



**STATE OF NEW JERSEY**

In the Matter of Danielle Bennett,	:	<b>FINAL ADMINISTRATIVE</b>
Department of Corrections	:	<b>ACTION</b>
	:	<b>OF THE</b>
	:	<b>CIVIL SERVICE COMMISSION</b>
CSC Docket No. 2019-3147	:	
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	:	Classification Appeal
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**ISSUED: JULY 18, 2019**

Danielle Bennett appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of her position with the Department of Corrections is Social Work Supervisor 2, Secured Facilities. The appellant seeks a Social Work Supervisor 1, Secured Facilities classification.

The record in the present matter establishes that at the time the appellant filed her request for a classification review, her permanent title was Social Work Supervisor 3, Secured Facilities. The appellant’s position is located in Southern State Correctional Facility and she reports to Leanne Cook, Program Specialist 4. The appellant supervises three Assistant Social Work Supervisors, Secured Facilities. The appellant sought a reclassification contending that her position would be more appropriately classified as Social Work Supervisor 1, Secured Facilities. 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. Agency Services also conducted a telephone desk audit with the appellant and her immediate supervisor, Cook. Based on its review of the information provided, Agency Services concluded that the appellant’s position would be properly classified as Social Work Supervisor 2, Secured Facilities effective November 10, 2018.

On appeal, the appellant states that one of the differences between the levels of the Social Work Supervisor, Secured Facilities title series is the reporting relationship. Specifically, a Social Work Supervisor 1, Secured Facilities reports to a superintendent or other supervisory staff and an incumbent in the Social Work

Supervisor 2 or 3 title reports to another Social Work Supervisor, Secured Facilities. In her case, the appellant notes that she reports to a Program Specialist 4, Social/Human Services, which is a higher title than Social Work Supervisor 1, Secured Facilities. Additionally, the appellant states that she consistently and regularly interacts and collaborates with various department heads throughout the institution. In support of her appeal, the appellant provides a “request for reconsideration” from the Department of Corrections to Agency Services, which asserts that her position should be classified a Social Work Supervisor 1, Secured Facilities.

## CONCLUSION

*N.J.A.C. 4A:3-3.9(e)* states that appeals from the decision of this agency’s representative to the Civil Service Commission (Commission) may be made by an *employee, authorized employee representative, or local appointing authority*. The appeal 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.*

Initially, the Department of Corrections’ request for “reconsideration” to Agency Services cannot be considered in the adjudication of the appellant’s appeal to the Commission. In this regard, in response to *Executive Order No. 70* (1992), *N.J.A.C. 4A:3-3.9(e)* was amended in 1993 so as not to permit State appointing authorities to appeal first-level classification determinations to the Commission. As indicated earlier, an appeal of a first-level classification determination to the Commission *may only be made by an employee, authorized employee representative, or local appointing authority*. See 25 *N.J.R.* 1916 and 25 *N.J.R.* 4064(a).

The definition section of the job specification for Social Work Supervisor 1, Secured Facilities states:

Under the direction of the superintendent or other supervisory staff members, has charge of social work programs and services in an adult or juvenile correctional institution or other agency; does other related duties.

The definition section of the job specification for Social Work Supervisor 2, Secured Facilities states:

Under the direction of a Social Work Supervisor 1, Secured Facilities, or other supervisor, has charge of the social work program and staff of

an adult or juvenile secured facility or other correctional facility; does other related work.

In the present matter, the record demonstrates that the appellant's position is properly classified as Social Work Supervisor 2, Secured Facilities. While the appellant maintains that she reports to the "acting" Director, a Program Specialist 4, Social/Human Services, which is a higher title than Social Work Supervisor 1, Secured Facilities, this reporting relationship does not warrant that her position be reclassified to Social Work Supervisor 1, Secured Facilities. There is no such designation as an "acting" appointment under Civil Service rules. *N.J.S.A.* 11A:4-13 and *N.J.A.C.* 4A:4-1 *et seq.* provide for regular, conditional, provisional, interim, temporary, and emergency appointments. See *In the Matter of Russell Davis* (MSB, decided August 10, 2005); *In the Matter of Michael Shaffery* (MSB, decided September 20, 2006).

The appellant indicated on her PCQ that approximately 40% of her time involves supervising all the work operations, activities, and staff in such things as social service planning, discharge planning, and assessments for re-entry review; 30% planning, organizing, and assigning the work of the Office of Social Services; 10% of her time developing, implementing, reviewing, and modifying in-service programs for staff training; 5% of her time coordinating with the administration and management regarding policies and procedures; 5% of her time supervising the preparation of statistical reports and 5% of her time conducting monthly staff meetings. In other words, the appellant spends at least 70% of her time supervising activities and procedures of social work staff the institution.

While the appellant argues on appeal that she collaborates with various department heads throughout the institution, she indicated on her PCQ that only 10% of her time was spent coordinating with the administration and management regarding various policies and procedures. Further, 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. In this case, Agency Services evaluated the appellant's duties in light of the job specifications and appropriately determined that her positions should be reclassified as Social Work Supervisor 2, Secured Facilities.

Additionally, as correctly noted in Agency Services' initial determination with respect to appellant's arguments that her position should be reclassified to Social Work Supervisor 1, Secured Facilities since she performs the exact same duties as

those in the title at smaller institutions, a classification appeal cannot be based solely 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). Further, 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).

Accordingly, a thorough review of the information presented in the record establishes that the appellant's position is properly classified as a Social Work Supervisor 2, Secured Facilities and she has not presented a sufficient basis to establish that her position is improperly classified.

### 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  
DAY OF , 2019




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Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: Danielle Bennett  
Elizabeth Whitlock  
Kelly Glenn  
Records Center