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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of  
Rosemary Lynne Gash,  
Office of Information Technology

CSC Docket No. 2017-821

Classification Appeal

ISSUED: APR 21 2017 (CM)

Rosemary Lynne Gash appeals the attached decision of the Division of Agency Services (DAS) which found that her position with the Office of Information Technology is correctly classified as Contract Administrator 2. She seeks a Contract Administrator 3 classification in these proceedings.

The appellant requested a review of her position as a Contract Administrator 2. In her request, she indicated her belief that the proper classification of her position was Contract Administrator 3. Her position, located in the Office of Information Technology, Program Management Office, reports to a Government Representative 1, and has no supervisory responsibility. DAS found that based on the primary duties of Ms. Gash's position, her title is properly classified as Contract Administrator 2.

On appeal, the appellant indicates that after DAS' determination was issued on August 16, 2016, there was a reorganization and she now reports to an individual in the Senior Executive Service. She argues that she was not interviewed in the desk audit, as defined by CWA contract, Article 1, Definition #13, and does not believe that a review of paperwork is sufficient. She requests an in-depth interview with herself and her present and prior supervisors. The appellant contends that the duties listed in DAS' determination do not encompass the scope, difficulty, or importance of her work, as it does not mention the M0483 NASPO ValuePoint Computer Contract. She states that "reviewing and finalizing required paperwork" is an oversimplification of her duties, and points out that she performs many of the examples of work on the job specification, some in a team effort.

Further, the appellant states that there are supervisory aspects of the title that do not involve supervision of people, although she currently supervises one Contract Administrator 1. However, she had supervised two individuals but one recently retired and the position had not yet been backfilled. The appellant takes umbrage with the determination that supervisory work must include supervising three or more lower level employees including preparing and signing performance evaluations (PARs) as well as approving leaves and timesheets. In this regard, she states that there is no indication of this requirement in the job specification. Moreover, although she prepares her subordinate's PAR, including the justification and final rating, she was just unable to input this information in the ePAR System. In support of her appeal, and the appellant submits a portion of the PAR for a Contract Administrator 1, and a training request document for this individual which required her signature.

### CONCLUSION

The definition section of the job specification for the title Contract Administrator 2 states:

Under the general supervision of a supervisory official, administers and exercises review and/or approval authority over various contracts and/or grants; provides technical assistance in contract and/or grant preparation, control, monitoring, amendment, and/or evaluation; as appropriate, exercises controllership and approval rights and responsibilities in the area of contract and/or grant administration; and/or processes contracts for multiple divisions, projects and/or programs, may be assigned to review the work of lower level contract administration and support staff; does other related duties.

The definition section of the job specification for the title Contract Administrator 3 states:

Under direction of a supervisory official oversees, reviews, and administers various State contracts and/or grants, and provides the technical expertise required for contract and/or grant preparation, fiscal administration, procurement, allocation, and/or monitoring; exercises controllership, approval rights and responsibilities, and supervises activities and staff involved in the administration of statewide construction and/or professional service contracts; does other related work.

Based upon a thorough review of the information presented in the record, it is clear that the appellant's position is properly classified as Contract Administrator 2. Initially, the Contract Administrator 3 title is a supervisory title. Supervisory

duties include responsibility for seeing that tasks assigned to subordinates are efficiently accomplished. It involves independent assignment and distribution of work to employees, with oral or written task instructions, and maintenance of the flow and quality of work within a unit in order to ensure timely and effective fulfillment of objectives. Supervisors are responsible for making available or obtaining materials, supplies, equipment, and/or plans necessary for particular tasks. They provide on-the-job training to subordinates when needed, and make employee evaluations based on their own judgment. They have the authority to recommend hiring, firing, and disciplining employees. *See In the Matter of Julie Petix* (MSB, decided January 12, 2005). *See also, In the Matter of Susan Simon and William Gardiner* (Commissioner of Personnel, decided September 10, 1997). Moreover, the Civil Service Commission has determined that the *essential component* of supervision is the responsibility for the administration of performance evaluations for subordinate staff. *See In the Matter of Timothy Teel* (MSB, decided November 16, 2001). Actual authority is evidenced by being named the rater on the performance evaluation document. *See In the Matter of Harry Corey, et al.* (MSB, decided September 21, 2005).

