denied, it is not necessary to address the petitioner's request to receive credit for her years of experience.

### ORDER

Therefore, it is ordered that this request for reconsideration 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 23<sup>RD</sup> DAY OF NOVEMBER, 2016



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Director  
Division of Appeals and Regulatory Affairs  
Written Record Appeals Unit  
Civil Service Commission  
P.O. Box 312  
Trenton, New Jersey 08625-0312

Attachment

- c. Rosemarie Millan
- Robin Liebeskind
- Kelly Glenn
- Records Center



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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Rosemarie Millan,  
Department of Environmental  
Protection

Classification Appeal

CSC Docket No. 2015-3308

ISSUED: **NOV 19 2015** (HS)

Rosemarie Millan appeals the attached decision of the Division of Agency Services (Agency Services), which found that her position with the Department of Environmental Protection is properly classified as an Administrative Assistant 3. She seeks an Administrative Analyst 3 classification in this proceeding.

The appellant received a regular appointment to the title of Administrative Assistant 3 on July 16, 2013. In December 2014, the appellant requested a classification review of her position located in Land Use Management, Division of Land Use Regulation, Technical Support and Tidelands Management, Office of the Assistant Director. Agency Services received the request and performed a review of all submitted information, including a Position Classification Questionnaire, and performed a telephone audit with the appellant and her supervisor. In its decision, Agency Services noted that the appellant was supervised by a Manager 3, Environmental Protection, Technical/Scientific/Engineering. Agency Services' review also found that the appellant: monitored all Division financial accounts and budget planning documents, verified account balances and ensured program areas would not be in a deficit at fiscal year-end; proposed solutions to administrative, budgetary or fiscal problems; assisted in the analysis of budget studies to determine projections for upcoming budget years; prepared statistical and financial monthly revenue and expense reports; purchased equipment required by the Division, obtaining telephone quotes, when required, and completing all documentation required for purchase; verified receipt of goods and/or services and initiated payment; verified timesheet coding of employees working on federal grant projects; coordinated, planned and supported the daily operational and administrative

functions of the Division; provided support to the Division on training, travel and personnel matters; initiated and/or provided guidance to program areas for personnel transactions resulting from promotions, transfers, reclassifications or vacancies; coordinated the Division's assigned vehicles to include vehicle purchases, monthly mileage reports, maintenance and EZPass account; and coordinated all moves for the Division. Based on the foregoing, Agency Services found that the appellant's assigned duties and responsibilities were commensurate with the title of Administrative Assistant 3, the title she currently holds.

On appeal, the appellant states that since December 2006, she has worked within the Director's Office in the Division of Land Use Regulation, assisting with the analysis of budgets and procurement. Due to the lack of a Director, she is supervised by one of two Assistant Directors. However, she works with the entire Division, which consists of five bureaus. While her office recruits for a new Director, she works closely with both Assistant Directors on all administrative procedures and issues. The appellant maintains that she reviews administrative procedures and their interpretations; provides input and recommendations to improve efficiency; analyzes organizational structure; recommends changes to the organizational charts; identifies problems; assesses the adequacy and effectiveness of changes; ensures adherence to policies and procedures; analyzes and interprets budget activities; provides recommendations and solutions for budget issues and planning documents; analyzes, interprets and provides statistical reports in support of her recommendations; and, after appraising financial situations, meets with various representatives to discuss her recommendations. The appellant emphasizes that her position covers the entire Division. In support, the appellant submits organizational charts and a January 22, 2015 pre-appointment evaluation conducted by Agency Services finding that the appellant met the requirements for Administrative Analyst 3.<sup>1</sup>

## CONCLUSION

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

Under direct supervision of an Administrative Analyst 1 or other supervisor in a State department, institution or agency, assists in the review, analysis and appraisal of current department administrative procedures, organization and performance, and helps to prepare recommendations for changes and/or revisions; does related duties.

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<sup>1</sup> It is noted that Agency Services subsequently determined this to be an error. On October 1, 2015, Agency Services issued a revised pre-appointment evaluation indicating that the appellant did not meet the requirements for Administrative Analyst 3.

The definition section of the job specification for Administrative Assistant 3 states:

Assists the head of a Bureau or Service in a State department, institution or agency by performing and coordinating administrative support services; does other related work.

