



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Diane Pace,  
Department of Law and Public Safety

CSC Docket No. 2016-754

Classification Appeal

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

Diane Pace appeals the attached decision of the Division of Agency Services (Agency Services) that her position with the Department of Law and Public Safety is properly classified as a Personnel Assistant 3. The appellant seeks a Personnel Assistant 2 or Personnel Assistant 1 job classification in this proceeding.

The record in the present matter establishes that the appellant's permanent title is Personnel Assistant 3. She is assigned to the Human Resource Unit, Office of the Attorney General, and reports to Ann Sczerbowicz, a Manager 1, Human Resources. The appellant does not have supervisory responsibility.<sup>1</sup> The appellant initially sought a reclassification of her position to Personnel Assistant 2. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties she performs. Agency Services reviewed and analyzed the PCQ, an organizational chart, and the job specifications for the subject titles. It also conducted a telephone audit on June 10, 2015. Agency Services found, among other things, that the primary function of the appellant's position was monitoring the Sick Leave Monitoring Program for the Division of Consumer Affairs (DCA), inputting time into the Time and Leave Reporting System (TALRS), conducting new hire orientation and "some" exit interviews, maintaining personnel records and files, and functioning as the division liaison. It also determined that the technical duties performed by the appellant were not

<sup>1</sup> The appellant indicates in her Position Classification Questionnaire that although she does not supervise the clerical assistant in her office, she assigns and reviews letters regarding the Sick Leave Monitoring Program prior to the final signature of the Human Resource Manager and instructs the clerical assistant.

considered to be of considerable difficulty and she was not the principal assistant in the supervision of the overall personnel programs of her unit. In regard to the latter, the appellant and Sczerbowicz indicated during their interviews that they did not consider anyone to be a principal assistant in their unit. Therefore, Agency Services concluded that the duties performed by the appellant's position were consistent with the definition and examples of work included in the job specification for Personnel Assistant 3.

On appeal to the Civil Service Commission (Commission), the appellant initially notes that she was not informed, either verbally or in writing, that Sczerbowicz is her supervisor.<sup>2</sup> Moreover, she contests the findings of Agency Services, maintaining that she performs more duties than listed by Agency Services, such as "all" exit interviews of employees. Additionally, the appellant maintains that she performs personnel work of considerable technical difficulty in four major areas, including the Sick Leave Monitoring Program, personnel orientation, personnel research, and the PAR program.<sup>3</sup> She states that these programs "are time consuming and careful attention needs to be given to each. In fact, it is imperative that all rules, regulations, policies and procedures be effectively communicated." Further, the appellant contends that although Agency Services found that she does not perform supervisory duties, she argues that an individual serving as a Personnel Assistant 1 also does not perform such duties.<sup>4</sup>

Moreover, in supplemental submissions, the appellant indicates that by e-mail, dated August 26, 2015, she was directed to process the September 2015 promotional announcements, including personally notifying eligible candidates. The appellant responded that she would forward the announcements to the Personnel Assistant 1 "as she handles Promotionals." In reply, the appointing authority stated that the appellant was "trained to do this. Pls. handle." Thus, the appellant maintains that she is now responsible for Promotional Announcements for DCA "from start to finish." Further, as of January 11, 2016, the appellant asserts that she is the primary person for DCA employees to contact regarding the e-PAR program. In addition, the appellant indicates that by e-mail, dated February 24, 2016, she "inherited another job responsibility" of conducting DCA Intern Orientation. The appellant states that she has "no problem" with her assignments given her education and experience, however, she questions "why has everyone else in this unit received a promotion" and she has not. The appellant emphasizes that

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<sup>2</sup> Sczerbowicz stated during the audit of the appellant's position that she became the appellant's supervisor when Margaret Pillar, a Manager 1, Human Resources, retired. Personnel records indicate that Pillar retired effective April 30, 2015. Based on the organization chart, it appears that Pillar was the appellant's supervisor prior to that time.

<sup>3</sup> In a supplemental submission, the appellant clarifies that the four major program areas she is responsible for are New Hire Orientation, Exit Interviews, e-PARs, and the Sick Leave Monitoring Program.

