

B-7



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Danielle Richardson,
Department of Banking and
Insurance

Classification Appeal

CSC Docket No. 2015-3166

ISSUED: **AUG 21 2015** (SLK)

Danielle Richardson appeals the attached decision of the Division of Agency Services (Agency Services) that the proper classification of her position with the Department of Banking and Insurance is Senior Clerk. The appellant initially sought a classification of Technical Assistant 2, Insurance at the time she submitted her appeal and is now requesting a classification of Technical Assistant 3.

The record in the present matter establishes that the appellant's permanent title is Senior Clerk. She is assigned to the Department of Banking and Insurance, Office of In-House Financial Analysis and reports to John Sirovetz, Health Care Consultant. Ms. Richardson's position does not have any supervisory responsibility. The appellant sought a reclassification of her position, alleging that her duties are more closely aligned with the duties of a Technical Assistant 2, Insurance. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties she performs as a Senior Clerk. Agency Services reviewed and analyzed the PCQ completed by the appellant as well as supplemental information including an organization chart and statements from the Director/Program Manager, Steven Kerner, Assistant Insurance Commissioner. In its decision, Agency Services determined that the duties performed by the appellant were consistent with the definition and examples of work included in the job specification for Senior Clerk.

On appeal, the appellant acknowledges that her initial request to have her position reclassified as Technical Assistant 2, Insurance was denied since her duties did not involve working with the insurance manual or the maintenance of complex manual records. The appellant is now requesting that her position be classified as

Technical Assistant 3. The appellant recites certain examples of work under the job specification for this title and asserts that she is currently performing these duties. Further, Mr. Sirovetz and Mr. Kerner agree with the appellant's current description of her job duties and proposed title.

CONCLUSION

The definition section of the job specification Senior Clerk states:

Under direction of a supervisory official, does clerical work involving the exercise of independent judgment and containing a relatively large proportion of difficult tasks, and/or instructs individuals in the work of a clerical unit; does other related duties as required.

The definition section of the job specification Technical Assistant 2, Insurance states:

Under the direction of a Technical Assistant 1, Insurance or other supervisor in the Department of Banking and Insurance or the Department of Law and Public Safety, is responsible for maintaining records of a complex nature; does other related duties.

The definition section of the job specification Technical Assistant 3 states:

Under supervision of a supervisory official in a State department or agency or a local jurisdiction, performs technical functions in providing information and assistance in reviewing and verifying data of a routine nature; does other related duties.

In the matter at hand, it is clear that the appellant's position is properly classified as Senior Clerk. In reviewing the appellant's PCQ, she spends the majority of her time logging time and billing information into a database, scheduling meetings, and performing a variety of other clerical tasks including, but not limited to, typing, filing, data entry, receiving/distributing mail, and ordering office supplies. Additionally, the appellant acknowledges that her duties did not involve working with the insurance manual or the maintenance of complex manual records as required for her position to be classified as Technical Assistant 2, Insurance. On appeal, the appellant presents that her current duties correlate to the examples of work under the job specification of Technical Assistant 3 and her superiors agree with her assessment. However, a classification review is based on a current review of duties being performed at the time of the classification study. At the time the appellant submitted her classification appeal, she was primarily performing clerical, not technical duties. Consequently, Agency Services correctly determined that her position was properly classified as Senior Clerk. However, if

there has been a substantial change in her duties from the time she initially submitted her PCQ, the appellant may file another classification appeal.

ORDER

Therefore, the Civil Service Commission concludes that the position of Danielle Richardson is properly classified as a Senior Clerk

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 19th DAY OF AUGUST, 2015**



**Robert M. Czech
Chairperson
Civil Service Commission**

**Inquiries
and
Correspondence**

**Henry Maurer
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: Danielle Richardson**
- John Walton**
- Kenneth Connolly**
- Joseph Gambino**



Chris Christie
Governor
Kim Guadagno
Lt. Governor

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
DIVISION OF CLASSIFICATION AND PERSONNEL MANAGEMENT
P.O. Box 313
Trenton, New Jersey 08625-0313

Robert M. Czech
Chair/Chief Executive Officer

May 11, 2015

Ms. Danielle Richardson
New Jersey Department of Banking and Insurance
Office of In-House Financial Analysis
20 West State Street
Trenton, New Jersey 08625

Subject: Classification Determination – Danielle Richardson (000317081); New Jersey Department of Banking and Insurance; Office of In-House Financial Analysis; CPM Log #12140020

Dear Ms. Richardson:

This is in response to the classification appeal received December 2, 2014 submitted to this office on your behalf by Ms. Lisa Joy, Manager Human Resources. The package indicates you are appealing your current permanent title of Senior Clerk (20043/A08) and you believe the appropriate classification of your position is Technical Assistant 2 Insurance (52351/A13).