In the instant matter, Agency Services appropriately determined that the appellant's position was classified by the title of Administrative Assistant 3. Although the appellant describes her duties on appeal, position classifications are based on the information provided during the classification review. Moreover, classification determinations typically list only those duties that are considered to be the *primary focus* of an appellant's duties and responsibilities that are performed on a regular, recurring basis. See *In the Matter of David Baldasari* (Commissioner of Personnel, decided August 22, 2006). Here, the preponderance of the appellant's duties, as determined through the classification review, fell squarely within the definition section of the job specification for Administrative Assistant 3 as the performance and coordination of various administrative support services. The primary focus of the position was not the review, analysis and appraisal of current department administrative procedures, organization and performance and the preparation of recommendations for changes or revisions, and thus, an Administrative Analyst 3 classification was inappropriate.

Although the appellant highlights a January 22, 2015 pre-appointment evaluation finding that the appellant met the requirements for Administrative Analyst 3, it should be noted that Agency Services later determined that this evaluation was incorrect and issued a revised pre-appointment evaluation noting that the appellant did not meet the requirements for Administrative Analyst 3. Regardless, an employee's qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees are classified. See *In the Matter of Debra DiCello* (CSC, decided June 24, 2009). Moreover, 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*. Classification reviews are thus based on a current review of assigned duties, and any remedy derived therefrom is prospective in nature since duties which may have been performed in the past cannot be reviewed or verified. Given the evolving nature of duties and assignments, it is simply not possible to accurately review the duties an employee may have performed six months ago or a year ago or several years ago. 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) (Accepting policy that classification reviews are

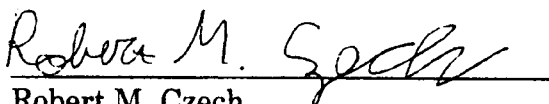
limited to auditing current duties associated with a particular position because it cannot accurately verify duties performed by employees in the past). *See also, In the Matter of Engineering Technician and Construction and Maintenance Technician Title Series, Department of Transportation, Docket No. A-277-90T1* (App. Div. January 22, 1992); and *In the Matter of Theresa Cortina* (Commissioner of Personnel, decided May 19, 1993). Accordingly, a review of the record indicates that the appellant's position is properly classified as Administrative Assistant 3.

### ORDER

Therefore, it is ordered that this appeal 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 18<sup>TH</sup> DAY OF NOVEMBER, 2015

  
Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
Director  
Division of Appeals and Regulatory Affairs  
Written Record Appeals Unit  
Civil Service Commission  
P.O. Box 312  
Trenton, NJ 08625-0312

#### Attachment

- c. Rosemarie Millan
- Deni Gaskill
- Kenneth Connolly
- Joseph Gambino



CHRIS CHRISTIE  
Governor  
KIM GUADAGNO  
Lt. Governor

STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
Division of Agency Services  
P. O. Box 313  
Trenton, New Jersey 08625-0313

ROBERT M. CZECH  
Chair/Chief Executive Officer

May 13, 2015

Ms. Rosemarie Millan  
New Jersey Department of Environmental Protection  
Division of Land Use Regulation  
Technical Support and Tidelands Management  
501 East State Street  
PO Box 420 Mail Code 501-02  
Trenton, New Jersey 08625-0420

Re: Classification Appeal  
Administrative Assistant 3  
Position #655889  
CPM #12140401  
Employee ID # [REDACTED]

Dear Ms. Millan:

This is to inform you, and the Department of Environmental Protection, of our determination concerning the classification appeal referenced above. Our review involved a detailed analysis of the Position Classification Questionnaire (DPF-44S); organization chart; your Performance Assessment Review (PAR); your statements; the statements of your supervisor, and appointing authority; and a desk audit that was conducted March 12, 2015.

**Issue:**

You are appealing the current classification of your position, Administrative Assistant 3. You contend that your current duties and responsibilities are consistent with those of an Administrative Analyst 3.

**Organization:**

The position is located in Land Use Management, Division of Land Use Regulation, Technical Support and Tidelands Management, Office of the Assistant Director, Department of Environmental Protection. You are supervised by Madhu Guru,



Manager 3, Environmental Protection, Technical/Scientific/Engineering (M35), and you have no supervisory responsibility.

**Finding of Fact:**

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

- Monitors all Division financial accounts and budget planning documents verifying account balances and ensuring program areas will not be in a deficit at fiscal year-end.
- Proposes solutions to administrative, budgetary, or fiscal problems.
- Assists in the analysis of budget studies to determine projections for upcoming budget years.
- Prepares statistical and financial monthly revenue and expense reports.
- Purchases equipment required by the Division obtaining telephone quotes, when required, and completing all documentation required for purchase.
- Verifies receipt of goods and/or services and initiates payment.
- Verifies timesheet coding of employees working on federal grant projects.
- Coordinates, plans, and supports the daily operational and administrative functions of the Division.
- Provides support to the Division on training, travel, and personnel matters.
- Initiates and/or provides guidance to program areas for personnel transactions resulting from promotions, transfers, reclassifications, or vacancies.
- Coordinates the Division's assigned vehicles to include vehicle purchases, monthly mileage reports, maintenance, and EZPass account.
- Coordinates all moves for the Division.

