



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Leslie Murphy,
Department of Law and Public Safety

CSC Docket No. 2015-2751

Classification Appeal

ISSUED: **NOV 3 0 2016** (DASV)

Leslie Murphy appeals the attached determination of the Division of Agency Services that her position with the Department of Law and Public Safety is properly classified as a Senior Clerk Typist. The appellant seeks a Principal Clerk Typist job classification in this proceeding.

The record establishes that the appellant is permanent in the title of Senior Clerk Typist (salary range A08), and she is assigned to work in the Law Enforcement Science Unit, Training Bureau, Division of State Police. She currently reports to Theodore Caporrino, a Lieutenant, and has no supervisory responsibility. The appellant sought a reclassification of her position to Principal Clerk Typist (salary range R12). Agency Services performed an analysis of all information submitted, including a Position Classification Questionnaire (PCQ), organization chart, and the appellant's Performance Assessment Review. Agency Services also conducted a telephone audit on January 23, 2015.

Agency Services found that the appellant's primary duties and responsibilities entailed, among other things, organizing documentation and coordinating the recruit classes, which includes preparing class schedules, weekly projections, lesson plans, and reproduction of materials; receiving and ensuring the validity of documentation, such as birth certificates and college transcripts; developing and maintaining electronic storage filing systems; assisting unit staff, Troopers, and recruits with creating Excel spreadsheets; responding to requests for archived records; notarizing and providing requested records; and preparing daily and weekly reports pertaining to attendance, demographical statistics, and grades.

Agency Services compared the job specifications for Senior Clerk Typist and Principal Clerk Typist and determined that the preponderance of the appellant's duties and responsibilities compared favorably with the job definition of a Senior Clerk Typist. It indicated that a Senior Clerk Typist organizes and types assigned clerical work, develops methods, records varied types of data, reviews and certifies the validity of documents, maintains essential records, and comprehends and applies department rules and regulations. By contrast, a Principal Clerk Typist compiles and formulates data and statistics of a technical nature, conducts the more complex clerical and technical tasks, organizes the work of the unit, and supervises and evaluates employees, including making recommendations on the hiring and disciplining of employees. Agency Services stated that although the appellant organizes the clerical work of the unit, she has no supervisory responsibilities. Further, it determined that the appellant's position did not perform complex or technical duties, which involve the frequent exercise of independent judgment or difficult determinations. Accordingly, it concluded that a Principal Clerk Typist classification was inappropriate for her position.

On appeal to the Civil Service Commission (Commission), the appellant initially indicates that, pursuant to *N.J.A.C. 4A:3-3.9(e)2*, she was not afforded the opportunity to comment on the classification reviewer's report and recommendation prior to receiving the determination of Agency Services. Moreover, the appellant notes that when she spoke with Agency Services, a staff member questioned her as to why she was not given the title of Technical Assistant, Management Information Systems, after the incumbent retired. The appellant asserts that she is performing the work of two positions, her position and the position of the retired Technical Assistant, Management Information Systems. Furthermore, the appellant maintains that her duties are commensurate with the duties of a Principal Clerk Typist and submits her work product, including schedules and reports that she has prepared, as evidence of the technical and complex work performed by her position. For example, the appellant creates the time line/projections prior to the commencement of the recruit classes. Once she receives verification of the start date, she sends correspondence and makes telephone calls to outside lecturers. She asserts that without her specialized expertise and knowledge, the class would not commence properly. Moreover, the appellant indicates that a difficult problem arises if a Trooper/representative is scheduled for a lecture and has to cancel. The situation has to be resolved immediately, as it affects the completion of the 23-week class schedule. The appellant indicates that she and the unit head must "sit side by side to make an extremely important decision as to how [they] can shuffle and reschedule the already completed block schedule." Further, the appellant asserts that she makes many independent judgements as verified by her supervisor. The appellant also maintains that she is the administrator of the office and works with the unit heads and class coordinator, making difficult decisions based upon the previous class progress and on items that need to be added, modified, or moved. In addition, the appellant indicates that she supervises and assigns work to interns.

