



STATE OF NEW JERSEY

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

In the Matter of Senior Field
Representative, Wage and Hour
Compliance, Department of Labor
and Workforce Development

Salary Appeal

CSC Docket Nos. 2019-2319, *et al.*

ISSUED: SEPTEMBER 12, 2019 (HS)

Veronica Crawford-Williams, Marie Lacroix, Kenneth O’Connell and Gaetano Riccardi appeal the determination of the Division of Agency Services (Agency Services) that an insufficient basis had been presented to warrant reevaluation of the Senior Field Representative, Wage and Hour Compliance title (Title Code 55983). These appeals have been consolidated due to common issues presented.

By way of background, the appellants petitioned Agency Services for a reevaluation of the subject title. In support of their request, the appellants stated that since the last evaluation for the title in 1991, several new laws, regulations and practices have been enacted, increasing the responsibility, accountability, knowledge and problem-solving skills needed for the position. They pointed to, for example, mandatory overtime restrictions for health care workers, the State Building Service Contracts Act and the Construction Industry Independent Contractor Act, laws for which they must have knowledge and be able to educate the public and staff. The appellants maintained that these legal changes required them to conduct more site inspections; review additional records; evaluate operations; research whether a law applies in a particular situation; and be accountable for the more complicated cases. They identified additional responsibilities of the position, including holding conferences with respect to assessments; using various computer programs; creating and making PowerPoint presentations on wage and hour laws; and coordinating investigations involving other enforcement agencies. The appellants noted that the position is responsible for training new employees. The appellants also provided a proposed revised job specification. The proposed specification added, as examples of work, the

performance of the more complex audits addressing wage determinations and the use of skills and knowledge of the expansion of accounting practices, among other additions.

Agency Services evaluated the request and, in a determination dated February 8, 2019, found that a salary reevaluation was not warranted as there was no substantive change in job content. Specifically, Agency Services determined that the additional responsibilities identified by the appellants, and those they proposed adding to the job specification did not significantly increase the level of job complexity or scope. It noted that many of the listed tasks were not new or more complex but rather were detailed extensions or add-ons to the existing tasks which have already been calculated into the current evaluation. Agency Services determined that the duties had little to no impact on the compensable factors of know-how, problem-solving and accountability.

On appeal to the Civil Service Commission (Commission), the appellants maintain that an upward reevaluation is warranted. They quote from the Hay Guide, which is used to evaluate titles, and contend that factors beyond know-how, problem-solving and accountability should also have been considered. They reiterate that changes in labor law justify reevaluation.

CONCLUSION

N.J.A.C. 4A:3-4.2(a) provides that State service job titles are evaluated, and existing titles reevaluated, based on the New Jersey Job Content Evaluation System and that “class codes” shall be designated for job titles through this evaluation process. *N.J.A.C.* 4A:1-1.3 defines a “class code” as a designation assigned to job titles in State service with ranking based upon an evaluation of job content.

N.J.A.C. 4A:3-4.3(b) provides that a request for a reevaluation must identify and explain the areas of substantive change in job content or other change in job evaluation factors through written narrative and a revised job specification, which shall be marked to indicate changes, and include evidence that the change in job content affects all employees in the title. *N.J.A.C.* 4A:3-4.3(d) provides that appeals to the Commission shall contain all information which was presented to the prior level, a statement identifying the specific portions of the prior level determination being contested, and the basis for appeal. *N.J.A.C.* 4A:3-4.3(e) provides that information and/or argument which was not presented at a prior level of appeal shall not be considered.

An appropriate job reevaluation is based on an analysis of the job content factors and whether or not there has been a significant change in them over time. The factors of know-how, problem-solving and accountability as required by the title

series are the criteria which are analyzed as part of a job reevaluation to determine the appropriate levels of salary compensation. *See In the Matter of Motor Carriers Title Series* (CSC, decided November 7, 2008).

