

STATE OF NEW JERSEY

In the Matter of Babayemi Aiyegbo, et all, Department of Children and Families

:

:

FINAL ADMINISTRATIVE
ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket Nos. 2016-664 et al.

Classification Appeals

ISSUED: NOV 3 0 2016

(CSM)

Babayemi Aiyegbo, Melissa Ashmen, Therese Poole, Jan Rudder, and Wendi Smith appeal the attached decisions of the Division of Agency Services (Agency Services) that the proper classification of their positions with the Department of Children and Families is Program Support Specialist 2, Assistance Programs. The appellants seek an Administrative Analyst 2 or Program Specialist 3 classification. These appeals have been consolidated due to common issues presented.

The record in the present matter establishes that the appellants' permanent titles were Habilitation Plan Coordinator. They are assigned to the Children's System of Care Office and they do not supervise any employees. The appellants sought a reclassification of their positions, alleging that their duties are more closely aligned with the duties of an Administrative Analyst 2 or Program Specialist 3. In support of these requests, the appellants submitted Position Classification Questionnaires (PCQs) detailing the different duties they perform as Habilitation Plan Coordinators. Agency Services reviewed and analyzed the PCQs completed by the appellants and the relevant documentation submitted with their requests. In its decisions, Agency Services determined that the duties performed by the appellants were consistent with the definition and examples of work included in the job specification for Program Support Specialist 2, Assistance Programs and assigned them effective dates of July 11, 2015.

On appeal, Aiyegbo states that his positions should be classified as Administrative Analyst 2 because he is required to gather data, develop programming methods, and contribute to periodic reports. Although he does not supervise staff, Aiyegbo maintains that his work impacts the administration of the

department and the direct care of hundreds of youth. Ashmen presents that the primary focus of her duties is serving as a liaison representing her office at the regional round table meetings, acting as an expert on high acuity transitioning youth, and providing guidance and technical assistance to outside agencies regarding the transition of youth services from her department to other agencies. In this regard, Ashmen maintains that several examples of work in the job specification for Program Specialist 3 match her current responsibilities and she believes that the proper classification of her position is Program Specialist 3. Poole states that effective July 15, 2015, her job functions were expanded to include additional responsibilities including programmatic oversight, evaluative processes, and operational development and implementation. Given these increased responsibilities, Poole contends that the most appropriate titles for her position would be Program Specialist 3 or Administrative Analyst 2. Poole also states that she performs the more complex and sensitive professional work consistent with a Program Specialist 3 classification. Rudder argues that the training she has received in preparation for her new role in Children's System of Care is consistent with an Administrative Analyst 2 or Program Specialist 3 classification. In this regard, Rudder maintains that even though she does not supervise staff, she performs the most complex duties as she has been assigned additional responsibilities involving programmatic oversight, evaluative process, operational development and implementation. Based on the increased level of responsibility, Rudder states that the Program Support Specialist 2, Assistance Programs classification is not appropriate. Smith presents that her duties have changed and meet the criteria for a Program Specialist 3 or Administrative Analyst 2 classification because she now operates as an out-of-home consultant for the Specialized Residential Treatment Unit. Smith maintains that the increased level of responsibility with these duties involves the more complex and sensitive professional work consistent with a Program Specialist 3 classification.

CONCLUSION

The definition section of the job specification for Program Support Specialist 2, Assistance Programs states:

Under direction of a Supervising Program Support Specialist or other supervisory official in a State department or agency, or in a community or institutional setting, is responsible for performing activities to maintain, monitor and/or implement client services/assistance programs; may take the lead over entry level Program Support Specialist staff; conducts program related site visits, studies and investigations as needed; does other related work as required.

The definition section of the job specification for Program Specialist 3 states:

Under the general supervision of a Program Specialist 4 or other supervisory official in a State department, institution or agency, or in a local jurisdiction, may directly supervise professional and/or technical staff engaged in program activities, or performs the more complex and sensitive professional, administrative and analytical work to promote the planning, operation, implementation, monitoring and evaluation of various programs and services administered by the department of assignment; conducts research and field work necessary to meet the needs of the appropriate State and/or local public private agencies; does other related work.

