

B-27



STATE OF NEW JERSEY

In the Matter of Mary Jane Chiacchio, Department of Law and Public Safety

FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION

CSC Docket No. 2017-435

Classification Appeal

ISSUED: APR 24 2017 (CSM)

Mary Jane Chiacchio appeals the attached decision of the Division of Agency Services (Agency Services) that the proper classification of her position with the Department of Law and Public Safety is Personnel Assistant 1. The appellant seeks a Program Monitor, Americans with Disabilities Act 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 Personnel Assistant 1. The appellant's position is located in the Human Resources Unit, Office of the Attorney General and is supervised by Ann Sczerbowicz, Manager 3, Human Resources. The appellant sought a reclassification contending that her position would be more appropriately classified as a Program Monitor, Americans with Disabilities Act. 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, Agency Services concluded that the appellant's position is properly classified as Personnel Assistant 1.

On appeal, the appellant states that she indicated on her PCQ that she supervised one staff member and when she contacted Sczerbowicz about updating the subordinate's PAR in January 2016. However, it was not until July 2016 when the appellant was advised that she was no longer the subordinate's supervisor because that individual was promoted to Personnel Assistant 1 in April 2016. Further, the appellant agrees with the duties listed in Agency Services' determination, but asserts that she is in fact responsible for the overall ADA

program monitoring. In support, the appellant provides copies the Department of Law and Public Safety's Operating Procedures that establishes the Department ADA Coordinator as well as requiring each division to designate a Division ADA Coordinator. The appellant provides documentation indicating that she is the Department Coordinator. This documentation also indicates that she is responsible to serve as the Division ADA Coordinator for 7 of the 16 different divisions in the Department of Law and Public Safety. Additionally, the appellant's Performance Assessment Review (PAR) indicates that the major goal of her position is to coordinate the Americans with Disability Act for the Department of Law and Public Safety. Further, the appellant questions how one of the Division ADA Coordinator's position could be classified as Program Monitor, ADA, but her position be classified as Personnel Assistant 1.

CONCLUSION

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 definition section of the job specification for Program Coordinator, Americans with Disabilities Act states:

Under direction of supervisory official, is responsible for coordinating activities necessary to ensure compliance by the department or jurisdiction with the Americans with Disability Act of 1992 and the Federal Rehabilitation Act of 1973; does other related duties as required.

In the instant matter, the appellant's position should be classified as Program Coordinator, Americans with Disabilities Act. In making classification determinations, emphasis is placed on the Definition section to distinguish one class of positions from another. The Definition portion of a job specification is a brief statement of the kind and level of work being performed in a title series and is relied on to distinguish one class from another. On the other hand, the Examples of Work portion of a job description provides typical work assignments which are

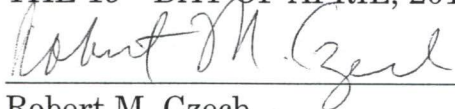
descriptive and illustrative and are not meant to be restrictive or inclusive. *See In the Matter of Darlene M. O'Connell* (Commissioner of Personnel, decided April 10, 1992). Initially, all of the Job Responsibilities listed in the appellant's PAR for rating cycles 2015 submitted in support of her request for reclassification all indicate that her major job responsibility is to coordinate the ADA for the Department of Law and Public Safety. Moreover, her PCQ indicated that 96% of her time is spent performing various duties coordinating the ADA function for the entire department as well as seven divisions. Although her immediate supervisor disagreed with the proposed title the appellant suggested on her PCQ, significantly, she indicated her agreement with the appellant's description of her duties as well as the percentages of time she indicated that were spent performing those duties. Further, while the appellant may not currently supervise subordinate staff due to the reclassification of her subordinate's position, the Program Monitor, Americans with Disabilities Act title is not classified as a primary or second level supervisory title.

ORDER

Therefore, it is ordered that this appeal be granted appellant's position be reclassified as Program Monitor, Americans with Disabilities Act, effective January 23, 2016.

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

Attachment

c: Mary Jane Chiacchio
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

June 21, 2016

Mary Jane Chiacchio

[Redacted]

Re: Classification Appeal – Personnel Assistant 1, Position # [Redacted]
EID# [Redacted] Log # [Redacted]

Dear Ms. Chiacchio:

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 May 12, 2016.

Issue:

You are serving permanently (RA4) in the title, Personnel Assistant 1 (28, Y28, 63255) and contend you are performing duties and responsibilities commensurate with the title, Program Monitor, Americans with Disabilities Act (28, P28, 60301).

