



**STATE OF NEW JERSEY**

In the Matter of Franca Benavides,	:	<b>FINAL ADMINISTRATIVE ACTION</b>
Department of Law and Public Safety	:	<b>OF THE</b>
	:	<b>CIVIL SERVICE COMMISSION</b>
	:	
	:	
CSC Docket No. 2019-2056	:	
	:	
	:	
	:	Classification Appeal
	:	

**ISSUED: JUNE 28, 2019 (JET)**

Franca Benavides appeals the 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 3. The appellant seeks an Agency Services Representative 4 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 an Agency Services Representative 3. The appellant sought a classification review contending that her position would be more appropriately classified as an Agency Services Representative 4. The appellant’s position is located in the Division of Consumer Affairs, Office of Weights and Measures (NJOWM) and her direct supervisor is Raymond Szpond, Supervisor of Licensing, Weights and Measures. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) dated July 25, 2018, detailing the different duties that she performed. Agency Services reviewed all documentation supplied by the appellant. Based on its review of the information provided, including an organizational chart and an interview with the appellant, her supervisor, and the Chief of Staff, Agency Services concluded on December 26, 2018 that the proper classification of the appellant’s position was Agency Services Representative 3.

On appeal, the appellant asserts, among other things, that her duties include working in a lead worker capacity and she is the “go to person” in the absence of the supervisor. In this regard, the appellant explains that she serves as the lead Administrative and Agency Services employee, and she was appointed as the

NJOWM Licensing Section Lead Liaison in her supervisor's absence. The appellant states that her supervisor indicated in the PCQ that her most important duties were "taking the lead on all Agency Services duties along with significant institutional knowledge of the NJOWM Licensing and Metrology section." Her supervisor also indicated that "[the appellant] is the main point of contact in [his] absence [which] requires a vast skill set and knowledge of the section and organizational operations." The appellant adds that her employee evaluations indicate that she is performing lead worker duties. The appellant states that, although the job specification for Agency Services Representative 4 indicates information with respect to the criteria for lead worker duties, such information does not appear in the job specification for Agency Services Representative 3. Moreover, the appellant maintains that her duties include providing guidance, training and instruction regarding to the NJOWM licensing process, resolving matters, and providing technical guidance to customers pertaining to the administration of NJOWM licensing.

### CONCLUSION

The definition section of the job specification for Agency Services Representative 4 states:

Under the direction 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 varied information to customers regarding department/agency programs and services; handles the most complex and/or sensitive customer issues, requests and complaints; functions in a lead worker capacity; does other related work.

The definition section of the job specification for Agency Services Representative 3 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 involving 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 related work.

In the instant matter, the appellant did not provide any substantive information or documentation that would change the outcome of the December 26, 2018 classification determination. A review of the record reveals that the classification determination was based on a review of all of the appellant's duties and responsibilities listed in the July 25, 2018 PCQ, the organizational chart for her unit, and interviews with the appellant, her direct supervisor, and the Chief of Staff. Over 50% of the duties listed on the July 25, 2018 PCQ (90%) included serving as the primary contact for NJOWM Licensing and Metrology; receiving and responding to inquiries; providing guidance and instruction on NJOWM licensing rules, regulations, policies, and procedures; scheduling testing and inspection metrology; receiving and processing applications and certifications; reviewing applications; verifying application information; and issuing licenses. Such duties are commensurate with those performed by an Agency Services Representative 3. Incumbents in the Agency Services Representative 4 title perform, under the direction of a supervisory official, front-line and behind the scenes customer and other support services involving the review, processing and issuance of agency documents; provide information to customers regarding departmental programs and services; handle the most complex customer issues, requests and complaints; and most importantly, function in a lead worker capacity. The majority of duties listed in the July 25, 2018 PCQ are not consistent with such duties.

Additionally, the record reflects that the appellant is the sole worker serving as an Agency Services Representative 3 in her unit and, as a such, she cannot provide any lead worker duties to employees. Accordingly, the organizational chart for her unit does not support the appellant's appointment as an Agency Services Representative 4.

With respect to the appellant's arguments that she is performing lead worker duties, she has not provided any substantive evidence in support of her claims. An incumbent in a lead position refers to persons whose titles are non-supervisory in nature, but are required to act as a leader of a group of employees in titles at the same or lower level than themselves on a regular and recurring basis and perform the same kind of work as that performed by the group being led. *See In the Matter of Catherine Santangelo* (Commissioner of Personnel, decided December 5, 2005). Clearly, the majority of the appellant's duties as described on her PCQ and on appeal do not establish that her primary function is that of a lead worker. In this regard, being the "go to" person or acting in a supervisor's absence is not sufficient to show that an employee is acting as a leader of other employees on a regular and recurring basis.

Additionally, 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. In this regard, 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. In making classification determinations, emphasis is placed on the definition section to distinguish one class of positions from another. Moreover, 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).

Accordingly, there is no basis to disturb the determination of Agency Services that the appellant's position is properly classified as an Agency Services Representative 3.

### 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 26<sup>th</sup> DAY OF JUNE, 2019



Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries	Christopher 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

c: Francia Benavides  
Valerie Stutesman  
Kelly Glenn  
Records Center