The definition section of the job specification for Administrative Analyst 2 states:

Under general supervision of an Administrative Analyst 1 or other supervisor in a State department, institution, or agency, performs the review, analysis, and appraisal of current department administrative procedures, organizations, and performance and helps to prepare recommendations for changes and/or revisions; does other related duties.

Based on the information presented in the record, it is clear that the appellants' positions are appropriately classified as Program Support Specialist 2, Assistance Programs. As noted by Agency Services, the duties performed by the appellants clearly indicate that the nature of their work involves the maintenance, monitoring and implementation of client services or assistance programs such as the Out-of-Home Treatment and the Out-of-State programs and providing time sensitive services for developmentally disabled youth requiring ongoing services. The duties the appellants listed on their PCQs are consistent with the level of responsibility and complexity expected of an incumbent at the Program Support Specialist 2, Assistance Programs level given the fact that it is a lead worker title. Additionally, for a position to be classified in the Administrative Analyst title series, the duties must primarily be involved in the overall operational analysis of a specialized area in the organization with the direct responsibility for the recommendation, planning, or implementation of improvements for the agency as a result of such analysis. See In the Matter of Maria Jacobi (MSB, decided June 8, 2005). A review of the appellants' PCQs and appeals do not demonstrate that any of them have responsibility for the overall operational analysis of a specialized area in the organization. Rather, these positions all perform work in support of specific assistance programs.

With respect to the appellants' assertions that they perform duties similar to those included in the Program Specialist 3 job specification, 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. The appellants are correctly classified in the title, Program Support Specialist 2, Assistance Programs.

ORDER

Therefore, it is ordered that these appeals 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 23RD DAY OF NOVEMBER, 2016

Robert M. Czech Chairperson

Civil Service Commission

Inquiries

and

Correspondence

Director

Division of Appeals & Regulatory Affairs Civil Service Commission Written Record Appeals Unit

PO Box 312

Trenton, New Jersey 08625-0312

Attachment

c: Babayemi Aiyegbo 2016-664
Melissa Ashmen 2016-604
Therese Poole 2016-667
Jan Rudder 2016-665
Wendi Smith 2016-608
Linda Dobron
Kelly Glenn
Records Center



Chris Christie Governor Kim Guadagno Li. Governor

State of New Jersey Civil Service Commission

AGENCY SERVICES
P.O. Box 313
Trenton, New Jersey 08625-0313

Robert M. Czech Chair/Chief Executive Officer

July 13, 2015

Ms. Babayemi Aiyegbo

Subject: Classification Determination – Babayemi Aiyegbo (000692532); New Jersey Department of Children and Families; Children's System of Care (Trenton, NJ); Log #06150337

Dear Ms. Aiyegbo:

This is in response to the classification appeal received June 22, 2015 submitted to this office on your behalf by Ms. Linda Dobron, Manager 4, Human Resources. The package indicates you are appealing your current title, Habilitation Plan Coordinator (60669/P22) and you believe the appropriate classification of your position is that of an Administrative Analyst 2 (50075/P26).

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 (PES); statements from your immediate supervisor (Ms. Victoria Bernard, Habilitation Plan Coordinator); statements from the Director, Children's System of Care (Ms. Elizabeth Manley) and a Table of Organization provided by the Appointing Authority.

Organization:

Your position is located in the Department of Children and Families; Children's System of Care, (Trenton, NJ). Your immediate supervisor is Ms. Victoria Bernard, Habilitation Plan Coordinator. The position does not involve the direct supervision of other employees.

