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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Denise Richardson,
Monmouth County

CSC Docket No. 2015-2907

Classification Appeal

ISSUED: **AUG 20 2015**

(RE)

Denise Richardson appeals the attached decision of the Division of Agency Services (DAS) which found that her position with Monmouth County is properly classified as Chief Clerk. She seeks a Senior Fiscal Analyst job classification in this proceeding.

Ms. Richardson was regularly appointed to a Chief Clerk position on February 18, 2013. Prior to that, she had been provisionally appointed to the title in February 2012, and was an Administrative Clerk previous to that. The position is located in the Monmouth County Health Department, reports to a Public Health Coordinator, and supervises Keyboarding Clerks. Upon her request, a classification review of her Position Classification Questionnaire (PCQ) and related documentation was performed.

As described in the attached determination, DAS found that based on the primary duties of Ms. Richardson's position, her title is properly classified as Chief Clerk. On appeal, the appellant argues that in 2012, she took over all the listed duties as a Chief Clerk. She indicates that in February 2012, a Senior Fiscal Analyst was hired for grants and budgets, but that this employee handled "the environmental side" while she handled "the public health side." The appellant explains that the Senior Fiscal Analyst resigned in August 2014. She states that the appointing authority posted for a Fiscal Analyst, which she applied for, but the posting was removed and an Accountant was hired in November 2014. The appellant argues that the Accountant had no experience and she was "forced" to train her and do all the fiscal work until the Accountant became proficient, was

denied vacation until she finished training duties, and was reprimanded when she was misquoted saying she would not train the Accountant. The appellant states that she received an email from her supervisor stating that she must not do any fiscal duties unless it was time-sensitive, in which case, she needed to do the job or be held accountable. She indicates that she was unsure of which duties not to perform, and did not receive clear direction from her supervisor, who thereafter sent her a memo that she was not to do any financial duties. The appellant states that there was a meeting in which her duties were clarified, and some of them have financial aspects. She argues that she was not informed to stop doing financial duties until April 24, 2015. She submits a list of duties created by her supervisor and County personnel, many of which she claims do not fall within the scope of a Chief Clerk.

The appointing authority, represented by Steven W. Kleinman, Special County Counsel, responded to the appellant's submission. It states that the appellant is unqualified for a Fiscal Analyst or Senior Fiscal Analyst title, and that she does not currently perform such duties, nor will she in the future. The appointing authority explains that the appellant performed duties relating to financial matters for a short transitional period after the resignation of the Senior Fiscal Analyst in 2014, and she was compensated with a pay differential. Nevertheless, it hired an Accountant and removed those duties from the appellant's position, and states that her remaining duties are within the scope of the Chief Clerk title. It argues that the Chief Clerk supervises Account Clerks who handle vouchers, payrolls, requisitions, invoices, bills and receipts, and who collect and compile financial data for budgets and financial statements. It states that, nevertheless, the appellant's duties remain clerical, rather than professional, in nature. The appointing authority states that the appellant did not have permission to provide internal emails to the Civil Service Commission, and that one of those emails reflects a need for remedial training for the appellant in processing invoices. It counseled the appellant's supervisor to discontinue assigning professional financial duties to the appellant and return her to supervisory clerical duties, albeit while continuing to pay her the incremental pay increase. The appointing authority explains that the Accountant meets the educational requirements for that title, and has additional experience, and that the appellant was instructed to explain the Board of Health's policies and procedures, not train her how to perform accounting work. The appointing authority believes the appellant is using institutional knowledge in an attempt to hold on to certain duties that she was told not to perform and which have been assigned to someone else, as evidenced by emails from her supervisor directing her to perform only her work. The appointing authority maintains that the duties that the appellant performs fall within the scope of the Chief Clerk.

CONCLUSION

The definition section of the job specification for Senior Fiscal Analyst states:

Under direction of a supervisor, performs the work involved in the analysis of fiscal activities including budget preparation, review and maintenance; does other related duties.

The definition section of the job specification for Chief Clerk states:

Plans, supervises and coordinates the clerical activities of an entire department, autonomous agency or major large-scale organizational sub-unit of such entities. When the department, agency or major large scale organizational sub-unit is too large to be managed effectively by a Chief Clerk, the Chief Clerk will assist the Office Supervisor in overseeing the clerical programs of said organizations.

This position differs from others in the clerical series in that it is primarily managerial in nature and scope, as opposed to the limited functional work area responsibility usually associated with the supervising or principal clerical level. The position also differs from that of an Administrative Secretary, Administrative Clerk, or Secretarial Assistant in that incumbents in these titles primarily act in the capacity of personal secretaries, aides or assistants to department heads, division directors or other administrative officers whereas the Chief Clerk is responsible for planning, coordinating and supervising all of the clerical activities of the organization. The secondary functions of these secretarial positions may in a specific organizational unit or setting overlap or encompass some of the duties and responsibilities of a Chief Clerk. However, the primary functions of such positions remain fundamentally different in nature and scope. Personal contacts at this level are generally with managers of major programs or functions within an agency or department and with subordinate supervisory personnel.

