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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Allison Ketchum,  
Department of Law and Public Safety

CSC Docket Nos. 2014-2343 and  
2015-2699

Administrative and  
Classification Appeals

ISSUED: JUL 17 2015 (DASV)

Allison Ketchum challenges the processing of her request for position classification review by the Department of Law and Public Safety. Additionally, the appellant appeals the determination of the Division of Agency Services (Agency Services) that her position is properly classified as a Senior Technician, Management Information Systems. The appellant seeks an Administrative Analyst 3, Data Processing classification in this proceeding.

By way of background, the appellant is permanent in the title of Senior Technician, Management Information Systems in the Division of State Police but contended that the duties of her position were commensurate with the duties of an Administrative Analyst 3.<sup>1</sup> On or about September 25, 2013, the appellant indicated that the Division of State Police received her position classification questionnaire (PCQ). However, she did not receive a response, despite multiple requests on the status of her case. On or about March 27, 2014, the appellant stated that she attended a meeting with members of the Division's Human Resources Bureau, who were acting as representatives of the Department of Law and Public Safety appointing authority. She alleged that she was directed to make modifications to her PCQ for resubmission to the appointing authority. However, the appellant refused to do so because it would not reflect her current work duties. She claimed that she was advised that the Division's Human Resources Bureau would make the changes to her PCQ without her consent and forward both the

<sup>1</sup> It appears that the appellant did not request the title of Administrative Analyst 3, Data Processing until her appeal to the Civil Service Commission (Commission).

original and modified versions of the PCQ to the appointing authority on March 28, 2014. It is noted that, by letter dated March 28, 2014, the appointing authority submitted the appellant's request to this agency. It stated that "[t]he Department does not support" the appellant's request "and higher level duties were removed" from her position. Therefore, based on the foregoing, the appellant filed the within appeal, contending that both the Division of State Police and the Department of Law and Public Safety disregarded the time frames for processing and forwarding her appeal to this agency in violation of *N.J.A.C. 4A:3-3.9*. She requested that the appointing authority submit her original PCQ for review.

Thereafter, Agency Services conducted a review of the appellant's position and found that the appellant's position was properly classified as a Senior Technician, Management Information Systems. In its determination, dated March 10, 2015, Agency Services indicated that its review consisted of a detailed analysis of the PCQ, the table of organization, and other supporting documents provided. It is noted that Agency Services reviewed a PCQ signed by the appellant, her supervisor, and program manager/division director on September 4, 2013 and by the appointing authority's counsel on March 28, 2014. The appellant on appeal submits a copy of a PCQ, which was not signed by the appointing authority's counsel. It is noted that on the PCQ that was submitted to Agency Services, the appointing authority in the "Reason" section indicated that representatives met with the appellant on March 27, 2014 and she was advised that "out-of-titles duties" were going to be removed from her position and that she was assigned duties equivalent to her current title of "Data Entry Machine Operator" effective March 27, 2014. However, but for the counsel's signature and the appointing authority's rejection of the appellant's requested title and its reasoning, the PCQs contain the same information with regard to her duties.

Specifically, Agency Services found that the appellant is assigned to work in the State Bureau of Identification, Criminal Justice Information System Control Unit, and has no supervisory responsibility. Additionally, it found that based on the PCQ, the primary responsibilities of the appellant's position included evaluating and approving new user applications to join the New Jersey Criminal Justice Information System (CJIS) network; assigning system identification numbers; maintaining routers; installing terminal software; configuring addresses and PC changes; and investigating and finding solutions to system update problems. Agency Services also indicated that the appellant serves as the CJIS statewide training coordinator and develops updates and maintains training curriculum. Further, Agency Services determined that the appellant assists the Information Security Officer on security analysis; surveys and determines site readiness and hardware; and evaluates the effectiveness of New Jersey State Police Virtual Private Network. The position also troubleshoots application/installation errors. It is noted that other significant duties, as indicated in the PCQ, include advising users regarding the proper use of CJIS; reviewing, evaluating, and ensuring that

user activities are effective and suitable; working with supervisory personnel to develop, establish, and implement CJIS policy and procedures in system use, design, an access; and developing various user guides and manuals. Moreover, the appellant's supervisor noted that the most important duties of the appellant's position were to oversee, evaluate, and appraise the access integrity of the CJIS system; act as the CJIS statewide training coordinator; develop, establish, and implement CJIS policy and procedure; and supervise the security and operations of the numerous CJIS databases.