Findings of Fact:

The primary responsibility of the position includes:

- Examining qualitative and clinical data and statistical reports regarding Intellectual Developmental Disabilities (IDD), Psychiatric Community Home (PCH), and Out of Home treatment processes, as well as, with Matheny Hospital and other medical programs pertinent to the IDD population in order to estimate the utilization flow, identify gaps in service to refine current processes and programmatic challenges, and provide recommendations for new program development.
- Participating as a committee member for IDD-PCH Out of Home grant reviews.
- Evaluating potential provider proposals requested for grant funding issued by the Department of Children and Families. This involves thoroughly reviewing the submitted proposals, deliberating as a committee, and then independently scoring applications to determine final funding decisions.
- Monitoring contractual obligations, programmatic components, and regulations
 of IDD-PCH and I-PCH Out of Home treatment programs and providing
 utilization management for developmentally disabled youth.

Review and Analysis:

The current title of your position is Habilitation Plan Coordinator (60669/P22). According to the classification specification, a Habilitation Plan Coordinator is defined as follows:

Under a supervisory official in the Department of Human Services or the Department of Children and Families is responsible for or assists in the development and implementation of Individual Habilitation Plans for a designated number of individuals; does other related duties.

An employee serving in this title is responsible for supervising the assembly and distribution of documents for meetings of the interdisciplinary team; ensuring that a parent or guardian is notified of the opportunity to participate in the development and review of Individual Habilitation Plans (IHPs) for assigned individuals; compiling and issuing a master IHP for each individual assigned; coordinating, monitoring, and auditing the individuals progress in following the IHP; coordinating the development of crisis prevention and intervention plans for individuals with medical, behavioral, social, and psychiatric problems; and reviewing and analyzing case histories and other data, as well as, corresponding with parents, guardians, officials, public and private agencies, groups, or individuals concerned with intake, placement, program, and referral issues.

The title you requested is Administrative Analyst 2 (50075/P26). According to the classification specification, an Administrative Analyst 2 is defined as follows:

Under general supervision of an Administrative Analyst 1 or other supervisor in a state department, institution, or agency, performs the review, analysis, and appraisal of current department administrative procedures, organization, and performance and helps to prepare recommendations for changes and/or revisions; does other related duties.

An employee serving in the title of Administrative Analyst 2 is responsible for reviewing department programs and evaluating their administration objectives, efficiency, effectiveness, and suitability to current conditions, costs, and accomplishments using established procedures; identifying and working toward elimination of unnecessary and/or wasteful administrative practice; and assessing new administrative approaches and keeping agencies informed of advanced administrative developments. Although you indicated you are reviewing the IDD-PCH program, that is only one program and not the main aspect of your position.

The title of Program Support Specialist 2, Assistance Programs (62102D/P24) was also considered. According to the classification specification, a Program Support Specialist 2, Assistance Programs is defined as follows:

Under the direction of a Supervising Program Support Specialist or other supervisory official in a state department or agency, or in a community or institutional setting, is responsible for performing activities to maintain, monitor and/or implement client services/assistance programs; may take the lead over entry level Program Support Specialist staff; conducts program related site visits, studies, and investigations as needed; does other related work as required.

An employee serving in the title of Program Support Specialist 2, Assistance Programs is responsible for reviewing and analyzing proposed, new and current federal/state laws and regulations relating to specific client services or assistance programs administered by the agency to determine and evaluate the subsequent impact on operations; identifying and resolving problems in the delivery, administration, implementation or integration of problem activities; and monitoring Federal and State policies, regulations, laws, rules and administrative orders for changes and compliance.

The descriptions of your current duties and assignments clearly indicate the nature of your work involving the maintenance, monitoring and implementation of client services or assistance programs such as the Out of Home Treatment and the Out of State programs.

