



STATE OF NEW JERSEY

In the Matter of Ruth Diaz,
City of Clifton

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2017-2205

Classification Appeal

ISSUED: APR 21 2017 (JET)

Ruth Diaz, represented by Nicholas J. Palma, Esq., appeals the attached decision of the Division of Agency Services (Agency Services) that the proper classification of her position with the City of Clifton is Account Clerk. The appellant seeks a Clerk 3 classification.

The record in the present matter establishes that at the time the appellant filed her request for a classification review, she was serving as a Keyboarding Clerk 2. The appellant's position is located in the Administrative Services Division, Public Safety Department, within the City of Clifton. She reports to Thomas Rinaldi, a Police Captain and does not have any supervisory duties. The appellant sought a reclassification contending that her position would be more appropriately classified as a Clerk 3. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties that she performed. Agency Services reviewed all documentation supplied by the appellant including her PCQ. Based on its review of the information provided, including an organizational chart and a telephone audit including her supervisor and the appointing authority's Business Manager, Agency Services concluded that the appellant's position was properly classified as an Account Clerk.

On appeal, the appellant asserts, among other things, that she served as a Keyboarding Clerk 3 in September 2013, and as a Keyboarding Clerk 2 in November 2014. The appellant states that she understood that she would be eligible for a Clerk 2 position if she served as a Keyboarding Clerk 2 for a year. Further, in November 2015, the appellant explains that, although her supervisor

requested that she be appointed as a provisional Clerk 2, the appointing authority denied the request in April 2016. As such, the appellant states that she pursued a classification review and submitted a PCQ to her supervisor.¹

Additionally, the appellant asserts, among other things, that she participated in a telephone interview on October 14, 2016 in furtherance of the classification review. She adds that her supervisor, Police Captain Rinaldi, participated in a telephone interview on October 18, 2016, and the appointing authority's Business Manager, Mr. Villano, participated in a telephone interview on December 8, 2016. The appellant contends that her former supervisor, Police Captain Centurione, was not contacted to participate in a telephone interview, and Captain Rinaldi and Mr. Villano did not properly disclose all of her duties to Agency Services. In this regard, the appellant explains that Captain Rinaldi was newly appointed to his position, and Mr. Villano was unfamiliar with her duties and incorrectly reported that some of her duties were reassigned. Moreover, the appellant contends that Agency Services did not properly review the PCQ.

The appellant avers that she continues to perform the majority of the duties that were allegedly taken away from her. She explains that, although some of her duties were reassigned, her duties now include working with QuickBooks, maintaining vendor balance sheets, and reconciling vendor payments. In this regard, more than 50% of her work includes time with keyboarding equipment. She also uses Microsoft Word, Word Perfect, Excel, Municipal Software Management (MSI), Meeting Management Agenda Software (NOVUS), Omniform Premium, and Google Docs. The appellant maintains that the job specification for Clerk 3 is consistent with her current duties. Moreover, the appellant states that she is familiar with rules, regulations, policies and procedures, provides support for various divisions, and frequently covers for the Chief of Police's secretary when she is out of the office.

CONCLUSION

The definition section of the job specification for Clerk 3 states:

Under direction, performs varied, complex clerical work involving the processing of documents in a variety of functions; takes the lead and/or performs the more difficult and complex clerical work; does other related duties as required.

The definition section of the job specification for Account Clerk states:

¹ The appellant notes that she submitted the PCQ to her supervisor on April 18, 2016 for review. However, the appointing authority did not sign the PCQ until June 21, 2016. It is noted that this agency received the appellant's request for a classification review on June 28, 2016.

Under direction performs a variety of routine, repetitive, noncomplex clerical tasks which involve computing, classifying, verifying, and recording numerical data and the reconciliation of accounts, records, and documents to keep sets of financial records complete; does other related duties as required.

In the instant matter, it is clear that the proper classification of the appellant's position is Account Clerk. Indeed, the majority of the duties listed on the appellant's PCQ, as well as information obtained during the telephone interviews, include reconciling vendor accounts and requisitions, resolving vendor quote and requisition discrepancies, maintaining vendor spreadsheets and item requisitions on the MSI system, ensuring vendor payments are received, scheduling Police Officers for security detail, maintaining blanket orders for monthly expenditures, preparing vendor escrow refund paperwork, maintaining office supplies, answering vendor telephone calls pertaining to invoices, informing of grant monies available for purchasing items, maintaining the veteran Police Officer training list, and reconciling end-of-year non-payment vendor purchase orders. Such duties are consistent with those performed by an Account Clerk.