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 3, Human Resources (34, M34, 56861). The State Position Classification Questionnaire (DPF-44S) which you completed indicates that you presently supervise one subordinate employee, Maria Lugo. However, the audit revealed that you are not the assigned PAR rater for Ms. Lugo and therefore do not currently function in a supervisory capacity.

Findings of Fact:

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

- Oversee and coordinate personnel activities and related documentation/paperwork in accordance with Americans with Disability Act (ADA) of 1992 and the Federal Rehabilitation Act of 1973 guidelines

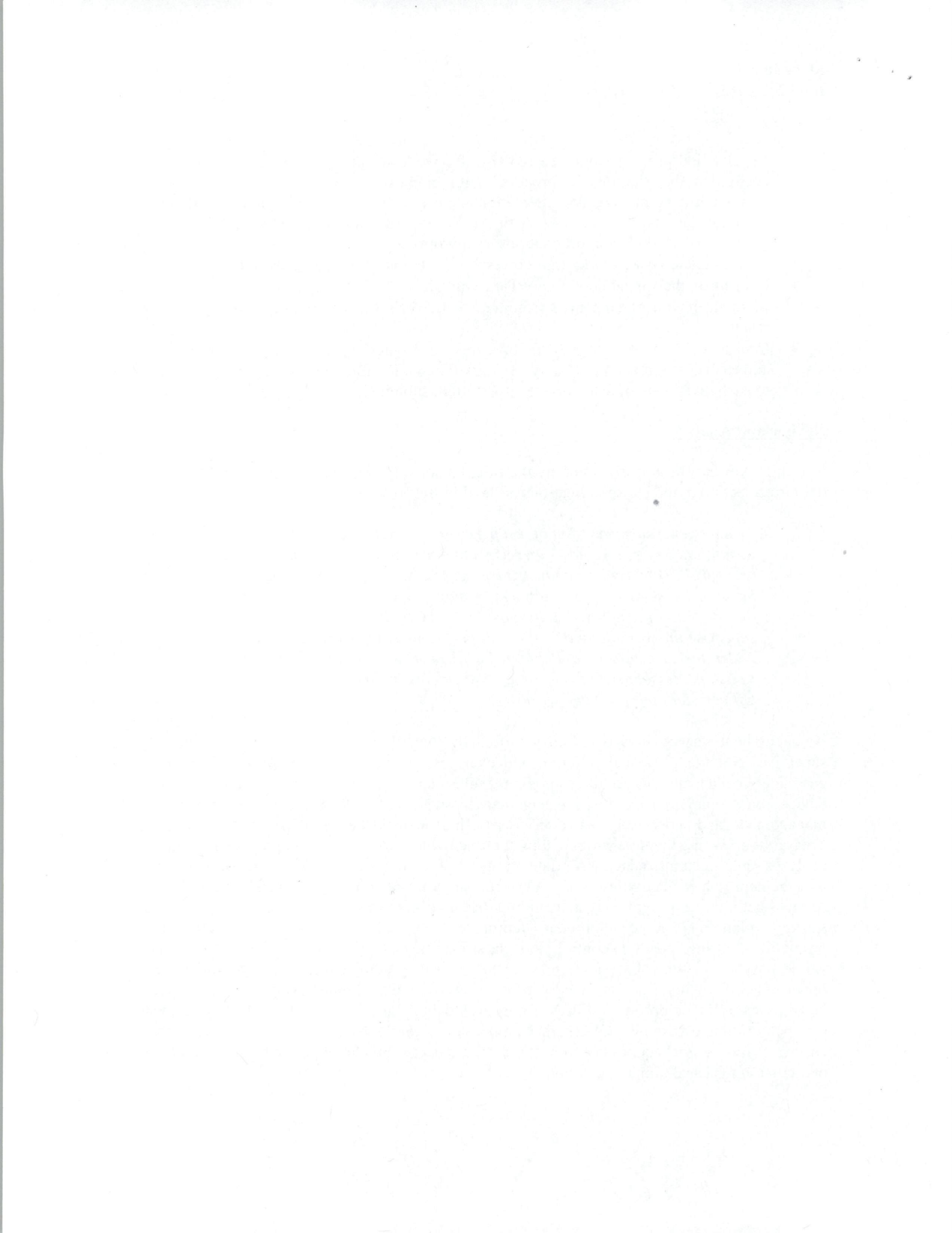
- Receive and process employee requests for work accommodations due to disability; engage in the “interactive process” with employees requesting accommodations; ensure adequate medical documentation is received, identify and implement individual accommodations in accordance with ADA standards and procedures, and implement individuals’ workplace modifications as appropriate
- Process related paperwork, draft correspondence, maintain records and files
- Coordinate the annual department Take Our Child to Work Day program
- Maintain record of employee Commercial Driver’s License (CDL) and drug testing results
- Coordinate the update of publications; receive detailed information of the department and each division from the Lawyers Diary Publication for annual revision; disseminate to each division to update/correct information; submit changes as they occur

Review and Analysis:

Currently, your position is classified by the title, Personnel Assistant 1 (28, Y28, 63255). The definition section of the job specification for the title 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.”