Determination:

The review has revealed the current duties and responsibilities assigned to the position are commensurate with the enclosed job specification for the title of Program Support Specialist 2, Assistance Programs (62102D/P24). This action shall be effective July 11, 2015. 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 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 Appeals and Regulatory Affairs and Labor Relations, 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,

Annemarie Nostrand
Team Lead

Enclosure TR/AN

C: Ms. Linda Dobron, Manager 4, Human Resources PMIS Classification Determination Unit File



Chris Christie Governor Kim Guadagno Lt. Governor

STATE OF NEW JERSEY CIVIL SERVICE COMMISSION

AGENCY SERVICES
P. O. Box 313
Trenton, New Jersey 08625-0313

Robert M. Czech
Chair/Chief Executive Offwer

July 2, 2015

Ms. Melissa Ashmen

Re: Classification Review, Habilitation Plan Coordinator

Leg #06150336 EID #000715369

Dear Ms. Ashmen:

This is in response to a classification review request, received on June 22, 2015, submitted to this office, by Linda Dobron, Manager 4, Human Resources. The package indicates that your current permanent title of Habilitation Plan Coordinator may not be the proper classification for your position and that you believe the appropriate classification is Program Specialist 3. Your position is located in the Division of Child's System of Care in the Department of Children and Families.

The requested title of your position is Program Specialist 3 (64485/R26). The title, Program Specialist 3, 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 must supervise by directing the activities of subordinate staff (including evaluating employee performance) and assigning the work of the organizational unit. Since your current duties and assignments do not include the supervision of subordinate staff, it would be inappropriate to reclassify your title to Program Specialist 3.

This office has conducted a review of the submitted information, including the Position Classification Questionnaire (DPF-44); your statements; and the statements of your supervisor, and program manager. Based on the written record and that the aforementioned parties are in agreement with the stated duties, it is our determination that the appropriate classification of your position is Program Support Specialist 2, Assistance Programs. This action shall be effective July 11, 2015.

Melissa Ashmen July 2, 2015

This classification determination does not imply that you will meet the eligibility requirements of the title. It is the responsibility of the appointing authority to ensure that an incumbent meets the eligibility requirements prior to any appointment.

The New Jersey Administrative Code 4A:3-3.5(c)1 states that "within 30 days of receipt of the reclassification determination, unless extended by the [Commission] in a particular case for good cause, the appointing authority shall either effect the required change in the classification of an 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."

Within 30 days of receipt of this letter, we will implement reclassification procedures to reclassify this position to the title Program Support Specialist 2, Assistance Programs, unless we are advised by the appointing authority that duties and responsibilities commensurate with your permanent title will be assigned.

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 written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,

Annemarie Nostrand, Team Leader



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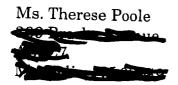
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STATE OF NEW JERSEY CIVIL SERVICE COMMISSION

AGENCY SERVICES
P. O. Box 313
Trenton, New Jersey 08625-0313

Robert M. Czech
Chair/Chief Executive Officer

July 2, 2015



Re: Classification Review, Habilitation Plan Coordinator Log #06150328 EID #000705171

Dear Ms. Poole:

This is in response to a classification review request, received on June 22, 2015, submitted to this office, by Linda Dobron, Manager 4, Human Resources. The package indicates that your current permanent title of Habilitation Plan Coordinator may not be the proper classification for your position and that you believe the appropriate classification is Program Specialist 3. Your position is located in the Division of Child's System of Care in the Department of Children and Families.

The requested title of your position is Program Specialist 3 (64485/R26). The title, Program Specialist 3, 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 must supervise by directing the activities of subordinate staff (including evaluating employee performance) and assigning the work of the organizational unit. Since your current duties and assignments do not include the supervision of subordinate staff, it would be inappropriate to reclassify your title to Program Specialist 3.

This office has conducted a review of the submitted information, including the Position Classification Questionnaire (DPF-44); your statements; and the statements of your supervisor, and program manager. Based on the written record and that the aforementioned parties are in agreement with the stated duties, it is our determination that the appropriate classification of your position is Program Support Specialist 2, Assistance Programs. This action shall be effective July 11, 2015.

This classification determination does not imply that you will meet the eligibility requirements of the title. It is the responsibility of the appointing authority to ensure that an incumbent meets the eligibility requirements prior to any appointment.

The New Jersey Administrative Code 4A:3-3.5(c)1 states that "within 30 days of receipt of the reclassification determination, unless extended by the [Commission] in a particular case for good cause, the appointing authority shall either effect the required change in the classification of an 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."