Agency services compared the job definitions for Administrative Analyst 3, Principal Technician, Management Information Systems, and Senior Technician, Management Information Systems with the primary responsibilities of the appellant's position. It indicated that an employee serving in the title of Administrative Analyst 3 performs varied organizational review and analysis of department programs. Since the duties of the appellant's position also include training and acting a liaison with other State government departments and outside vendors who need access to CJIS, her position could not be classified as an Administrative Analyst 3. Agency Services also did not find the title of Principal Technician, Management Information Systems appropriate since the appellant did not supervise employees. Rather, Agency Services determined that the duties of the position, as described above, were commensurate with the duties of a Senior Technician, Management Information Systems, which is tasked with demonstrating an understanding of the implementation of information systems and providing support to end users.

On appeal, the appellant indicates that she was denied reclassification to the title of Administrative Analyst 3 because Agency Services found that her position's duties included training and acting as a liaison. However, she submits that an example of work of an Administrative Analyst 3, Data Processing, includes "establish[ing] and maintain[ing] liaison between the department, division, or medium sized bureau and appropriate Data Center, Division of Data Processing and Telecommunications, and outside vendors concerning requirements and needs of the agency relative to data processing" and "[c]onduct[ing] training when new systems are implemented or ongoing systems experience change." The appellant maintains that she acts as a liaison between the Division of State Police, the Office of Information Technology, and local users and outside vendors. She emphasizes that she works closely with management to develop, establish, and implement operating policy and priorities in system use, design, and access affecting multiple databases and applications by CJIS users statewide. Furthermore, the appellant indicates that training is a necessary function of her position since the CJIS network is consistently modifying and implementing new applications. Therefore, the appellant contends that the appropriate title for her position is Administrative Analyst 3, Data Processing.

## CONCLUSION

The appellant's permanent title is Senior Technician, Management Information Systems. The definition section of that job specification provides that an incumbent:

Under direction of a supervisory official in a State or local department, institution, or agency, assists in the planning, development, and implementation of information systems; reviews related programs and systems; acts as liaison with internal components utilizing the systems, and/or with other government jurisdictions; or in a client/server environment, provides hardware/software support to end users; installs hardware and software on servers or workstations; does other related work.

However, the appellant maintains that her position's duties compare favorably with the job description for Administrative Analyst 3, Data Processing. The definition section of that title provides that an incumbent:

Under direction of a supervisory official, assists in the development, implementation, and quality control of various manual, mechanical, and automated data processing systems of the organization; coordinates all data processing activities of a local government jurisdiction, medium sized bureau, or organizational equivalent with other State agencies; does other related duties as required.

Further, a review of the job specification for Administrative Analyst 3, Data Processing reveals that the primary focus of that title involves the evaluation of administrative and organization practices in order to determine the appropriate data processing systems to utilize to improve operational efficiency and effectiveness. The definition and examples of work contained in this job specification reflect that incumbents, in addition to the examples of work noted by the appellant, perform duties such as determining operating policy and priorities concerning data processing requirements, conducting studies of operations to determine feasibility for data processing systems, analyzing reports to detect work backlogs and system problems, coordinating the organizational unit's requests for data processing systems, participating in administrative planning and studies, and providing policy guidance and feasibility studies containing detailed analysis of existing functions and cost estimates of changing, revising or implementing data processing systems. Thus, an Administrative Analyst 3, Data Processing is responsible for reviewing and analyzing the functions of a work unit to determine the appropriate data processing systems, or improvements to existing systems, in order to improve workflow and productivity. Such functions are not the focus of the appellant's job duties.

Rather, it is clear from the appellant's PCQ and the information submitted on appeal that the appellant is primarily responsible for overseeing, evaluating, and appraising the CJIS system and supervising and troubleshooting the technical aspects of the databases to ensure that they properly function. She also acts as the CJIS statewide training coordinator. Although she may work closely with management to develop, establish, and implement CJIS policy and procedure, the aim of such responsibilities is not to improve administrative and operational effectiveness and efficiency. The appellant's aim is to improve the functionality of the system. In other words, the appellant is not responsible for evaluating the practices of her work unit. She is responsible for monitoring and evaluating the operations of the CJIS system.

In contrast, the job specification for the title of Senior Technician, Management Information Systems provides that incumbents perform tasks such as designing and developing management information systems to provide a ready source of retrievable up-to-date information, developing applicable procedures as required, conducting studies of programs and operations, developing file layouts for user applications, assisting in the evaluation of active systems to determine levels and quality of output, assisting in the preparation of manuals and other training materials, responding to requests for assistance, troubleshooting application errors, and monitoring and reviewing data inputs to detect errors within the system. The focus of this title is on the technical operation of database systems and the performance of studies and analysis to determine the usefulness of the design and content of the systems. Incumbents in this title also provide support to end users and troubleshoot issues revolving around the input and output of data. Such functions accurately describe the duties performed in the appellant's position.