<sup>4</sup> It is noted that a Personnel Assistant 1 is not required to perform supervisory duties but ordinarily does so.

she has over 38 years of experience in human resources work and requests that her position be reclassified to Personnel Assistant 1. In support, she submits various e-mails verifying her new job duties.

### CONCLUSION

The definition section of the job specification for Personnel Assistant 3 states:

Under supervision of a supervisory official in a State department, institution, or agency, performs moderately difficult personnel work pertinent to one or more major personnel program areas such as classification, recruitment, personnel orientation and training, personnel research, administrative services, employee counseling and personnel services, and management assistance; does other related work.

The definition section of the job specification for Personnel Assistant 2 states:

Under direction of a Personnel Assistant 1 or other supervisory official in a State department, institution, or agency, acts in the capacity of a principal assistant in the supervision of the overall, or a significant portion of the overall, personnel program area such as classification, recruitment, personnel orientation and training, personnel research, administrative services, employee counseling and personnel services, management assistance, or employee relations; or performs personnel work of considerable technical difficulty in one or more of the above major personnel program areas; does other related work.

The definition section of the job specification for Personnel Assistant 1 states:

Under general supervision of a supervisory official in a State department, institution, or agency, may supervise a major personnel program area such as personnel research, administrative services, employee counseling and personnel services, recruitment, management assistance, personnel orientation, or employee relations; as part of a personnel program, may supervise the work activities of a unit performing employee relations tasks; or under the direction of a Personnel Officer 1 or its equivalent, acts as the Assistant Personnel Officer; or in a small institution, acts as the Personnel Officer; does other related work.

The duties performed by a Personnel Assistant 2 are in the capacity of a principal assistant to the Personnel Assistant 1 or other supervisory official. A Personnel Assistant 2 assists in the supervision of a significant portion of the

overall personnel program area or in the performance of considerable, technically difficult work in a major personnel program area or areas. At the time of the classification study, the preponderance of the appellant's duties did not demonstrate that she acted as a principal assistant. She and her supervisor acknowledged that no one in the unit acted in that capacity. The appellant's work involved diversified personnel duties, which were technical in nature and only moderately difficult. Furthermore, it is clear that the appellant was not performing at the level of a Personnel Assistant 1, who performs the most difficult work in the title series and would ordinarily supervise a major personnel program area, the work activities of a unit performing employee relations tasks, or act as the Assistant Personnel Officer at a larger institution. The appellant does not have supervisory responsibilities. In that regard, along with the myriad of other supervisory duties that must be performed, a supervisor has the authority to recommend hiring, firing, and disciplining employees. More importantly, 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). Thus, since the appellant's responsibilities do not reflect the aforementioned duties, her oversight of the clerical assistant's work is akin to performing lead worker duties. As set forth in the examples of work for a Personnel Assistant 3, an incumbent "[t]akes the lead, as directed, in assigning and instructing subordinates, and in supervising the performance of their work." 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).

Furthermore, to the extent that the appellant may have performed some higher level job functions does not necessarily support an upward reclassification. 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. Therefore, the appellant has not shown that the primary duties of her position at the time of the classification study are comparable with the job definition and examples of work for a Personnel Assistant 2 or 1.

Nonetheless, the appellant has indicated that since the audit of her position, she has "inherited" additional responsibilities previously performed by a Personnel Assistant 1. It is noted that the foundation of position classification, as practiced in New Jersey, is the determination of duties and responsibilities being performed at a

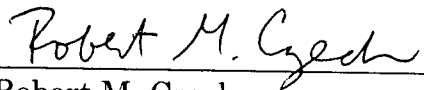
given point in time as verified by Agency Services through an audit or other formal study. Thus, classification reviews are based on a current review of assigned duties. Accordingly, the determination in this matter reflects a review of the findings at the time of the appellant's position classification study. If the appellant believes that her duties have further evolved since the position audit, she may pursue a new request for position classification review pursuant to *N.J.A.C. 4A:3-3.9*.

