

B-10



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Eleanor Buffin,
Department of Environmental
Protection

CSC Docket No. 2015-977

Classification Appeal

ISSUED: AUG 24 2015 (CSM)

Eleanor Buffin appeals the attached decision of the former Division of Classification and Personnel Management (CPM)¹ that the proper classification of her position with the Department of Environmental Protection is Agency Services Representative 3. The appellant seeks an Agency Services Representative 4 classification.

The record in the present matter establishes that the appellant's permanent title is Agency Services Representative 3. She is assigned to the Division of Air and Hazardous Materials Enforcement and reports to Bret Reburn, Environmental Specialist 3. The appellant does not supervise any employees. The appellant requested a classification review of her position asserting that she was performing out-of-title work. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties she performs as an Agency Services Representative 3. CPM reviewed and analyzed the PCQ completed by the appellant. In its decision, CPM determined that the appellant's position was properly classified as Agency Services Representative 3.

On appeal, the appellant asserts that she takes the lead of many functions in her unit. For example, she states that she took the lead on a project issuing United States Environmental Protection Agency ID numbers and Regulated Medical Waste identification numbers. Additionally, the appellant notes that she takes the lead on a daily basis providing technical assistance to the entire regulated community.

¹ Now the Division of Agency Services.

CONCLUSION

The definition section of the job specification for Agency Services Representative 3 states:

Under the general supervision of a supervisory official in a State department, agency, or institution, provides front-line and behind the scenes customer and other support services involving the review, processing and issuance of agency documents; provides specialized information to customers regarding department/agency programs and services; handles the more complex and/or sensitive customer issues, requests and complaints; does other related work as required.

The definition section of the job specification for Agency Services Representative 4 states:

Under the direction of a supervisory official in a State department, agency, or institution, provides front-line and behind the scenes customer and other support services involving the review, processing and issuance of agency documents; provides varied information to customers regarding department/agency programs and services; handles the most complex and/or sensitive customer issues, requests and complaints; functions in a lead worker capacity; does other related work as required.

Based on the information presented in the record, it is clear that the appellant's position is properly classified as Agency Services Representative 3. As correctly noted in CPM's determination, an incumbent in the Agency Services Representative 4 classification acts as a lead worker and is expected to handle the most complex customer issues and functions. A leadership role refers to those persons whose titles are non-supervisory in nature, but are required to act as a leader of a group of employees in titles at the same or a lower level than themselves. Duties and responsibilities would include training, assigning and reviewing work of other employees on a regular and recurring basis, such that the lead worker has contact with other employees in an advisory position. However, such duties are considered non-supervisory since they do not include the responsibility for the preparation of performance evaluations. Being a lead worker does not mean that the work is performed by only one person, but involves mentoring others in work of the title series. See *In the Matter of Henry Li* (CSC, decided March 26, 2014). The appellant did not indicate that she assigned work or reviewed the completed work of employees on the PCQ she submitted in support of her classification appeal.

Additionally, 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

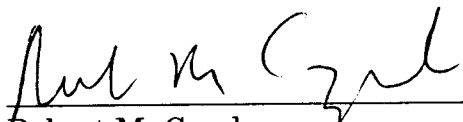
not determinative for classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. Moreover, it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed. For purposes of determining the appropriate level within a given class, and for overall job specification purposes, the definition portion of the job specification is appropriately utilized. Accordingly, the appellant's position is properly classified as Agency Services Representative 3.

ORDER

Therefore, it is ordered that this appeal be denied.

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
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Trenton, New Jersey 08625-0312

Attachment

c: Eleanor Buffin
Robin Liebeskind
Kenneth Connolly



CHRIS CHRISTIE
Governor
KIM GUADAGNO
Lt. Governor

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CIVIL SERVICE COMMISSION
Division of Classification and Personnel Management
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ROBERT M. CZECH
Chair/Chief Executive Officer

September 17, 2014

Ms. Eleanor Buffin
New Jersey Department of Environmental Protection
Division of Air and Hazardous Waste Enforcement
Bureau of Hazardous Waste and UST Compliance and Enforcement
9 Ewing Street
P.O. Box 4200 Mail Code 09-03
Trenton, NJ 08625-0420

Re: Classification Appeal
Agency Services Representative 3
Position #952160
CPM Log # 04140009
Employee ID # 000357762

Dear Ms. Buffin:

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, Division Director, and appointing authority; and a desk audit that was conducted September 11, 2014.

Issue:

You requested that your position be audited to determine if you are performing out-of-title work for your title of Agency Services Representative 3. You have indicated that you believe the additional duties that have been assigned to the position are associated with the Agency Services Representative 4 title. The Bureau of Human Resources Operations agreed that an audit should be conducted in order to determine the appropriate classification of your position.

Organization:

The position is located in Compliance and Enforcement, Division of Air and Hazardous Material Enforcement, Bureau of Hazardous Waste and UST Compliance and Enforcement, Manifest Unit, Department of Environmental Protection. You are supervised by Bret Reburn, Environmental Specialist 3 (R25), and you have no supervisory responsibility.