Once the interns have completed their hours, she evaluates the interns and makes recommendations to the unit heads and the Commandant's office. The appellant also has direct supervisory responsibility over the recruits who come to the office of the Law Enforcement Science Unit and the road Troopers who have been detached to the office for the recruit classes. The appellant contends that she supervises the recruits and Troopers pursuant to applicable rules and regulations. Therefore, the appellant asserts that her position should be reclassified to Principal Clerk Typist.

CONCLUSION

Initially, *N.J.A.C.* 4A:3-3.9(e) states in part that:

1. The [Commission] may render a decision based on the written record or appoint an independent classification reviewer. If the [Commission] appoints an independent classification reviewer to conduct an informal review of the appeal, all parties will be advised of the review date and given the opportunity to present their arguments before the reviewer. An employee may be represented by counsel or by a union representative.
2. The classification reviewer shall submit a report and recommendation to the Commission within 30 days of the review. The report and recommendation shall include an analysis of the duties of the position as they relate to the job specification, findings, conclusions, and the recommendation. The report and recommendation shall be sent to all parties with notice that exceptions are to be filed within 15 days of receipt of the report and recommendation. Exceptions must be served on all parties. If exceptions are filed, cross-exceptions may be filed within 10 days of receipt of exceptions.

In the instant matter, no independent classification reviewer has been appointed. Rather, the Commission is deciding the appellant's position classification on the written record based on Agency Services' determination and the submissions of the appellant. Thus, the appellant has not been denied an opportunity to present arguments to a reviewer or file exceptions to a reviewer's report and recommendation. Nonetheless, she has had a full opportunity to present her arguments on appeal. Regarding Agency Services' review, it is noted that classification reviews are typically conducted either by a paper review, based on the duties questionnaire completed by the employee and supervisor; an on-site audit with the employee and supervisor; or a formal telephone audit to obtain clarifying information. In the appellant's case, Agency Services reviewed the appropriate documents and conducted a formal telephone audit.

Regarding the merits of the case, the definition section of the job specification for Senior Clerk Typist states:

Under supervision, performs typing and other related clerical work requiring the exercise of independent judgment and a working knowledge of department rules, regulations, and policies, and/or has charge of the work of a small group of clerk typists, and/or has charge of the designated phase of the typing work of the department; does related work as required.

The definition section of the job specification for Principal Clerk Typist states:

Under direction of a supervisory official, does clerical work including typing of a complex and/or technical nature requiring knowledge of department laws, regulations, policies, and procedures as well as the frequent exercise of independent judgment, and/or has charge of the work of a large clerical unit; does related work as required.

Based on the information presented, it is clear that the appellant's position is appropriately classified as a Senior Clerk Typist. The main distinctions between the titles in question are that the Principal Clerk Typist performs tasks that are complex and/or technical in nature and has supervisory duties. 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 correspond to the examples of work found in a particular job specification, that title is deemed the appropriate title for the position. Based on her PCQ and activities described on appeal, the appellant does not perform complex or technical work of a highly independent nature requiring a high degree of judgment for the majority of her time. In that regard, her duties are consistent with the examples of work for a Senior Clerk Typist, which include organizing assigned clerical, typing, and other related work and developing effective work methods; assigning suitable work, instructing individuals and groups, and supervising the performance of their work; reviewing, checking, and certifying reports, applications, and other documents for correctness; composing answers to routine letters and preparing other letters in accord with office routines and regulations; typing accurately and rapidly from varied types of copy; checking and verifying bills, vouchers, statements, and payrolls; recording varied types of data accurately; keeping tickler files up-to-date; receiving and checking applications and/or fees and preparing receipts; preparing personnel records, requisitions, estimates, statistical information, receiving records, and inventories; assisting with on-the-job training of new clerical employees; answering non-routine inquiries for information; and assisting in supervising the preparation of and personally prepares statistical and other reports. It is noted that although the appellant cites examples of the independent judgement required of her position, she must still work with others to resolve difficult issues.

