



STATE OF NEW JERSEY

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

In the Matter of Cornelia Wilson,
Department of Children and Families

Classification Appeal

CSC Docket No. 2017-3663

ISSUED: APRIL 10, 2018 (ABR)

Cornelia Wilson appeals the determination of the Division of Agency Services (Agency Services) that her position with the Department of Children and Families (DCF) was properly classified as a Technical Assistant 3, Community Affairs. The appellant seeks a Technical Assistant 2, Community Affairs classification in this proceeding.

The record in the present matter establishes that at the time of her request for a reclassification of her position, the appellant’s permanent title was Senior Repairer. In July 2016, the appellant requested a classification review of her position located in the DCF, Office of Facilities and Support Services. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties she performed. Agency Services reviewed all documentation provided by the appellant, including her PCQ. Agency Services found that the appellant’s primary duties and responsibilities entailed maintaining Bureau of Vital Statistics reports; processing requests for vital records, including birth, marriage, and death certificates; completing on-site visits to the Department of Health in order to search and retrieve confidential documents; updating Bureau of Vital Statistic logs based on collected certificates; updating the status of vital statistics by adding information to the New Jersey Statewide Protective Investigation, Reporting and Information Tool (NJSPIRIT) case management system; and maintaining records and files. Agency Services found that her position did not involve the direct supervision of other employees. Based on its review of the information provided, Agency Services concluded that the appellant’s position would be properly classified as a Technical Assistant 3, Community Affairs.

On appeal to the Civil Service Commission (Commission), the appellant does not dispute the classification of her position within the Technical Assistant title series. However, she argues that the classification of Technical Assistant 2, Community Affairs was more consistent with the duties of her position than the Technical Assistant 3, Community Affairs title she was given. She proffers that she did not merely render the “assistance” provided by a Technical Assistant 3, Community Affairs. Rather, she submits that, consistent with the job description for the Technical Assistant 2, Community Affairs title, she worked “independently.” Specifically, she proffers that she reports directly to the Manager of Closed Records and receives only general supervision. She adds that she worked independently with local offices to investigate, process and correct vital records.

It is noted that this agency approved changes to the Technical Assistant title series, effective February 3, 2018. As a result, the former Technical Assistant 3, Community Affairs title was renamed Technical Assistant 1 and the former Technical Assistant 2, Community Affairs title was renamed Technical Assistant 2 and verbiage changes were made to the job specifications for both titles. Agency records indicate that Agency Services received the appellant’s PCQ on August 17, 2016.

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that in classification appeals, the appellant shall provide 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 appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The foundation of position classification, as practiced in New Jersey, is the determination of duties and responsibilities being performed at a given point in time as verified by this agency through an audit or other formal study. Thus, classification reviews are based on a current review of assigned duties and any remedy derived therefrom is prospective in nature since duties which may have been performed in the past cannot be reviewed or verified. Thus the job specifications in effect at the time that Agency Services receives the completed PCQ are utilized when conducting the classification review. *See In the Matter of Gloria Grant* (CSC, decided January 25, 2012). Accordingly, the relevant job specifications for review in this matter are the Technical Assistant 3, Community Affairs and Technical Assistant 2, Community Affairs job specifications that were in effect when Agency Services received the appellant’s PCQ on August 17, 2016.

The definition section of the job specification for Technical Assistant 3, Community Affairs stated:

Under the direction of a Technical Assistant 2 or other supervisory official in Department of Community Affairs or the Department of Health and Senior Services, performs complex technical duties and/or performs paraprofessional responsibilities for prescribed technical projects or programs requiring the independent application of the rules, regulations, policies, and procedures to varying situations within the particular area of assignment; does other related duties as required.

The definition section of the job specification for Technical Assistant 2, Community Affairs stated:

Under direction of a Technical Assistant 1 or higher level supervisory official in the Department of Community Affairs or Department of Health and Senior Services, may take the lead over subordinate technical and/or clerical staff in the performance of technical duties and/or performs complex para-professional responsibilities for prescribed technical projects or programs requiring the independent application of rules, regulations, policies, and procedures to varying situations within the particular area of assignment; does other related duties as required.

In the instant matter, the appellant disputes Agency Services' classification of her position as a Technical Assistant 3, Community Affairs. On appeal, she asserts that, at the time of the audit, the general supervision she worked under and her assigned duties were commensurate with the title of Technical Assistant 2, Community Affairs. Specifically, she emphasizes her independent work with local offices to investigate, process and correct vital records. A thorough review of the information presented in the record establishes that the appellant's position at the time of the audit was properly classified as a Technical Assistant 3, Community Affairs and she has not presented a sufficient basis to establish that her position was improperly classified. The appellant contends that because she worked with a significant degree of independence, the Technical Assistant 2, Community Affairs title was appropriate. 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). A review of the job specifications for both titles reveals that, while very similar, the Technical Assistant 2, Community Affairs title performed more complex or difficult and involved duties than those of the Technical Assistant 3, Community Affairs. Additionally, a

Technical Assistant 2, Community Affairs might have taken the lead over subordinate staff. Further, the examples of work in the Technical Assistant 2, Community Affairs job specification indicated that incumbents reviewed the “more difficult” matters, worked more independently, and instructed lower level employees. Thus, the level of work between the two titles was different, as the Technical Assistant 2, Community Affairs performed the higher-level analysis of problems, consulted with professional staff and others, and instructed lower-level staff. Both titles required the independent application of the rules, regulations, policies, and procedures.

The appellant does not challenge Agency Services’ findings that her primary duties and responsibilities included maintaining Bureau of Vital Statistics reports, processing requests for vital records, updating logs based on collected certificates, updating the status of a case management system, and maintaining records and files. Those duties were not consistent with the Technical Assistant 2, Community Affairs title. Initially, there is no suggestion in the record that the appellant took the lead over subordinate technical and/or clerical staff. Furthermore, it cannot be said that the tasks the appellant performed were sufficiently “difficult” or “complex” to warrant the Technical Assistant 2, Community Affairs classification. In that regard, a worker may be considered to engage in “difficult” or “complex” tasks for classification purposes where, for example, he or she utilizes non-routine procedures, deals with unusual subject matter and/or interacts with sophisticated parties. *See In the Matter of David Akins, William Bialowasz and Philip Greenberg* (Commissioner of Personnel, decided August 16, 2005) (While it is difficult to accurately define a “complex negotiation,” a negotiation is not necessarily considered complex based by the dollar amount/value, but rather by the nature of the acquisition itself such as acquisitions involving frequent departures from standard practices and guidelines). The above-noted duties and responsibilities do not suggest a significant level involvement with non-routine procedures, unusual subject matter and/or interactions with sophisticated parties. Finally, even if the Commission were to accept that the appellant only received general supervision and performed all of her duties independently, those details would not establish that her duties rose to the level of a Technical Assistant 2, Community Affairs.

ORDER

Therefore, it is ordered that this appeal be denied, and the position of Cornelia Wilson was properly classified as a Technical Assistant 3, Community Affairs at the time of her classification review.

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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