In the present case, the appellant does not have the responsibility of supervising staff as she does not complete employee evaluations or recommend the hiring, firing, promoting, demoting, and/or disciplining of employees. At the time of the audit, the ePAR of the Contract Administrator 1 was signed by the appellant's supervisor. The undated ePAR submitted by the appellant does not support that she was supervising in August 2016. In fact, the appellant did not include the pages of the PAR which indicated the employee, the rater and the reviewer. Although the appellant indicated on her Position Classification Questionnaire (PCQ) that she "supervised" one Contract Administrator 1, her supervisor was responsible for the ePAR. If the appointing authority denies the appellant the responsibility of administering PARs, it should refrain from assigning the appellant the typical work of a supervisor. The appellant can lead and provide guidance the Contract Administrator 1, but supervisory duties and responsibilities belong to the appellant's supervisor. However, the appellant should not be reviewing and approving timesheets, approving leave requests, preparing PARs and justifications, It is management's responsibility to ensure that supervisory tasks are performed by positions classified by supervisory titles and it skews the compensation plan to assign supervisory duties to positions not classified by supervisory duties. If it has not already done so, the appointing authority must remove these duties. With respect to the number of employees an incumbent in the Contract Administrator 3 title is required to supervise, DAS has determined that the standard required to classify titles assigned to the primary level supervisory employee relations group is that position must supervise three or more lower-level employees, including the preparation and signing of their PARs. Although the job specification does not delineate a specific number of staff to supervise, the definition portion clearly

indicates incumbents supervise staff. See *In the Matter of Lauren Williams* (CSC, decided March 22, 2016).

Next, as to the appellant's contention that the decision did not list all of her duties and responsibilities, the duties listed in the determination are a summary of duties rather than a word for word copy of what was listed in the PCQ. Typically, classification determinations list only those duties which are considered to be the primary focus of appellant's duties and responsibilities that are performed on a regular, recurring basis. See *In the Matter of David Baldasari* (Commissioner of Personnel, decided August 22, 2006). The classification consultant's role is strictly limited to an independent review of the assigned duties and responsibilities of the position in question. 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. See *In the Matter of Joseph Blusnavage* (CSC, decided January 27, 2010).

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. Employees undergoing a classification review are expected to unambiguously list their duties on a PCQ and, according to the instructions, do so in a manner "so clear that persons unfamiliar with the work can understand exactly what is done." The appellant certified with her signature on the last page that "the entries made above are my own and, to the best of my knowledge, are accurate and complete." The chosen method in this case was a paper review, which is a valid way of collecting information about a position and is not by any means considered to be inadequate or improper. It is noted that all of the appellant's duties and responsibilities were reviewed and the entire record has once again been thoroughly reviewed in conjunction with the appellant's appeal. The appellant's dissatisfaction with the method of classification review is not a reason to conclude that the audit results were inaccurate.

A thorough review of the information presented in the record establishes that Ms. Gash's position is properly classified as Contract Administrator 2 and she has not presented a sufficient basis to establish that her position is improperly classified.

#### ORDER

Therefore, the position of Rosemary Lynn Gash is properly classified as Contract Administrator 2.

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 19<sup>th</sup> DAY OF APRIL, 2017



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: Rosemary Lynne Gash  
Sharon Pagano  
Kelly Glenn  
Records Center



[COPY]

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 Officer

August 16, 2016

Rosemary Lynne Gash  
New Jersey Office of Information Technology  
300 Riverview Plaza – PO Box 212  
Trenton, New Jersey 08625-0212

**Re: Classification Review – Rosemary Lynne Gash**  
**CPM Log #05160117; EID: [REDACTED], position # [REDACTED]**

Dear Ms. Gash:

This is in response to the classification appeal dated May 11, 2016, submitted to this office on your behalf by Chief of Staff Sharon Pagano. This determination is based upon a thorough review and analysis of all information and documentation submitted, including a position classification questionnaire (DPF-44S), organization chart and your most recent Performance Evaluation System (PES) agreement.

