



STATE OF NEW JERSEY

In the Matter of Gwendolyn Robinson, Department of Law and Public Safety	:	FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION
	:	
CSC Docket No. 2017-1807	:	
	:	
	:	
	:	Classification Appeal
	:	

ISSUED: July 28, 2017 (CSM)

Gwendolyn Robinson 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 Agency Services Representative 1. The appellant seeks an Agency Services Representative 2 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 Clerk Typist. The appellant's position is located in the Board Support Unit, Division of Consumer Affairs and she is supervised by Francine Widrich, Management Improvement Specialist 1. The appellant does not have supervisory responsibility. The appellant sought a reclassification contending that her position would be more appropriately classified as an Agency Services Representative 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, Agency Services concluded that the appellant's position would be properly classified as Agency Services Representative 1 effective April 30, 2016.

On appeal, the appellant states that Widrich was interviewed during the desk audit but her immediate supervisor is Tiesha Frederick. She also presents that she performs were accurately described on her PCQ and when asked, would cover the third floor without hesitation. She indicates that she was only supposed to be the backup on the third floor walk-in center once a week, but since she put in for classification review, she is required to cover the floor for an entire week each month. The appellant also states that she deserves an Agency Services

Representative 2 classification because of the extra work she performs for the Ethics Officer, Robert Campanelli. The appellant provides a letter of support from Campanelli, detailing the various duties she performs. In a supplemental submission, the appellant asserts that she has trained three different employees in the Board Support Group when she was working for the Electrical, Plumbing and Fire and Burglar Alarm Board (EPFBAB). Further, she notes that she had so many duties when she was assigned to the EPFBAB that other staff were required to assist her until she was reassigned to the Board Support Unit. The appellant states that other employees' titles were changed to Agency Services Representative 1 and when she questioned why her title was not changed, it was explained that it was an oversight.

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that classification appeals must be submitted in writing within 20 days of receipt of the decision letter and include copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for the appeal. *Information and/or argument which was not presented at the prior level of appeal shall not be considered.*

The definition section of the job specification for Agency Services Representative 1 states:

Under the close supervision of a supervisory official in a State department, agency, or institution, provides basic and/or repetitive front-line and behind the scenes customer and other support services involving the review, processing and issuance of agency documents; provides information to customers regarding department/agency programs and services; does other related work as required.

The definition section of the job specification for Agency Services Representative 2 states:

Under the limited supervision of a supervisory official in a State department, agency, or institution, provides front-line and behind the scenes customer and other support services involving the review, processing and issuance of agency documents; provides information to customers regarding department/agency programs and services; may provide guidance and assistance to clerical staff; does other related work as required.

In the instant matter, it is clear that the appellant's position is properly classified as Agency Services Representative 1. The main difference between these two levels in the Agency Services Representative title series is the level of responsibility required more so than the general tasks and duties performed. As correctly noted in Agency Services' determination, at the time the appellant her PCQ, the position did not perform the complex duties involved in the review and issuance of agency documents and did not frequently exercise independent judgment in order to make difficult determinations. The position also did not exercise limited independent judgement consistent with an Agency Services Representative 2 classification. Rather, the position provides routine and repetitive customer service, which requires the incumbent to answer basic questions and provide clerical assistance.

With respect to her assertion that Widrich should not have been interviewed, classification reviews are typically conducted by either 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, Frederick's permanent title is Agency Services Representative 3, a non-supervisory title. Therefore, as Frederick does not serve in a supervisory title and does not have formal performance assessment review authority, it would have been inappropriate to interview her as the appellant's supervisor. With respect to the appellant's argument that she has many duties assigned to her and the length of her service, 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). Regardless, 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.

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 26TH DAY OF JULY, 2017



Robert M. Czech, Chairperson
Civil Service Commission

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

Attachment

c: Gwendolyn Robinson
Mirella Bednar
Kelly Glenn
Records Center



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

October 11, 2016

Gwendolyn Robinson

Department of Law & Public Safety
Division of Consumer Affairs
24 Halsey Street
Newark, NJ 07102

Re: Classification Appeal – Clerk Typist, [REDACTED] #035
[REDACTED]

Dear Ms. Robinson:

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 on September 6, 2016.

Issue:

You are serving permanently (RAN) in the title, Clerk Typist (07, A06, 23232) and contend you are performing duties and responsibilities commensurate with the title, Agency Services Representative 3 (15, A14, 56360).