Moreover, regarding the title's supervisory responsibilities, it is emphasized that the Principal Clerk Typist title is assigned to the "R" employee relations group (ERG). Titles are assigned to ERGs based on the classification of the position by this agency. See *N.J.S.A. 11A:3-1*. Each ERG is distinctly defined, and the "R" ERG is defined as those titles used in the primary or first level of supervision. See *In the Matter of Alan Handler, et al.* (CSC, decided October 7, 2015) (Commission found that Auditor 1 was a supervisory level title based on job definition, duties and inclusion in "R" ERG). More importantly, when a title is supervisory in nature, the Commission has found that, along with the myriad of other supervisory duties that must be performed, the *essential component* of supervision is the responsibility for formal performance evaluation of subordinate staff. See *In the Matter of Timothy Teel* (MSB, decided November 8, 2001). As such, in order to be classified at the level of Principal Clerk Typist, an incumbent must supervise subordinate staff, including having the responsibility for completing formal performance evaluations. Merely making recommendations regarding a subordinate's performance, or even assisting in the preparation of a performance evaluation is not sufficient. Rather, to be considered a supervisor, the individual must be the person actually administering and signing off on the evaluation as the subordinate's supervisor. In this regard, only the individual who signs the evaluation as the supervisor can be considered to have the ultimate decision-making responsibility for that subordinate's rating. Additionally, supervision or coordination of a program or area is insufficient without being responsible for the above-stated duties. It is axiomatic that an individual responsible for the oversight of a program necessarily is responsible for the ultimate supervision, performance *and evaluation* of employees in that program.

In the instant matter, while the appellant may oversee recruits and Troopers who come within her unit, her position does not perform formal evaluations of these employees. Further, it would be inappropriate for a clerical position to supervise a law enforcement position. In addition, interns are not permanent employees and cannot be considered subordinate staff. Thus, the appellant's position does not meet the criteria for a supervisor. See *e.g., In the Matter of Robert Barry* (CSC, decided May 7, 2014) (Supervision or leading of staff from other bureaus not considered supervisory or lead worker position because there is no ultimate authority to enforce completion of assignments or to remedy staff's failure to meet work standards) and *In the Matter of Blanca Cieri* (Commissioner of Personnel, decided October 14, 2004) (Supervision of work-study student not considered supervisory experience since student assistants are not recognized as employees for position classification purposes).

Furthermore, the appellant states that she is performing the duties of the retired Technical Assistant, Management Information Systems. However, a classification appeal cannot be based solely on a comparison to the duties of another position, especially if that position may be misclassified. See *In the Matter of*

Dennis Stover, Docket No. A-5011-96T1 (App. Div. October 3, 1998); *In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided March 16, 1995). Additionally, the fact that certain job functions were previously performed by an individual in the title of Technical Assistant, Management Information Systems does not mean that the duties can only be performed by that position. See *In the Matter of Sharon Davis* (Commissioner of Personnel, decided June 14, 2005). 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 appellant has not shown that the primary duties of her position are not comparable with the job definition for Senior Clerk Typist. It is emphasized that how well or efficiently an employee does his or her job, length of service, volume of work and qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees are classified. See *In the Matter of Debra DiCello* (CSC, decided June 24, 2009).

Moreover, it is clear that the appellant's position would not warrant a Technical Assistant, Management Information Systems classification since she is not performing the primary duties of that title. In that regard, the job definition for the title states that an incumbent is assigned to a program or operational unit having responsibility for a specific, existing information processing system operation, performs technical functions in support of management information systems used to process varied types of financial, program, or other information unique to the unit; operates computer terminal or PC for information processing; installs, utilizes, maintains, and troubleshoots information processing systems and system software; organizes, inputs, processes, and outputs source materials, raw data, and processed data; sets up and maintains data bases and software files; performs file maintenance; provides technical information/assistance to other system users; and does other related duties.

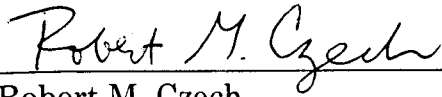
Accordingly, based on the foregoing, the record amply supports that the appellant's position is appropriately classified as a Senior Clerk Typist.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative action in the matter. Any further review should 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
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Trenton, New Jersey 08625-0312

Attachment

c: Leslie Murphy
Mirella Bednar
Kelly Glenn
Records Center



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION

Chris Christie
Governor
Kim Guadagno
Lt. Governor

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

Robert M. Czech
Chair/Chief Executive Officer

March 4, 2015

Leslie Murphy
[REDACTED]
[REDACTED]
[REDACTED]

Re: Classification Appeal – Senior Clerk Typist, Position # 009077
EID# [REDACTED], Log # 03140165

Dear Ms. Murphy:

This is to inform you, and the Department of Law and Public Safety, of our determination concerning the classification appeal referenced above. The determination is based upon a thorough review and analysis of the Position Classification Questionnaire (DPF-44S), organization chart, Performance Assessment Review (PAR), and a telephone audit conducted January 23, 2015.