An incumbent serving in a position classified by the title Personnel Assistant 1 typically supervises a major personnel program and oversees the work activities of a unit; reviews personnel management procedures, policies, rules, and regulations and provides technical advice on complex personnel management issues to a department's administrative, management, and supervisory staff; serves as a liaison with the Civil Service Commission, Treasury, or with others serving within the statewide personnel community; investigates, analyzes, and recommends appropriate courses of action in a wide range of personnel management-related activities; may perform and/or supervise personnel administrative services/activities in program areas including, but not limited to, the following: organizational staffing, planning and development, recruitment and selection, open-competitive and promotional hiring, position control, job classification and evaluation, employee relations, varied payroll functions, benefits, employee leaves, salary administration, equal employment opportunity/affirmative action, PMIS processing, records administration, PAR program, budget analysis reporting, FICA, non-excludable and excludable Unemployment Compensation and Disability, Workers' Compensation, and other personnel-related programs; ensures that personnel actions conform to specific aspects of the total personnel program, with particular emphasis on implementation and enforcement.



You contend that the title, Program Monitor, Americans with Disability Act (28, P28, 60301) is the appropriate classification for your position. The definition section of the job specification for the title states:

“Under direction of supervisory official, is responsible for coordinating activities necessary to ensure compliance by the department or jurisdiction with the Americans with Disability Act of 1992 and the Federal Rehabilitation Act of 1973; may supervise support staff; does other related duties as required.”

Incumbents serving in a position classified by the title Program Monitor, Americans with Disability Act determine whether or not programs and activities conform with ADA guidelines and regulations; develop, administer, monitor, or evaluate programs and policies relating to ADA; develop program budgets; ensure that overall program objectives protect the rights of individuals with disabilities in employment, access to State and local government services, places of public accommodation, transportation, and other areas; initiate press releases regarding ADA public awareness; inspect leased property for public accessibility; ensure newly designed and constructed or altered State and local government facilities, public accommodations, and commercial facilities to be readily accessible to and usable by individuals with disabilities; reviews grievances from public regarding accessibility to public buildings; recommends types of modifications needed for compliance with ADA standards in regard to public access and employee accommodation; recommend types of reasonable accommodations that can be made which may ensure qualified individuals are able to participate in the application process or to perform essential job functions; interpret and apply differences between the ADA and other related regulations and standards.

A review of your current duties indicates that the preponderance of duties involves coordinating employees' reasonable accommodation requests, processing related paperwork, coordinating meetings, reviewing medical documentation and evaluating if criteria established by the ADA are met to warrant approval of a reasonable work place accommodation. You identify and recommend the type of accommodation needed, obtain vendor price quotes, and place orders for specialized equipment, materials or supplies. You serve as the department's coordinator for the aforementioned ADA functions, and consult with and assist several other division coordinators. The audit revealed that you are responsible for making determinations for more routine requests, such as assessing the ergo dynamics of work stations. You consult with and work under the guidance of management to review the more complex requests, such as a leave from work, restriction of duties due to disability, and requests to work from home, whose approval or denial is determined by your supervisor. Additionally, you perform other personnel-related duties such as maintaining employee files and coordinating related events.

While you oversee, process and follow up on employees' requests for accommodations, assist employees with completing forms, inform division coordinators of procedures, etc., you are not responsible for overall program monitoring and compliance activities as described above. Audit findings revealed that duties performed involve recommendation and implementation of reasonable accommodations for individual employees to perform essential job functions; however, you are not responsible for overall program compliance, policy development /



implementation, or program management responsibilities. Responsibility for program monitoring and determinations relating to complex matters currently rests with your management and the department's legal counsel. Duties such as processing employee requests, requesting and reviewing medical documentation, conducting follow-up activities to ensure timely processing of requests and ordering related equipment are considered functions of a personnel management-related program. Performing such duties as necessary for various personnel-related areas, including ADA, is a personnel function and are considered appropriate duties under the Personnel Assistant title series. Therefore, the title Program Monitor, Americans with Disability Act is not an appropriate classification for your position.

Determination:

Based on the findings of fact stated above, it is our determination that your current duties and responsibilities are commensurate with the title, Personnel Assistant 1 (28, Y28, 63255). By copy of this letter, the appointing authority is advised that your position is presently properly classified.

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