**Issue:**

You are appealing the current classification of your position Contract Administrator 2 (51252/P26). You allege that your duties are not appropriately classified and that you are seeking to reclassify your position to Contract Administrator 3 (51250/R29).

**Organization:**

Your position is located in the Program Management Office of the New Jersey Office of Information Technology, and reports to Kathleen Smith, Governor Representative 1 (55512/X98).

**Finding of Fact:**

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

- Serving as the State Contract Manager for the M0003 Software License & Related Services contract
- Consulting with agencies on the best way to procure contractual needs
- Reviewing and finalizing required paperwork
- Supervising one Contract Administrator 1

**Review and Analysis:**

You are permanently classified in the title Contract Administrator 2 (51252/P26). The definition section of the specification for this title states:

Under the general supervision of a supervisory official, administers and exercises review and/or approval authority over various contracts and/or grants; provides technical assistance in contract and/or grant preparation, control, monitoring, amendment, and/or evaluation; as appropriate, exercises controllership and approval rights and responsibilities in the area of contract and/or grant administration; and/or processes contracts for multiple divisions, projects and/or programs, may be assigned to review the work of lower level contract administration and support staff; does other related duties

The definition section of the requested title, Contract Administrator 3 (51250/R29), states:

Under direction of a supervisory official oversees, reviews, and administers various state contracts and/or grants, and provides the technical expertise required for contract and/or grant preparation, fiscal administration, procurement, allocation, and/or monitoring; exercises controllership, approval rights and responsibilities, and supervises activities and staff involved in the administration of statewide construction and/or professional service contracts; does other related work.

You indicate that you work under general supervision and that you supervise one lower level employee. Contract Administrator 3 is the highest level in the title series. Incumbents in the Contract Administrator 3 title are required to supervise. Since Contract Administrator 3 is assigned to the Primary Level Supervisors'—CWA ("R") bargaining unit, leadership and/or supervisory work must be the primary focus of the assigned duties. Supervisory work must include supervising three or more lower level employees including preparing and signing Performance Evaluations, as well as, approving leaves and timesheets. Positions that function in a leadership role on an ancillary basis and do not supervise three or more lower level employees do not meet these standards, and may be classified as Contract Administrator 2.

Rosemary Lynne Gash  
8/16/2016

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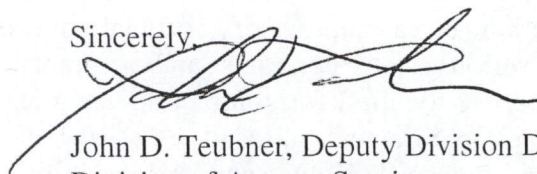
**Determination:**

Based upon the findings of fact cited above, it has been determined that the assigned duties and responsibilities of this position are commensurate with your permanent title, Contract Administrator 2 (51252/P26).

The title is descriptive of the general nature and scope of the functions that may be performed by the incumbent in this position. However, the examples of work are for illustrative purposes and are not intended to restrict or limit performance of the related tasks not specifically listed.

If you wish to appeal this decision, you may do so within twenty days of receipt of this letter. Since an appeal will be subject to final administrative review, all arguments that you wish considered should be submitted within the specified timeframe along with a copy of this determination letter. Appeals should be addressed to the Written Records Appeal Unit, Division of Appeals and Regulatory Affairs, NJ Civil Service Commission, P.O. Box 312, Trenton, New Jersey 08625-0312.

Sincerely,



John D. Teubner, Deputy Division Director  
Division of Agency Services

JKIII

C: Sharon Pagano, Chief of Staff, OIT