The Chief Clerk establishes guidelines for and coordinates the activities of subordinate supervisors in the performance of their personnel management responsibilities. Typically, a Chief Clerk supervises a clerical program usually through subordinate clerical supervisors of a large department, autonomous agency, or major organization sub-unit of a large department where the duties are of a substantially diversified nature and encompass responsibility for the clerical work of the various sub-sections of the organization. Conversely, a department, agency or unit in other areas of the state

may be too small to warrant an Office Supervisor, Chief Clerk or Assistant Chief Clerk and the clerical program may be managed effectively by supervisory and principal clerical levels. Chief Clerks can also take action to resolve controversial personnel management problems referred to them by subordinate supervisors and approve, modify or reject specific personnel actions taken or planned by them. They make recommendations to organization management regarding utilization of staffing resources, and assist in program development and execution.

At the outset, it is noted that the outcome of position classification is not to provide a career path to the incumbents, but rather is to ensure that 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). Further, how well or efficiently an employee does his or her job, their length of service, and their qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees, are classified. Moreover, it is long-standing policy that upon review of a request for position classification, when it is found that the majority of an incumbent's duties and responsibilities are related to the examples of work found in a particular job specification, that title is deemed the appropriate title for the position. In this regard, titles are categorized as professional, para-professional or non-professional. *N.J.A.C. 4A:4-2.5(a)1* states that professional titles require at least a Bachelor's or higher level degree, with or without a clause to substitute experience. Professional work is predominantly intellectual and character, as opposed to routine mental, manual, mechanical or physical work, and it involves the consistent exercise of judgment. It is basically interpretive, evaluative, analytical and/or creative, requiring knowledge or expertise in a specialized field of knowledge. This is generally acquired by a course of intellectual or technical instruction, study and/or research at an institution of higher learning or acquired through an in-depth grasp of cumulative experience. However, there must be thorough familiarity with all the information, theories and assumptions implicit in the chosen field. Persons in professional work should be able to perceive, evaluate, analyze, formulate hypothesis, and think in the abstract. Positions are considered professional when the work requires **application** of professional knowledge and abilities, as distinguished from either the desirability of such application or the simple possession of professional knowledge and abilities.

The Senior Fiscal Analyst title is professional, requiring a Bachelor's degree, and is not a "super-clerical" or paraprofessional title. The focus of the duties of a Senior Fiscal Analyst is to perform an internal analysis of fiscal activities in order to prepare, review or maintain budgets. Classification determinations are based on the *primary functions* assigned to the position. The duties performed the majority of the time and the importance of those duties, or the preponderance of the duties,

identify the primary focus of the position. Classification determinations list those duties which are considered to be the primary focus of 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). The appellant's position clearly does not have internal analysis of fiscal activities in order to prepare, review or maintain budgets as a primary focus. The fact that some of the appellant'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.

In this case, the appointing authority has clearly delineated the appellant's duties for her, and has prohibited her supervisor from assigning her professional fiscal duties. In transmitting the appellant's PCQ, the appointing authority acknowledged the resignation of the Senior Fiscal Analyst and stated that the appellant had been temporarily assigned some of those duties and compensated with differential pay. However, it states that those duties have been removed and that she is only performing duties commensurate with the Chief Clerk job specification. A review of the PCQ indicates that the appellant provided assistance with financial data and records for budgeting and auditing purposes, maintained and closed out grants, and provided modifications to budgets. She also performed fiscal clerical activities such as paying vouchers, making deposits, reviewing invoices, preparing purchasing requisitions, collecting payments, reconciling accounts, and processing payroll, as well as other typical clerical work such as filing and checking for errors. In addition, she supervised Keyboarding Clerks.

Both the appellant and the appointing authority have provided information which establishes that the professional-level fiscal responsibilities have been removed from the position. The list of revised duties provided by the appellant contains clerical tasks. Although some of these might be related to fiscal activity, such as preparing records of cash receipts and disbursements, processing transfer of funds requests, various bookkeeping duties, and processing payroll, this work is not an internal analysis of fiscal activities. The appellant indicates that she performed other work such as reviewing expenditures for compliance with budget, monitoring budgets for shortfalls, making estimates, consulting with auditors, and other tasks, but that this work was removed on April 24, 2015.

The appointing authority counters that the appellant performed this work, or should have performed this work until October 2014, with the promotion of the Accountant, and should have been acquainting the Accountant with policies and procedures at that point. The emails submitted by the appellant indicate that she did not understand which duties to cease performing, but her supervisor and the appointing authority eventually cleared up the matter by providing very specific

advice. Accordingly, a review of the entire record supports that the appellant's duties are commensurate with the Chief Clerk title.