Additionally, the appellant's duties do not involve varied, complex clerical work involving the processing of documents in a variety of functions, taking the lead and/or performing more difficult and complex clerical work. Additionally, the appellant's duties do not include selection of typing formats for the processing of documents, and work relating to reproducing, correcting, adjusting and printing written materials. Although the appellant argues that her new supervisor and the appointing authority's Business Manager were unfamiliar with her duties, the appellant has not provided any substantive documentation in support of her contentions. Rather, the Business Manager indicated in the PCQ that he was not in support of the classification request. He indicated that 30% of the appellant's duties related to finance were reassigned. By e-mail dated December 14, 2016, Agency Services informed the appellant that, after a telephone interview was conducted with the Business Manager on December 8, 2016, it was confirmed that several of the appellant's duties had been reassigned from the time she filed the classification request. Such work included all Quickbook duties, processing approved resolutions, creating and processing resolutions, monitoring police officer timesheets/worksheets, sending purchase orders to vendors, maintaining overtime worksheets, creating vendor invoicing extra duty worksheets, maintaining vendor balance sheets, reconciling vendor payments, ensuring accuracy of payments, performing office supply comparisons, and posting additional escrow monies to vendor accounts. Given that such duties were reassigned, the appellant cannot now argue that a higher classification is warranted based on the duties she is performing.

Although the appellant argues that her duties are consistent with those performed by a Clerk 3, 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. In this regard, 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. In making classification determinations, emphasis is placed on the definition section to distinguish one class of positions from another. With regard to the appellant's arguments pertaining to the examples of work in the job specifications, she did not provide any specific examples in support of her claims. Regardless, the examples of work portion of a job description provides typical work assignments which are descriptive and illustrative and are not meant to be restrictive or inclusive. *See In the Matter of Darlene M. O'Connell* (Commissioner of Personnel, decided April 10, 1992).

With respect to the appellant's claim that Agency Services misinterpreted some of the information that was provided on the PCQ and during the telephone interviews, the record indicates that all of her duties and responsibilities were reviewed and the classification determination was based on that information. The purpose of a classification evaluation is to conduct a fact-finding session and the classification reviewer's role is strictly limited to an independent review of the current duties and responsibilities of the position at issue. Moreover, it is longstanding policy that only those duties and responsibilities assigned at the time of the request for a reclassification are to be considered. Even assuming, *arguendo*, the validity of the appellant's claim, the entire record has once again been thoroughly reviewed in this matter in conjunction with the appellant's appeal and the Civil Service Commission is satisfied that the classification determination was proper. Moreover, 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. *See In the Matter of Richard Cook* (Commissioner of Personnel, decided August 22, 2006). In this case, Agency Services determined that it was proper to conduct a telephone interview with the appellant, her supervisor, and the Business Manager. Moreover, the appellant has not established that Agency Services' methodology in this matter was improper or led to an incorrect result.

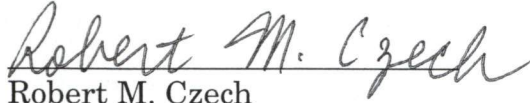
Accordingly, there is no basis to disturb the determination of Agency Services that the appellant's position is properly classified as Account Clerk.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 19th DAY OF APRIL, 2017



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Director
Division of Appeals
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Attachment

c: Ruth Diaz
Nicholas J. Palma, Esq.
Dominick Villano
Kelly Glenn
Records Center



STATE OF NEW JERSEY
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Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

December 19, 2016

Dominick Villano, City Manager
City of Clifton
900 Clifton Avenue
Clifton, New Jersey 07013

RE: Classification Appeal, Ruth Diaz, Keyboarding Clerk 2, Department of Public Safety, City of Clifton, Log [REDACTED], Emp. ID [REDACTED].

Dear Mr. Villano:

A classification review of the position held by Ruth Diaz, Keyboarding Clerk 2, Department of Public Safety, City of Clifton, has been completed. The review included a detailed analysis of the Position Classification Questionnaire completed and signed by Ms. Diaz and her then immediate supervisor, Mark Centurione, Police Captain. A telephone interview was also conducted with Ms. Diaz on October 14, 2016, along with her current immediate supervisor, Thomas Rinaldi, and Dominic Villano, Business Manager on October 25, 2016 and December 8, 2016, to obtain clarification of duties assigned to the position.

Issue:

Ms. Diaz is serving permanently in the title, Keyboarding Clerk 2 (03256@). She contends she is performing out-of-title duties and requests a review of her position to ensure proper classification.

Organization:

The position is currently assigned to the of Administrative Services Division, Public Safety Department, within the City of Clifton. This position reports directly to Thomas Rinaldi, Police Captain. The position is assigned no supervisory responsibilities.