However, the appellant contends that she performs at least two examples of work of an Administrative Analyst 3, Data Processing, namely that she establishes a liaison between various entities and conducts training. It is emphasized that 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, as noted above, the definition portion of the job specification is appropriately utilized. In that regard, the job definition of a Senior Technician, Management Information Systems includes acting as a liaison with internal components utilizing the systems, and/or with other government jurisdictions, which the appellant performs. Accordingly, Agency Services appropriately concluded that the appellant's position is properly classified as a Senior Technician, Management Information Systems. Moreover, it is clear that the appellant's position cannot be classified as an Administrative Analyst 3 or a

Principal Technician, Management Information Systems. The former performs varied organizational review and analysis of department programs. The latter performs supervisory duties. The functions of these titles are clearly not performed by the appellant.

Moreover, the appellant's request that the appointing authority submit her original PCQ for review is moot, since the PCQ reviewed by Agency Services did not include a change of duties. In that regard, while the appointing authority indicated that "out-of-title duties" were to be removed, there is no indication which duties were removed since the PCQ submitted to Agency Services contained the same duties as the PCQ presented by the appellant on appeal. Additionally, given that the appointing authority inaccurately referred to the appellant's permanent title as "Data Entry Machine Operator" and supposedly gave the appellant duties equivalent to that title's duties casts doubt that the appointing authority removed any duties. Furthermore, and more egregious, is the appointing authority's utter disregard of the time frames for processing and forwarding the appellant's request for position classification review to Agency Services. The appellant's PCQ was signed by the appellant's supervisor and program manager/division director on September 4, 2013, but was not signed by the appointing authority representative and forwarded to Agency Services until March 28, 2014. *N.J.A.C. 4A:3-3.9(c)7* requires that the appointing authority submit an employee's classification appeal to this agency within 10 days of receipt of the appeal. This obviously did not happen. Nonetheless, regardless of this procedural violation, the duties of the position did not change and they were appropriately evaluated by Agency Services as being commensurate with the job specification for Senior Technician, Management Information Systems. The determination has also been upheld by the Commission. It is noted that a procedural violation does not warrant a change in a position's classification where, as here, the position is appropriately classified.

As a final comment, the Commission is mindful that administrative agencies, such as the Department of Law and Public Safety, have wide discretion in selecting the means to fulfill the duties the Legislature has delegated to them. Deference is normally given to an agency's choice in organizing its functions, considering its expertise, so long as the selection is responsive to the purpose and function of the agency. *See In the Matter of Gloria Iachio*, Docket No. A-3216-89T3 (App. Div., January 10, 1992); *See In the Matter of Correction Major, Department of Corrections* (CSC, decided October 5, 2011), *aff'd on reconsideration* (CSC, decided December 21, 2011), *aff'd on appeal*, Docket No. A-2697-11T4 (App. Div. August 15, 2013). Thus, when classifying the kinds of employment and in providing designations for those engaged in various classifications, the only requirement for the Commission when it exercises its broad reclassification powers is to ensure that such action is not arbitrary, capricious, or unreasonable. *See Mullin v. Ringle*, 27 *N.J.* 250 (1958); *Carls v. Civil Service Commission*, 17 *N.J.* 215, 223 (1955). Removing duties *only* in response to an employee's request for classification review prior to this agency's

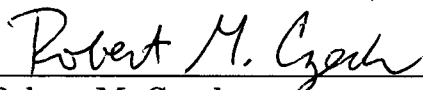
review of the duties of the position could be considered arbitrary and may result in an unjust consequence for an employee. Although not applicable in the present case, the Commission may remedy such a situation by providing the employee with differential back pay if found that he or she was performing duties of a higher title based on an initial PCQ. Nevertheless, the appointing authority is cautioned that any future willful disregard of Civil Service rules will result in an assessment of fines. Therefore, the Commission orders the Department of Law and Public Safety to assess and make any necessary changes to its internal processing of classification review requests in order that no future violation of these rules occurs.

### ORDER

Therefore, it is ordered that the appellant's appeals be denied. It is further ordered that the Department of Law and Public Safety assess and make necessary changes to its internal processing of classification review requests in accordance with this decision.

This is the final administrative action in the matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 15<sup>TH</sup> DAY OF JULY, 2015



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
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#### Attachment

c: Allison Ketchum  
Mirella Bednar  
Jessica Chianese  
Kenneth Connolly  
Joseph Gambino



Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
AGENCY SERVICES  
P.O. Box 313  
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Robert M. Czech  
Chair/Chief Executive Officer

March 10, 2015

Ms. Allison Ketchum  
[REDACTED]

**Subject:** Classification Review – Ms. Allison Ketchum (Employee Id#: [REDACTED]); Division of State Police; CPM#: 04140055.

Dear Ms. Ketchum:

A member of my staff has completed a review of your permanent position in the title of Senior Technician Management Information Systems (53100, P19). This review involved a detailed analysis of the Position Classification Questionnaire; the table of organization; and other supporting documents provided.