As to the submission of the emails, a classification appeal is not the appropriate forum to consider or resolve whether the appellant required permission from the appointing authority to submit internal emails to the Commission.

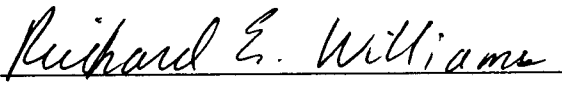
Accordingly, a thorough review of the entire record fails to establish that Ms. Richardson's position warrants a Senior Fiscal Analyst classification.

ORDER

Therefore, the position of Denise Richardson is properly classified as a Chief Clerk.

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
THE 19th DAY OF AUGUST, 2015


Richard E. Williams
Member
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
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Written Record Appeals Unit
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Enclosure

c: Denise Richardson
Steven W. Kleinman, Special County Counsel
Frank Tragno Jr.
Kenneth Connolly
Joseph Gambino



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
DIVISION OF AGENCY SERVICES
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Trenton, New Jersey 08625-0313

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

April 2, 2015

Ms. Denise Richardson
Monmouth County Health Department
3435 Highway 9
Freehold, NJ 07728

Dear Ms. Richardson:

This is to inform you, and Monmouth County, of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information and documentation submitted, including a position classification questionnaire (DPF-44), organization chart and statements from the Appointing Authority and your immediate supervisor.

Issue:

You are appealing the current classification of your position of Chief Clerk (01037). You allege that your duties are not appropriately classified and that you are seeking to reclassify your position.

Organization:

Your position is located in the Monmouth County, Health Department, and your position reports to Michael Meddis, Public Health Coordinator (02907). You indicate on your DPF 44 that you supervise Keyboarding Clerks of different levels.

Finding of Fact:

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

- Supervising lower level clerical staff.
- Processing payroll.
- Entering sick, vacation and over time transactions.
- Processing of payment vouchers, invoices and deposits.
- Balancing and monitoring budgets.

Review and Analysis:

Your position is currently classified in the title of Chief Clerk (01037). The definition section of the specification for this title states:

Plans, supervises and coordinates the clerical activities of an entire department, autonomous agency or major large-scale organizational sub-unit of such entities. When the department, agency or major large scale organizational sub-unit is too large to be managed effectively by a Chief Clerk, the Chief Clerk will assist the Office Supervisor in overseeing the clerical programs of said organizations.

This position differs from others in the clerical series in that it is primarily managerial in nature and scope, as opposed to the limited functional work area responsibility usually associated with the supervising or principal clerical level. The position also differs from that of an Administrative Secretary, Administrative Clerk, or Secretarial Assistant in that incumbents in these titles primarily act in the capacity of personal secretaries, aides or assistants to department heads, division directors or other administrative officers whereas the Chief Clerk is responsible for planning, coordinating and supervising all of the clerical activities of the organization. The secondary functions of these secretarial positions may in a specific organizational unit or setting overlap or encompass some of the duties and responsibilities of a Chief Clerk. However, the primary functions of such positions remain fundamentally different in nature and scope. Personal contacts at this level are generally with managers of major programs or functions within an agency or department and with subordinate supervisory personnel.

You did not indicate a current "working title" you feel falls more inline with the duties and responsibilities you are performing. Since you indicate that you have assumed duties of a recently vacated Senior Fiscal Analyst (50533), I have reviewed that job specification.

The definition section of the title, Senior Fiscal Analyst (50533), states:

Under direction of a supervisor, performs the work involved in the analysis of fiscal activities including budget preparation, review and maintenance; does other related duties.

It was found that you were "temporarily assigned some of the duties," due to the resignation of a former co-worker, and that you were "compensated with a higher-level-pay differential for the time period during which [you] have assisted with" those duties. Also, as indicated in an email between Monmouth County and your supervisor dated October 23, 2014, you were assigned to perform "clerical duties only."

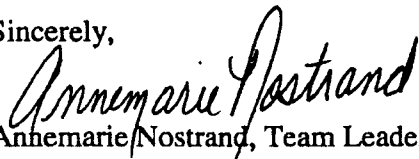
Determination:

Based upon the findings of fact cited above, it has been determined that the assigned duties and responsibilities of this position are commensurate with your permanent title, Chief Clerk (01037).

The title is descriptive of the general nature and scope of the functions that may be performed by the incumbent in this position. However, the examples of work are for illustrative purposes and are not intended to restrict or limit performance of the 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 Appeal 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 written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,


Annemarie Nostrand, Team Leader
Division of Agency Services

AN/JKIII

C: Frank Tragno, Human Resources Director