Findings of Fact:

The primary function of the position is to process and maintain vendor information, purchase orders and requisitions, as well as, to process Police Officer information pertaining contracted vendor events for the Administrative Services Division,

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Department of Public Safety. Ms. Diaz performs the following duties and responsibilities:

- Maintains and processes the scheduling of Police Officers from a seniority list to provide security detail for various vendor events, i.e. block parties, film shoots, traffic patrols, picnics, etc.
- Establishes priority for filling security details; maintains active Police Officer list for security detail events.
- Generates and maintains vendor accounts/contracts; forwards to supervisor for approval. Ensures payments from vendors are submitted prior to event.
- Purchases all police items for the department, i.e. uniforms, gloves, computer equipment, etc.
- Maintains a vendor spreadsheet, including quotes and item requisitions on the MSI (Municipal Software Incorporated) system.
- Reconciles requisition amounts for payment, resolves discrepancies of vendor quotes and requisitions.
- Processes end-of-year non-payment of vendor purchase orders.
- Maintains blanket orders for monthly expenditures relating to police equipment and supplies, random drug testing, psychological evaluations, prisoner food, towing fees, etc.
- Tracks office machine service calls, office supply inventory, as well as vendor log of customer service received from vendor concerning items purchased, i.e. broken items, printing, etc. Follows up with customers.
- Answers vendor telephone calls relating to invoices and balances.
- Prepares vendor escrow refund paperwork for vendors who no longer conduct business with the City of Clifton.
- Informs the department of state and federal grant monies available for purchasing of items.
- Maintains veteran Police Officer job training list and submits timesheets to the Veteran's Association Program for payment.
- Processes forms for the Prosecutor's Office regarding the forfeiture of assets, monies, etc. confiscated by Police Officers during an arrest.
- Files Council resolutions.
- Provides coverage of the Police Chief's office on a rotating basis.

Review and Analysis:

The definition section of the classification specification for the incumbent's current permanent title, Keyboarding Clerk 2, states:

"Under limited supervision, performs moderately complex and non-routine clerical work involving the processing of documents in a variety of functions; performs moderately complex and non-routine clerical work requiring the utilization of keyboarding or typing skills; formats, reproduces, corrects, adjusts and prints a variety of written material; key enters/types correspondence, documents, reports, charts and other materials on a computer console,

typewriter, or other key entry device used by the agency; may provide guidance and assistance to staff; does other related duties as required.”

The definition section of the classification specification for the title, Account Clerk, states:

“Under direction performs a variety of routine, repetitive, noncomplex clerical tasks which involve computing, classifying, verifying, and recording numerical data and the reconciliation of accounts, records and documents to keep sets of financial records complete; does other related duties as required.”

Duties performed as a Keyboarding Clerk 2, require the performance of moderately complex typing or clerical work or a combination of the two tasks. Considerable knowledge and judgment of spelling, punctuation, various typing formats, form, spacing and arrangement, etc. are required. Duties may consist of the typing of non-routine and moderately complex clerical work requiring the utilization of a typewriter, computer console or any other key entry device utilized by an agency.

Our overview finds the majority of the duties performed by the incumbent involve maintaining and reconciling vendor accounts and requisitions, resolving vendor quote and requisition discrepancies, maintaining a vendor spreadsheet and item requisitions on the MSI (Municipal Software Incorporated) system, ensuring vendor payments are received prior to an event, scheduling Police Officers for security detail, maintaining blanket orders for monthly expenditures, preparing vendor escrow refund paperwork, maintaining office supplies, answering vendor telephone calls relating to invoices and balances, informing the department of state and federal grant monies available for purchasing items, maintaining the veteran Police Officer training list, and reconciling end-of-year non-payment vendor purchase orders.

The duties performed by the incumbent do not involve the selection of typing formats for the processing of documents, and work relating to reproducing, correcting, adjusting and printing written materials. She does not spend 50% of her time operating keyboarding equipment. The duties performed by the incumbent do not meet the standards established for the title, Keyboarding Clerk 2.

Determination:

Our review reveals the title, **Account Clerk (00001)**, encompasses the preponderance of the position's current duties and responsibilities on a continual basis and properly classifies this position.

Accordingly, Ms. Diaz is considered to be serving permanently in the title, Account Clerk, pending completion of the working test period, effective January 18, 2017.

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Please be aware that an incumbent's eligibility in meeting specification requirements is not the same as properly classifying the duties of a position. It is the responsibility of the Appointing Authority to ensure an incumbent meets the eligibility requirements prior to any appointment to the title.

According to the New Jersey Administrative Code 4A:3-3.5(c)1: "Within 30 days of receipt of the reclassification determination, 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."

In accordance to the New Jersey Administrative Code 4A:3-3.9, either the appointing authority or the affected employee may appeal this determination within (20) days of receipt of this letter. This appeal should be addressed to the Written Record Appeals Unit, Division of Appeals and Regulatory Affairs, Administrative Appeals-Unit A, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note 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,



Cheryl Legg, Human Resource Consultant 5
Division of Agency Services

CL:SW

Cc: Ruth Diaz
Stacey Walker, CSC
Jurisdictional File
Records Unit
Nick Kanellis, Records Imaging Center