This office has conducted a thorough review of the information received. This information included the State Position Classification Questionnaire you prepared and signed; a recent performance evaluation (PAR); statements from your immediate supervisor (Mr. John Sirovetz, Health Care Consultant); statements from the Director/Program Manager (Mr. Steven Kerner, Chief Insurance Examiner) and a Table of Organization provided by the Appointing Authority.

Organization:

Your position is located in the New Jersey Department of Banking and Insurance; Office of In-house Financial Analysis; Trenton, New Jersey. Your immediate supervisor is Mr. John Sirovetz, Health Care Consultant. The position does not involve the direct supervision of other employees.

Findings of Fact:

The primary responsibility of the position is to assist in the operation of the Financial Analysis Unit. As part of this responsibility, the following duties are assigned:

- Maintain the time and expense log of Field Examiners, enter log data into the ITAB – generate, distribute and file biweekly reports.
- Staff Support - Schedule Meetings and receive calls from staff on assignment or for attendance purposes

- Receive and Record OPRA Requests – Distribute requests appropriately for assignment/response.
- Other duties in support of office staff including, but not limited to, type/keyboard, file, log entries, receive/distribute mail, and order office supplies.

Review and Analysis:

The requested title of your position is that of Technical Assistant 2, Insurance (52351/A13). According to the classification specification, the title of Technical Assistant 2, Insurance is defined as follows:

Under the direction of a Technical Assistant 1, Insurance or other supervisor in the Department of Banking and Insurance or the Department of Law and Public Safety, is responsible for maintaining records of a complex nature; does other related duties.

An employee serving in the title of Technical Assistant 2, Insurance is responsible for the preparation of statistical reports and maintenance of the insurance manual. These duties involve work in researching conflicting manual entries and the preparation of correspondence regarding manual audits. The duties of your position do not involve working with the insurance manual or the maintenance of complex manual records. For these reasons, the title of Technical Assistant 2, Insurance is not commensurate to the duties of your position.

Given the duties of your position, the title of Principal Clerk (20044/R11) was considered. According to the classification specification, the title of Principal Clerk is defined as follows:

Under direction of a supervisory official, performs varied clerical work, predominantly complex in nature, requiring knowledge of department laws, regulations, policies, and procedures, and frequent exercise of independent judgment, and may take the lead over the work of a clerical unit; does other related duties as required.

An employee serving in the title of Principal Clerk is responsible for complex clerical work, and the review does determine some of the clerical work expected in your position may border on being complex. However, the title of Principal Clerk 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, incumbents in these titles supervise subordinate staff (including the evaluation of employee performance). Since your current duties and assignments do not include the supervision of subordinate staff, it would be inappropriate to reclassify your title to that of Principal Clerk.

Your current title is that of Senior Clerk (20043/A08). According to the classification specification, the title of Senior Clerk is defined as follows:

Under direction of a supervisory official, does clerical work involving the exercise of independent judgment and containing a relatively large proportion of difficult tasks, and/or instructs individuals in the work of a clerical unit; does other related duties as required.

An employee serving in the title of Senior Clerk is responsible for varied and difficult clerical work. Examples of such would include organizing assigned work and developing effective work methods to ensure the work is accomplished accurately and efficiently. The majority of the duties performed in your position (e.g. the maintenance of the time and expense log; the scheduling and coordination of meetings and the efficient processing of OPRA requests) are commensurate with those of an employee serving in the title of Senior Clerk.

Determination:

The review has revealed the current duties and responsibilities assigned are commensurate with the enclosed job specification for the title of Senior Clerk (20043/A08). 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.

Therefore, the review determines you are presently and properly classified in the title of Senior Clerk (20043/A08).

According to the New Jersey Administrative Code (N.J.A.C. 4A:3-3.9), the affected employee or an authorized employee 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
Supervising HR Consultant

Enclosure
MVB

C: Lisa Joy, Appointing Authority
File ✓