**Review and Analysis:**

The duties and responsibilities of the position were compared to those described within the class specification for Administrative Analyst 3 and Administrative Assistant 3.

The definition section of the class specification for the title, Administrative Analyst 3 (P21, 50073), states:

“Under direct supervision of an Administrative Analyst 1 or other supervisor in a state department, institution, or agency, assists in the review, analysis, and appraisal of current department administrative procedures, organization, and performance, and helps to prepare recommendations for changes and/or revisions; does related duties.”

An Administrative Analyst 3 reviews department programs/activities and evaluates their administration, objectives, efficiency, effectiveness, and suitability to current conditions, costs, and suitability using established procedures/standards. Incumbents in this title determine whether department activities/programs are essential to good government and appraise adequacy/effectiveness of operating systems.

Your position provides fiscal and budgetary, procurement, personnel, vehicle, and travel and training support for the entire Division comprised of five (5) separate Bureaus. Your position tracks Treasury system reports to determine whether the amount receivable is on-target based upon projections, and expenses committed and available. Your position reviews the budget for trends in amounts receivable and spending to be utilized in complying budgets. Your position provides recommendations, alternatives, and solutions on where funds can be diverted to fill a need or requirement. Your position monitors two (2) federal grants to ensure employees assigned to work on the grant project correctly code their timesheets to indicate the amount of time to be charged to the respective grant. Your position obtains the required number of quotes, establishes a purchase order, and encumbers funds for items and services to be procured by the Division. Your position reviews blanket purchase orders at the end of the fiscal year to identify funds that can be expended or transferred. Your position serves as administrative liaison for all personnel matters. Your position oversees a fleet of thirteen (13) vehicles monitoring the monthly mileage reports, maintenance, and ensuring the EZPass account is appropriately funded. Your position ensures all requests for travel and training are appropriately funded with the correct account number and required forms. Your position processes personnel transactions including

Name: Rosemarie Millan  
Date: May 13, 2015

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disciplinary actions, promotions, and critical hires for the Division. Your position prepares a flow plan to facilitate all physical personnel moves within the unit.

Your position does not review, analyze, or appraise current department administrative procedures, organization, or performance nor recommend changes or revisions. Therefore, the Administrative Analyst 3 title is an inappropriate classification for the functions of this position

The definition section of the specification for the title, Administrative Assistant 3 (P18, 59903), states:

"Assists the head of a Bureau or Service in a state department, institution, or agency by performing and coordinating administrative support services: does other related work."

An Administrative Assistant 3 acts as principal assistant to a manager on administrative matters; coordinates fiscal procedures within the organization including budget implementation and control, making sure expenditures are in accordance with the allocation of funds; maintains liaison with other organizational units providing support services such as accounting, purchasing, and personnel; coordinates support services to ensure the availability and efficient use of resources needed to accomplish the goals of the unit; and coordinates the collection of data, and preparation of administrative and informative reports in support of program activities. Incumbents in this title perform a variety of duties to relieve the executive officer of administrative detail related to the internal operation of the unit. An Administrative Assistant provides a comprehensive analysis of unit operational needs including coordination of personnel and fiscal procedures, and the investigation of administrative or operational problems.

Your position coordinates personnel and fiscal procedures, and identifies administrative or operational problems. Taking the aforementioned factors into consideration, the breadth and depth of this position's role aligns with the professional expectations of the Administrative Assistant 3 title.

**Determination:**

By copy of this letter, the Appointing Authority is advised that your position is properly classified as Administrative Assistant 3 (P18, 59903).

The class specification for Administrative Assistant 3 is descriptive of the general nature and scope of the functions that may be performed by an incumbent in this

Name: Rosemarie Millan  
Date: May 13, 2015

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position. However, the examples of work are for illustrative purposes and are not intended to restrict or limit performance of related tasks not specifically listed.

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. The appeal should be addressed to the 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,



Martha T. Bell  
Human Resource Consultant 5  
Division of Agency Services

MTB/rej  
C: Robin Liebiskind  
Veronica Kirkham  
CPM #12140401