

B-11



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Carla Davis,
Department of Environmental
Protection

CSC Docket No. 2015-1310

Classification Appeal

ISSUED: AUG 24 2015 (CSM)

Carla Davis 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 Michael Hastry, Manager 4, Waste Management. 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 has been performing the duties of an Agency Representative 4 since April 2011. The appellant asserts that at that time, she assumed many new duties that resulted in an increased workload. For example, she states that she was assigned the lead role in the assignment and management of Regulated Medical Waste Identification numbers. The appellant

¹ Now the Division of Agency Services.

explains that she leads a group of employees and handles the most complex issues concerning answering customer questions and processing applications.

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.

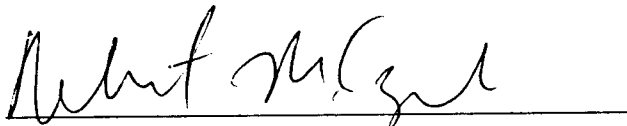
Additionally, the fact that some of an employee's assigned duties may compare favorably with some examples of work found in a given job specification is not determinative for classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. Moreover, it is not uncommon 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
Division of Appeals
& Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
PO Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Carla Davis
Robin Liebeskind
Kenneth Connolly



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

October 20, 2014

Ms. Carla Davis

Re: Classification Appeal
Agency Services Representative 3
Position #101605
CPM #01140264
Employee ID #000348469

Dear Ms. Davis:

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 you completed, which was reviewed and signed by Michael Hastry, Manager 4, Waste Management.

Issue:

You requested that your position be audited to determine if you are performing out-of-title work for your current title of Agency Services Representative 3. You contend the duties you perform are more appropriate for the Agency Services Representative 4 title.

Organization:

The position is located in Compliance and Enforcement, Division of Air and Hazardous Material Enforcement, Department of Environmental Protection. You are supervised by Michael Hastry, Manager 4, Waste Management (M32) and you have no direct supervisory responsibility.

Finding of Fact:

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

- Processes and assigns identification numbers for the Regulated Medical Waste and EPA Identification Number applications.
- Validates information found within applications for identification numbers.
- Processes Hazardous Waste Enforcement Open Public Records Act (OPRA) requests for the Central Field Office.

- Processes checks and documents related to Regulated Medical Waste Identification Number applications.

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, 56358), 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, 56362), 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 as a lead worker capacity; does other related work as required.”

The Agency Services Representative title series must answer questions, explain and interpret rules, regulations, policies, and procedures, clarify forms, provide detailed instruction and direction in the completion of applications, and resolve the most difficult and sensitive customer issues and problems. Incumbents in this title series spend a majority of their work time responding to questions and soliciting information, orally and in writing, from members of the general public, co-workers, and others for the purpose of processing agency documents.

In addition, incumbents in the Agency Services Representative 4 title are expected to function as a lead worker. A lead worker is required to act as a leader of a group of employees 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 reoccurring basis, so that the lead worker has contact with other employees in an advisory position. An Agency Services Representative 4 takes the lead over support services and develops appropriate work methods and procedures. An Agency Services Representative 4 provides varied information to customers regarding department/agency programs and services.

Your position serves as the application processor for the Regulated Medical Waste and EPA identification number applications that your office receives. In this capacity, you verify information found on these applications and process them for approval. Your position assigns identification numbers to processed applications. Your position processes and completes all OPRA requests submitted to your office within a timely manner. Your position processes checks and documents associated with identification number applications.

The information that your position provides to customers regarding your Department's programs and services is repetitive in nature and does not typically vary. Your position does not function as a lead worker. Therefore, Agency Services Representative 4 is an inappropriate classification for the functions of this position.

Your duties fall within the scope of an Agency Services Representative 3.

Determination:

By copy of this letter, the Appointing Authority is advised that your position is properly classified as an Agency Services Representative 3 (A14, 56358).

The class specification for Agency Services Representative 3 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 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
Classification and Personnel Management

MTB/rdd
C: Robin Liebiskind
Joseph Siracusa
CPM #01140264