



STATE OF NEW JERSEY

In the Matter of Shivon Harris,
Department of Labor and Workforce
Development

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2018-2579

Classification Appeal

ISSUED: APRIL 6, 2018 (JET)

Shivon Harris appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of her position with the Department of Labor and Workforce Development is Program Specialist 1. The appellant seeks an Employment and Training Specialist 1 or an Employment and Training Specialist 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 Program Specialist 1. The appellant's position is located in the Processing Team of the Training Evaluation Unit, Division of Workforce Operations, Department of Labor and Workforce Development, and she reports to Deshahn Lawrence, Supervisor, Employment and Training Program. The appellant does not have any supervisory duties. The appellant sought a reclassification contending that her position would be more appropriately classified as an Employment and Training Specialist 1 or an Employment Training Specialist 2. 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, Agency Services concluded that the appellant's position was properly classified as a Program Specialist 1.

On appeal, the appellant asserts, among other things, that the classification determination inaccurately lists the duties she is performing. Specifically, the appellant asserts that her duties include completing approval and denial decisions,

typing and disbursing site visit reports, completing certificate of approval requests, serving as contact person for statewide/regional employment training programs, processing private career school applications, and independently performing duties. In addition, the appellant contends that she has been assigned to perform duties that are normally performed by Employment and Training Specialists in her unit. Moreover, the appellant states that the classification determination is flawed, as it is based on personal resentment shown toward her by the representative from Agency Services rather than the information presented in her classification request.¹

CONCLUSION

The definition section of the job specification for Employment and Training Specialist 1 states:

Under the direction of a Supervisor, Employment and Training Programs or other supervisor within Workforce New Jersey, has state-wide responsibility for conducting the work involved in planning, coordinating, implementing, and reviewing employment and training programs; plans and directs one or more of the special program services or special research and workforce development efforts; does related work.

The definition section of the job specification for Employment and Training Specialist 2 states:

Under the direction of a higher level Employment and Training Specialist or other Supervisor within the Workforce New Jersey, has regional responsibility for conducting the office and field work involved in planning, coordinating implementing and reviewing new and existing programs in the One-Stop Career Center (OSCC) field offices; plans and directs one or more of the special program services or special research and workforce development efforts; does related work.

The definition section of the job specification for Program Specialist 1 states:

Under the close supervision of a Program Specialist 3 or 4, or other supervisory official in a State department, institution or agency, assists in the professional, administrative and analytical

¹ The appellant also states that she submitted a prior classification request which was dismissed prematurely as the representative from Agency Services believed she had retired, and as such, she was asked to submit the classification request that is the subject of this matter. The appellant states that such procedural delays show that the Agency Services representative is biased against her.

work to promote the planning, operation, implementation, monitoring and/or evaluation of various programs and services administered by the Department of assignment; assists in conducting the research and field work necessary to meet the needs of the appropriate State and/or local public or private agencies; does related work.

In the instant matter, it is clear that the proper classification of the appellant's position is Program Specialist 1. Indeed, the majority of the duties listed on the appellant's PCQ (over 50%) include such things as processing applications from providers; referring applications to Employment and Training Specialists for site visits; forwarding completed applications to unit secretary; mailing Certificates of Approval; verifying documents in support of applications; contracting providers; determining providers eligibility; issuing approval and denial notices; suspending approval when providers do not maintain eligibility status; verifying student records via program portal; updating website and Oracle database as necessary; updating online account access for providers; providing information to OSCC and other interested parties; preparing records in support of division programs; ensuring application review is in accordance with applicable law; and maintaining records and files. Such duties are consistent with those performed by a Program Specialist 1. The appellant did not indicate on the PCQ that the majority of her duties include state-wide responsibility for conducting the work involved in planning, coordinating, implementing, and reviewing employment and training programs; planning and directing one or more of the special program services or special research and workforce development efforts; having regional responsibility for conducting office and field work involving the planning, coordinating implementing and reviewing new and existing programs in the OSCC field officers, and doing related work. Moreover, the appellant's supervisor and director indicated on the PCQ that they did not agree that the appellant's duties are closely aligned with the Employment and Training Specialist 1 and 2 titles.

With respect to the appellant's argument that the Agency Services representative was biased against her, the appellant did not provide any substantive evidence to show that any procedural delays had an adverse effect on her classification determination or that there was any bias toward her at the time the classification determination was decided. 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. Further, it is longstanding policy that only those duties and responsibilities assigned at the time of the request for a reclassification are to be considered. In this regard, classification appeals are based solely on the duties performed by an employee at the time of the classification review and not on any subsequent duties

or organizational changes. 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. Moreover, the appellant has not established that Agency Services' methodology in this matter was improper or led to an incorrect result. Finally, the appellant's contention that she is performing duties of employees who previously held the Employment and Training Specialist title is unpersuasive. In this regard, a classification request cannot be based on a comparison to the duties of another position, especially if that position is misclassified. See *In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided March 16, 1995); *In the Matter of Dennis Stover, Middletown Township* (Commissioner of Personnel, decided March 28, 1996). See also, *In the Matter of Lorraine Davis, Office of the Public Defender* (Commissioner of Personnel, decided February 20, 1997), *affirmed*, Docket No. A-5011-96T1 (App. Div. October 3, 1998).

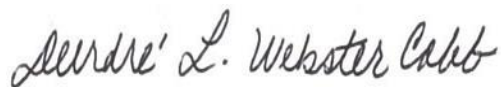
Accordingly, there is no basis to disturb the determination of Agency Services that the appellant's position is properly classified as Program Specialist 1.

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 4th DAY OF APRIL, 2018



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