Within 30 days of receipt of this letter, we will implement reclassification procedures to reclassify this position to the title program Support Specialist 2, Assistance Programs, unless we are advised by the appointing authority that duties and responsibilities commensurate with your permanent title will be assigned.

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 substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,

Annemarie Nostrand, Team Leader

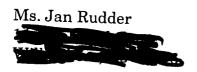


STATE OF NEW JERSEY CIVIL SERVICE COMMISSION AGENCY SERVICES

P. O. Box 313 Trenton, New Jersey 08625-0313 COPY

Robert M. Czech Chair/Chief Executive Officer

July 2, 2015



Re: Classification Review, Habilitation Plan Coordinator

Log #06150330 EID #000394755

Dear Ms. Rudder:

Chris Christie

Governor

Kim Guadagno

Lt. Governor

This is in response to a classification review request, received on June 22, 2015, submitted to this office, by Linda Dobron, Manager 4, Human Resources. The package indicates that your current permanent title of Habilitation Plan Coordinator may not be the proper classification for your position and that you did not indicate a requested title. Your position is located in the Division of Child's System of Care in the Department of Children and Families.

This office has conducted a review of the submitted information, including the Position Classification Questionnaire (DPF-44); your statements; and the statements of your supervisor, and program manager. Based on the written record and that the aforementioned parties are in agreement with the stated duties, it is our determination that the appropriate classification of your position is Program Support Specialist 2, Assistance Programs. This action shall be effective July 11,

This classification determination does not imply that you will meet the eligibility requirements of the title. It is the responsibility of the appointing authority to ensure that an incumbent meets the eligibility requirements prior to any

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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."

Within 30 days of receipt of this letter, we will implement reclassification procedures to reclassify this position to the title Program Support Specialist 2, Assistance Programs, unless we are advised by the appointing authority that duties and responsibilities commensurate with your permanent title will be assigned.

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 written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,

Annemarie Nostrand, Team Leader



TEOB#7

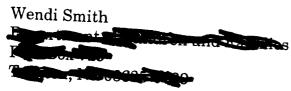
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STATE OF NEW JERSEY CIVIL SERVICE COMMISSION

AGENCY SERVICES
P. O. Box 313
Trenton, New Jersey 08625-0313

Robert M. Czech
Chair/Chief Executive Officer

July 2, 2015



Re: Classification Review, Habilitation Plan Coordinator Log #06150341 EID #000659723

Dear Ms. Smith:

This is in response to a classification review request, received on June 22, 2015, submitted to this office, by Linda Dobron, Manager 4, Human Resources. The package indicates that your current permanent title of Habilitation Plan Coordinator may not be the proper classification for your position and that you believe the appropriate classification is Program Specialist 3. Your position is located in the Division of Child's System of Care in the Department of Children and Families.

The requested title of your position is Program Specialist 3 (64485/R26). The title, Program Specialist 3, 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 must supervise by directing the activities of subordinate staff (including evaluating employee performance) and assigning the work of the organizational unit. Since your current duties and assignments do not include the supervision of subordinate staff, it would be inappropriate to reclassify your title to Program Specialist 3.

This office has conducted a review of the submitted information, including the Position Classification Questionnaire (DPF-44); your statements; and the statements of your supervisor, and program manager. Based on the written record and that the aforementioned parties are in agreement with the stated duties, it is our determination that the appropriate classification of your position is Program Support Specialist 2, Assistance Programs. This action shall be effective July 11,

This classification determination does not imply that you will meet the eligibility requirements of the title. It is the responsibility of the appointing authority to ensure that an incumbent meets the eligibility requirements prior to any appointment.

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Within 30 days of receipt of this letter, we will implement reclassification procedures to reclassify this position to the title Program Support Specialist 2, Assistance Programs, unless we are advised by the appointing authority that duties and responsibilities commensurate with your permanent title will be assigned.

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 substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,

Annemarie Nostrand, Team Leader