Organization:

Your position is currently assigned to the Board Support Unit, Division of Consumer Affairs, Department of Law and Public Safety. Your supervisor is Francine Widrich, Management Improvement Specialist 1 (31, Y31, 50086). You presently have no direct supervisory responsibility.

Findings of Fact:

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

- Provide service and support to customers submitting initial applications and license renewals

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- Assist customers with on-line registration and provide confirmation of payments received
- Process returned licenses for all professional occupation boards and record address corrections
- Provide clerical support to the Division's Ethics Officer and assist with special projects
- Inform employees of ethics requirements, ensure on-line ethics modules have been completed and required ethics forms submitted, schedule ethics presentations, and assemble and distribute ethics packets to employees

Review and Analysis:

Currently, your position is classified by the title, Clerk Typist (07, A06, 23232). The definition section of the job specification for the title states:

"Under supervision, types and also performs routine, repetitive, clerical work of a varied nature; does other related duties as required."

An incumbent serving in a position classified by the title Clerk Typist performs entry-level and routine clerical work on a daily basis, types simple correspondence and prepares form letters and documents, and stamps/distributes mail and maintains files.

You contend that the title, Agency Services Representative 3 (15, A14, 56360) is the appropriate classification for your position. The definition section of the job specification for the title states:

"Under the general supervision of a supervisory official in a state department, agency, or institution, provides front-line and behind the scenes customer and other support services including the review, processing and issuance of agency documents; provides specialized information to customers regarding department/agency programs and services; handles the more complex and/or sensitive customer issues, requests and complaints; does other work as required."

An incumbent serving in a position classified by the title Agency Services Representative 3 is responsible for the more complex technical duties involved in the review and issuance of agency documentation; provides specialized information of a varied nature to customers; conducts research of laws/regulations to explain and resolve varied and difficult issues; and frequently exercises independent judgment to make decisions where a clear precedent does not exist.

The title Agency Services Representative 1 (09, A08, 56352) was also reviewed. The definition section of the job specification for the title states:

"Under the close supervision of a supervisory official in a state department, agency, or institution, provides basic and/or repetitive front-line and

behind the scenes customer and other support services involving the review, processing and issuance of agency documents; provides information to customers regarding department/agency programs and services; does other related work as required."

An incumbent serving a position classified by the title Agency Services Representative 1 performs basic and/or repetitive functions in the provision of customer service. Incumbents conduct the routine review and processing of applications for licenses, certifications, permits, or other official documents; compose basic correspondence; answer routine questions regarding rules and procedures; and provide simple instruction to customers in the completion of applications.

A review of your current duties and responsibilities indicates that you provide routine and repetitive customer service. You answer basic questions regarding the initial application and issuance/renewal of licenses; process and correct addresses for returned licenses; clarify rules, procedures and ethics requirements; provide guidance to customers submitting on-line applications; and provide basic instruction on completing and submitting required documents. You provide clerical assistance to the Ethics Officer, schedule ethics presentations, assemble and distribute ethics packets, and arrange for employees to take the on-line ethics module. You also inform the Executive Directors whether or not board members have completed the ethics training.

The majority of your time is not spent typing and performing routine and repetitive clerical work; therefore, the title Clerk Typist is not an appropriate classification for your position. Additionally, you are not performing the more complex technical duties involved in the review and issuance of agency documents and do not frequently exercise independent judgement in order to make difficult determinations or provide specialized information; therefore, the title Agency Services Representative 3 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, Agency Services Representative 1 (09, A08, 56352). This action shall be effective April 30, 2016.

Please be advised that this classification determination does not imply that you will meet the eligibility requirements of the title. It is the responsibility of the appointing authority to ensure an incumbent meets the eligibility requirements prior to any appointment.

New Jersey Administrative Code 4A:3-3.5(c)1 states, "Within 30 days of receipt of the reclassification determination, unless extended by the Chairperson or designee in a particular case for good cause, 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

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October 11, 2016

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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.

Within 30 days of receipt of this letter, we will proceed with reclassifying the position to Agency Services Representative 1, effective April 30, 2016, unless we are advised by the appointing authority that duties and responsibilities commensurate with your current title will be assigned. If duties are reassigned commensurate with the current title, the appointing authority must submit a current Position Classification Questionnaire and organizational chart documenting the change.

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
Assistant Director

SF/sr

C: Mirella Bednar
Nick Kanellis, Records Imaging Unit
File