Issue:

You are serving permanently (R&P) in the title, Senior Clerk Typist (09, A08, 23233) and contend you are performing duties and responsibilities commensurate with the title, Principal Clerk Typist (13, R12, 23234).

Organization:

Your position is currently assigned to the Law Enforcement Science Unit within the Training Bureau, Division of State Police, Department of Law and Public Safety. Your previous supervisor is Lieutenant Thomas Bonham (27, 9 27, 31864); your current supervisor is Lieutenant Theodore Caporrino (27, 9 27, 31864C). You presently have no direct supervisory responsibility.

Findings of Fact:

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

- Organize documentation and coordinate the Recruit Classes which includes the preparation of class schedules, weekly projections, lesson plans and reproduction of all course handouts and materials.
- Receive and ensure the validity of all documentation submitted by Recruit Class members such as birth certificates, college transcripts, background checks and naturalization paperwork.

- Develop and maintain electronic storage file systems in order to reduce/eliminate hard copy file systems and thereby improve efficiency and streamline record storage and retrieval.
- Assist unit staff as well as detached troopers and recruits with creating Excel spreadsheets.
- Respond to requests for archived records; notarize and provide records to colleges and prospective employers for both active and retired Troopers.
- Prepare daily and weekly reports detailing Recruit Class attendance, demographical statistics and grades.

Review and Analysis:

Currently, your position is classified in the title, Senior Clerk Typist (09, A08, 23233). The definition section of the job specification for the title states:

“Under supervision, performs typing and other related clerical work requiring the exercise of independent judgment and a working knowledge of department rules, regulations, and policies, and/or has charge of the work of a small group of clerk typists, and/or has charge of the designated phase of the typing work of the department; does related work as required.”

An incumbent serving in a position classified by the title Senior Clerk Typist organizes and types assigned clerical work such as letters and reports; develops methods to improve efficiency of the work flow within a unit; records varied types of data; reviews and certifies the validity of documents and maintains essential records; comprehends and applies department rules and regulations.

You contend your position should be reclassified to the title, Principal Clerk Typist (13, R12, 23234). The definition section of the job specification for the title states:

“Under direction of a supervisory official, does clerical work including typing of a complex and/or technical nature requiring knowledge of department laws, regulations, policies, and procedures as well as the frequent exercise of independent judgment, and/or has charge of the work of a clerical unit; does related work as required.”

An incumbent serving in a position classified by the title Principal Clerk Typist is responsible for compiling and formulating data and statistics of a technical nature; conducting more complex clerical/technical tasks which require difficult determinations; organizing and assigning the work of the unit; supervising and evaluating employees, and may make recommendations on the hiring, firing and disciplining of personnel.

A review of your current duties and responsibilities indicates that the primary function of your position is to prepare detailed schedules and all documentation required for Recruit Classes. You are responsible for retrieving and providing notarized requests for class completion and grade verification. You maintain essential files and have created electronic filing systems to scan and secure confidential records. While you organize the clerical work of the unit, you have no direct supervisory responsibilities. Additionally, duties performed are not complex or technical in nature,

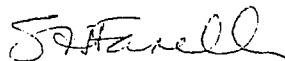
in that they do not frequently involve differing situations requiring identification of issues, problem solving, nor require frequent exercise of independent judgment or responsibility for difficult determinations; as such, Principal Clerk Typist is an inappropriate title for your position.

Determination:

Based on the findings of fact stated above, it is our determination that your position does not meet the criteria established for the title, Principal Clerk Typist. By copy of this letter, the appointing authority is advised that based on the duties currently assigned, your position is presently properly classified in the title, Senior Clerk Typist (09, A08, 23233).

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. This appeal should be addressed to Written Record 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,



Staci Fanelli
Human Resource Consultant 5

SF/sr

C: Mirella Bednar
File
Nick Kanellis, Records Imaging Unit