### 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 23<sup>RD</sup> DAY OF NOVEMBER, 2016



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence:

Director  
Division of Appeals  
and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

Attachment

c: Diane Pace  
Mirella Bednar  
Kelly Glenn  
Records Center



STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
Agency Services  
P. O. Box 313  
Trenton, New Jersey 08625-0313

Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

Robert M. Czech  
Chair/Chief Executive Officer

July 30, 2015

Diane Pace  
[REDACTED]

**Re: Classification Appeal – Personnel Assistant 3, Position # 004885  
EID# [REDACTED], Log # 02150252**

Dear Ms. Pace:

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, and a telephone audit conducted June 10, 2015.

**Issue:**

You are serving permanently (RA4) in the title, Personnel Assistant 3 (23, Y22, 63253) and contend you are performing duties and responsibilities commensurate with the title, Personnel Assistant 2 (26, Y25, 63254).

**Organization:**

Your position is currently assigned to the Human Resources Unit, Office of the Attorney General, Department of Law and Public Safety. Your supervisor is Ann Sczerbowicz, Manager 1, Human Resources (30, V30, 56863). You presently have no direct supervisory responsibility.

**Findings of Fact:**

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

- Monitor employee sick leave usage and oversee doctor's note status
- Input time for Human Resource employees into TALRS and make corrections for all Consumer Affairs employees
- Conduct new hire orientation and some exit interviews
- Maintain personnel records and files
- Function as a division liaison

**Review and Analysis:**

Currently, your position is classified by the title, Personnel Assistant 3 (23, Y22, 63253). The definition section of the job specification for the title states:

*“Under supervision of a supervisory official in a state department, institution, or agency, performs moderately difficult personnel work pertinent to one or more major personnel program areas such as classification, recruitment, personnel orientation and training, personnel research, administrative services, employee counseling and personnel services, and management assistance; does other related work.”*

An incumbent in the Personnel Assistant 3 title assists in the review of personnel related activities, performing moderately difficult work involving one or more areas of a personnel program; has responsibility for data information tasks; provides assistance to agency management on technical matters pertaining to personnel administration; functions as organizational liaison with other personnel offices.

You contend that the title, Personnel Assistant 2 (26, Y25, 63254) is the appropriate classification for your position. The definition section of the job specification for the title states:

*“Under direction of a Personnel Assistant 1 or other supervisory official in a state department, institution, or agency, acts in the capacity of a principal assistant in the supervision of the overall, or a significant portion of the overall, personnel program area such as classification, recruitment, personnel orientation and training, personnel research, administrative services, employee counseling and personnel services, management assistance, or employee relations; or performs personnel work of considerable technical difficulty in one or more of the above major personnel program areas; does other related work.”*

An incumbent in the Personnel Assistant 2 title provides professional support in the administration of a personnel program area, focused on the implementation and enforcement of personnel actions; may provide professional supervision to subordinate personnel regarding complex and unusual instances; researches and prepares written justifications to explain the necessity for a broad range of personnel actions.

A review of your current duties and responsibilities indicates that the primary function of your position is monitoring the Sick Leave Monitoring Program (SLM) for the Division of Consumer Affairs. You prepare detailed Excel spreadsheets to track absenteeism and ensure employees placed on Doctor Note Status provide required medical documentation. You are the Learning Management System (LMS) Coordinator for the division and enter Human Resource employees' time and make corrections for all Consumer Affairs employees in TALRS. The technical duties you are performing involved in the collection and entry of data into spreadsheets and assigning required learner courses to new employees in the LMS and are not considered to be of considerable difficulty. You function as a division liaison with other departments' personnel

Diane Pace  
July 30, 2015

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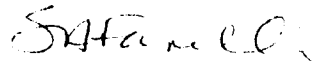
offices. You have no direct supervisory responsibilities and are not considered to be a principal assistant in the supervision of the overall, or a significant portion of the overall, personnel program areas for your unit.

**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, Personnel Assistant 2. 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, Personnel Assistant 3 (23, Y22, 63253).

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  
Nick Kanellis, Records Imaging Center  
File