**Issue:**

You are currently serving with a permanent appointment in the title, Senior Technician Management Information Systems (53100, P19) but contended you are performing duties and responsibilities commensurate to those of an Administrative Analyst 3 (50102, P22). As a result, the Division of Agency Services has conducted a review of the duties and responsibilities of your position in order to determine an appropriate title classification.

**Organization:**

Your position is located in the State Bureau of Identification (SBI), Criminal Justice Information System Control Unit (CJISCU) of the Division of State Police. You have no supervisory responsibilities. You have been serving permanently in the title of Senior Technician Management Information Systems (53100, P19) since April 1, 2010.

**Findings of Facts:**

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

- Evaluates and approves new user applications to join the New Jersey Criminal Justice Information System (NJ CJIS) network; assigns system identification numbers in conjunction with the New Jersey Office of Information Technology (OIT); and maintains routers.



- Installs terminal software; configures TCP/IP addresses; configures PC changes in accordance to Federal Bureau of Investigation (FBI) policy; investigates system updates problems and finds solution to it.
- Develops updates and maintains training curriculum of the CJIS Terminal Agency Coordinator (TAC) course in accordance to NJCJIS standards and serves as NJCJIS statewide training coordinator.
- Assists the Information Security Officer on security analysis; surveys and determines site readiness and hardware for the CJIS implementation.
- Evaluates the effectiveness of New Jersey State Police (NJSP) Virtual Private Network (VPN).
- Troubleshoots application/installation errors.

**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 permanent title of Senior Technician Management Information Systems (53100, P19) the Civil Service Commission considered the title of Principal Technician, Management Information Systems (53101, R22) and the requested title of Administrative Analyst 3 (50102, P22).

The definition for the requested title of Administrative Analyst 3 (50073, P21) 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 employee serving in the title of Administrative Analyst 3 (50102, P22) performs varied organizational review and analysis of department programs. The duties of your position are not commensurate with this title because the duties of your position also include training and acting as a liaison with other state government departments and outside vendors who need access to CJIS.

The definition for the title Principal Technician, Management Information Systems (53101, R22) states:

“Under direction of a supervisory official in a state or local department, institution, or agency, supervises staff involved in the planning, development, and implementation of information systems, reviews related programs and systems; acts as liaison with internal components utilizing the systems, and/or with other government jurisdictions; or in a client/server environment, provides hardware/software support to end users; installs hardware and software on servers or workstations; does other related duties.”

An employee serving in the title of Principal Technician, Management Information Systems demonstrates a clear understanding of implementation of information system, trains and acts as a

liaison with other government jurisdictions. Of equal importance, however, is the title of Principal Technician, Management Information Systems is assigned to the "R" Bargaining Unit. Titles in the "R" Bargaining Unit are considered to be primary, or first-level, supervisor titles. As such an employee in this title supervises by directing the activities of subordinate staff (including the evaluation/rating of employee performance) and assigning the work of the organizational unit. Since your current duties and assignments do not include the full supervision of subordinate staff, it would be inappropriate to reclassify the position to the title of Principal Technician, Management Information Systems.

The definition for your current permanent title of Senior Technician, Management Information Systems (53100, P19) states:

"Under direction of a supervisory official in a state or local department, institution, or agency, assists in the planning, development, and implementation of information systems; reviews related programs and systems; acts as liaison with internal components utilizing the systems, and/or with other government jurisdictions; or in a client/server environment, provides hardware/software support to end users; installs hardware and software on servers or workstations; does other related work."

An employee serving in the title of Senior Technician, Management Information Systems demonstrates an understanding of the implementation of information systems providing support to end users. The duties of your position include troubleshooting application errors; installing terminal software; maintaining routers; configuring PC changes; training and preparing of manuals and other training materials. As a result, the duties of your position are commensurate with this title.

**Determination:**

The review revealed the current duties and responsibilities assigned to your position are commensurate with the enclosed job specification for the title of Senior Technician, Management Information Systems (53100, P19). Therefore, it is the determination of the Civil Service Commission the duties of your position are appropriately classified as those of a Senior Technician, Management Information Systems.

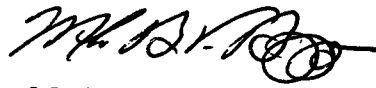
This specification is descriptive of the general nature and scope of the functions which may be performed by an incumbent in this position. Please note the examples of work are for illustrative purposes and are not intended to restrict or limit the performance of related tasks not specifically listed. 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 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), 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 Appeals and Regulatory Affairs, P.O. Box 312, Trenton, New Jersey 08625-0312. 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 B. Van Bruggen  
Supervising HR Consultant

Enclosure

MVB/OO

C: Mirella Bednar, HR Director, OAG Office, L & PS  
PMIS, NJCSC  
File