The appellants quote from the Hay Guide and assert that the subject reevaluation should have considered factors beyond know-how, problem-solving and accountability. The Commission disagrees. As background, the Hay Group was consulted by the State in order to develop a state-wide compensation system. The State did not adopt a “pure” Hay methodology but rather, the Hay System was modified at its inception in 1972 as the New Jersey Job Content Evaluation System in order to meet the unique needs of the State. While some elements of a “pure” Hay System are utilized by the New Jersey Job Content Evaluation System, some elements have been modified and some elements are not used. It is noted that there are no statutory provisions or Civil Service law or rules that require the adoption of a “pure” Hay System or prohibit modification of this system. The factors utilized by the New Jersey Job Content Evaluation System are know-how, problem-solving and accountability. The job specification and the level of the title in an organization are the only sources of information that are used in determining the New Jersey Job Content Evaluation System evaluation. *See In the Matter of Senior Correction Officer* (Commissioner of Personnel, decided April 20, 2004), *aff'd*, *In the Matter of Senior Correction Officer* (Commissioner of Personnel, decided September 26, 2005). It has also been well established that volume of work is not, in itself, evidence of a substantive change in job content. *See In the Matter of Area Supervisor, Crew Supervisor, and Assistant Crew Supervisor, Highway Maintenance* (Commissioner of Personnel, decided May 31, 1990).

Pursuant to *N.J.A.C.* 4A:3-4.3(b), evidence of substantive change in job content is the basis for reevaluation of a title. Substantive change in job content is documented evidence of higher-level work than that explicitly or implicitly defined in the current job specification. It is noted that jobs may change without a substantial change in job content. For example, due to changes in technology, individuals serving in the State Office Centrex Operator title series who had used manual or mechanical means to perform assigned tasks, were subsequently required to do so electronically. Thus, while the medium used changed, the essential tasks of the job did not. *See In the Matter of State Office Centrex Operator Title Series* (Commissioner of Personnel, decided August 14, 1990). *See also In the Matter of Crew Supervisor Mechanics and Assistant Crew Supervisor Mechanics* (Commissioner of Personnel, decided January 25, 1990).

Know-how speaks to the sum total of every kind of skill, however gained, required for successful performance on the job; problem-solving refers to the original “self-starting” thinking required for the job for analyzing, evaluating, creating, reasoning, arriving at and making conclusions; and accountability is the

measure of answerability for an action and for the consequences thereof on the part of an incumbent in the title (stated in terms of dollar impact).

In this case, the appellants contend that changes in the legal landscape justify a reevaluation of the Senior Field Representative, Wage and Hour Compliance title. They maintain that they must have knowledge of the new laws, be able to educate the public and staff, and take on the more complicated cases. However, the job specification in existence already provides that incumbents must have the ability to interpret and apply the laws of New Jersey and related federal statutes pertaining to wages and hours and other applicable laws covering wages and conditions of employment. Per the existing specification, incumbents already conduct the more complex and difficult investigations of employers to ensure compliance with laws which provide for proper payment and prescribe conditions of employment; identify inconsistencies or violations of the statutes enforced by the office; represent the Department of Labor and Workforce Development interpreting the rules and regulations pertaining to wage and hours in presentations before union representatives, employees, community organizations and other groups; and train new personnel.

In addition, the remaining duties the appellants highlight, such as holding conferences, coordinating investigations involving other enforcement agencies, and the use of skills and knowledge of the expansion of accounting practices, are also largely already encompassed by the existing job specification. In this regard, incumbents conduct, in the absence of the District Supervisor, informal conferences with employers to resolve issues revealed during investigations with such conferences possibly involving negotiation with the employer on the amount to be paid to employees; conduct joint investigations with other government agencies; analyze employer accounts and records, cash disbursements, general ledgers, invoices, and related information to identify employers' methods of payment to employees in those instances where complicated issues are involved; and perform the more complex work in re-computing amounts due employees using information from various employer records which may include automated record keeping systems. Incumbents must also have the ability to analyze and interpret complex computer payroll systems.

Since the knowledge and duties the appellants highlight are already largely defined in the current job specification, there is no evidence of a substantive change in job content. Therefore, the appellants have not demonstrated that an upward reevaluation is warranted.

ORDER

Therefore, it is ordered that these appeals be denied.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 10TH DAY OF SEPTEMBER, 2019



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

- c. Veronica Crawford-Williams (2019-2391)
- Marie Lacroix (2019-2319)
- Kenneth O'Connell (2019-2360)
- Gaetano Riccardi (2019-2398)
- Tennille R. McCoy
- Kelly Glenn
- Records Center