Findings of Fact:

The position performs the following duties and responsibilities:

- Reviews, processes, approves EPA Identification Number applications, and assigns appropriate numbers for hazardous waste generators.
- Reviews, processes, approves Regulated Medical Waste Identification Number applications, and assigns appropriate numbers for medical waste generators.
- Enters EPA ID Numbers and Regulated Medical Waste ID Numbers information from applications into MasterFile and NJEMS.
- Provides customer support by answering questions, explaining procedures, clarifying forms, and providing technical assistance to resolve problems.
- Files chronologically all hazardous waste manifests after return from the data input group.
- Reviews for accuracy the Hazardous Waste Biennial Report submitted by hazardous waste generators.
- Assists in organizing and coordinating the Hazardous Waste Handler Seminar Program.
- Assists in compiling the hazardous waste inspector's checklist.

Review and Analysis:

The duties and responsibilities of the position were compared to those described within the class specification for Agency Services Representative 3 and Agency Services Representative 4.

The definition section of the specification for the title, Agency Services Representative 3 (A14, 56360), states:

“Under the general supervision of a supervisory official in a state department, agency, or institution, provides front-line and behind the scenes customer and other support services involving the review, processing and issuance of agency documents; provides specialized information to customers regarding department/agency programs and services; handles the more complex and/or sensitive customer issues, requests and complaints; does other related work as required.”

The definition section of the specification for the title, Agency Services Representative 4 (A18, 56364), states:

“Under the direction of a supervisory official in a state department, agency, or institution, provides front-line and behind the scenes customer and other support services involving the review, processing and issuance of agency documents; provides varied information to customers regarding department/agency programs and services; handles the most complex and/or sensitive customer issues, requests and complaints; functions in a lead worker capacity; does other related work as required.”

An Agency Services Representative 3 and an Agency Services Representative 4 share similar duties and responsibilities. Each spends a majority of his or her time responding to questions and soliciting information from members of the general public, co-workers, and others for the purpose of processing agency documents. An Agency Services Representative performs complex and/or sensitive duties involving the review, processing, data entering, and issuance of documents in accordance with applicable laws, regulations, policies, and procedures. Incumbents in these titles assess eligibility for program services, licenses, and other authorizations based on established rules, guidelines, and policies. An Agency Services Representative evaluates, authenticates, and verifies information and official documents presented by customers and applicants; issues permits, licenses, and other official documents and explains reasons for denial of issuance when necessary.

The significant distinctions between the Agency Services Representative 3 and Agency Services Representative 4 are that an Agency Services Representative 4 is expected to handle the most complex customer issues and to function in a lead worker capacity. A lead worker refers to those persons whose titles are non-supervisory in nature, but are required to act as a leader of a group of permanent

employees in titles at a lower level than themselves. Duties and responsibilities would include assigning and reviewing work of other employees on a regular and recurring basis, such that the lead worker has contact with other employees in an advisory position.

Your position issues EPA Identification Numbers for hazardous waste generators after a thorough review of applications submitted for accuracy and completeness. Your position enters the applicant's information into MasterFile and NJEMS where a letter to the applicant providing them with the issued number will be electronically generated. Your position reviews applications for Regulated Medical Waste Identification Numbers for completeness and accuracy. Your position ensures proper payment of the registration fee is provided prior to final processing. Your position enters the applicant's information into MasterFile and NJEMS where a letter to the applicant providing them with the issued number will be electronically generated. Your position reviews the Hazardous Waste Biennial Report submitted by large quantity generators for completeness and accuracy and verifies information submitted with that stored in MasterFile and NJEMS. Your position provides customer support by answering questions posed by applicants/generators and DEP Compliance and Enforcement inspectors. Your position receives hazardous waste manifests after data entry has been completed and files them in chronological order. Your position does not function as a lead worker.

Taking the aforementioned into consideration, your position aligns with the professional expectations of the Agency Services Representative 3 title.

Determination:

By copy of this letter, the Appointing Authority is advised that your position is properly classified as Agency Services Representative 3 (A14, 56360).

The class specification Agency Services Representative 3 is descriptive of the general nature and scope of the functions that may be performed by an incumbent in this 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.

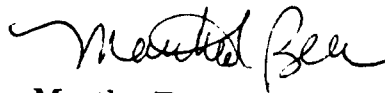
Please be advised that in accordance with N.J.A.C. 4A:3-3.9, you may appeal this decision within twenty (20) days of receipt of this letter. The appeal should be addressed to the Written Records Appeals Unit, Division of Appeals and Regulatory Affairs, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include a copy of the determination being appealed as

Name: Eleanor Buffin
Date: September 17, 2014

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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
Classification and Personnel Management

MTB/rej
C: Robin Liebeskind
Joseph Siracusa
CPM # 04140009