

for the Accounts Payable staff and for campus-wide usage. She states that she researches the Department of the Treasury publications and provides updated findings to management, analyzes and determines allowable business expenses, audits expenses, reviews and gathers materials that do not qualify as necessary or reasonable expenses, runs reports and analyzes "vendor spend" for appropriateness and shares her findings, updates and modifies transactions, prepares reports, assists with accounting services, retrieves documents for auditors. The appellant also states that she assigns and monitors work to student workers, researches, gathers and compiles materials, answers high level complex questions, attends meetings, coordinates software upgrade testing and schedules meetings. She states that she has assisted and developed finance training materials, instructed classes and trained employees on expenses. The appellant maintains that IRS reporting, fiscal year-end processes and website editor are her primary responsibilities, not resolving any issues regarding workflow, database, and computer systems as stated by Agency Services. She states that she is an Accredited Payable Specialist, and processes cash disbursements, processes payroll checks, verifies the online banking system to ensure fraud activity, reviews disbursement documents, leads and coordinates all monthly accounts payable training, and assists with enforcing policies, procedures and internal controls. Therefore, the appellant maintains that her prior work experience and her current duties demonstrate that her position should be reclassified as Program Assistant, Administrative Services.

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 definition section of the job specification for the title Technical Assistant states:

Under supervision of a supervisory official in a State department or agency or a local jurisdiction, performs technical functions in providing information and assistance in reviewing and verifying data of a routine nature; does other related duties.

The definition section of the job specification for the title Program Assistant, Administrative Services states:

Under general supervision of a Professional Services Specialist 2 or other supervisory officer in the Administrative Services area at a State college, is responsible for performing basic professional functions using

established policies, procedures, precedents, and guidelines; does related work as required.

The definition section of the job specification for the title Accounting Assistant states:

Under direction performs preliminary accounting work involved in preparing financial records and in maintaining an accounting system; does other related duties.

First, 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. Therefore, the appellant's duties that she performed in prior-held positions are not relevant when determining the proper classification of her current position. Job requirements and selection criteria are not relevant to position classification reviews as the outcome of position classification is not to provide a career path to the incumbents, but rather is to ensure that the position is classified in the most appropriate title available within the State's classification plan.

In *In the Matter of Department of Higher Education Employees* (MSB, decided May 25, 1993), the former Merit System Board created many generic non-competitive titles for use by the Department of Higher Education as part of a settlement agreement to resolve a bargaining unit charge brought before the Public Employee Relations Commission by various unions. Specifically, that charge claimed that some of the titles created by the State Colleges after July 1986, *i.e.*, the ones in accordance with *N.J.S.A.* 18A:64-21.2 that were no longer subject to the provisions of Title 11A, actually involved functions performed by career service titles that were formerly aligned, bargaining unit titles. Germane to the matter at hand, one of the title series that was created is Program Assistant, Administrative Services. Accordingly, when these generic, non-competitive titles were created, they were assigned to an employee relations group in the appropriate bargaining unit.

Higher Ed, supra, states that the titles were established to avoid service disruptions, due to bumping, in the event of layoffs. In the Appendix A, point 2 states:

New positions not in a direct line of supervision to the State Colleges Unit created since July 1986 and presently in generic titles below Associate Director 2 which the parties agree are more appropriately included in one of the CWA units will be included in one of the CWA units in existing classified¹ competitive titles. If there is no appropriate existing classified competitive title for an affected

¹ Now known as "career service" titles.

position, then the position will be placed in a generic classified non-competitive title created by the Department of Personnel.

Therefore, the generic non-competitive title that the appellant seeks is not intended to be used where an existing career service competitive title would appropriately classify a position. In this regard, the Civil Service Commission (Commission) has a statutory obligation to classify titles, and appropriate existing career services competitive titles should first be considered to ensure that this agency's mandate that appointments to public service be made on the basis of merit and fitness on a competitive basis. In this case, there are no duties that the appellant performs that fall outside of the scope of an existing competitive titles.

The Technical Assistant title is in a different occupational group than Program Assistant, Administrative Services. The use of occupational group categorizations, as recognized by the United States Department of Labor, was determined to be a reasonable and objective method for identification of job similarities as required by *N.J.A.C.* 4A:8-2.1 title rights criteria and the same criteria are uniformly applied to all titles in the State Classification Plan. Agency Services uses the Dictionary of Occupational Titles as a starting point for the development of 39 broad occupational groupings to enable the appropriate categorization of State job titles, which were customized to account for the uniqueness of occupations in the Civil Service. Additionally, job specifications were used for the basis for the categorization into occupational groups. The Technical Assistant title belongs in Occupational Group 16 (Occupations in Administrative Specializations). Occupations in this group provide internal support of agency goals and objectives involving utilizing resources *other than fiscal*. The Program Assistant, Administrative Services title belongs in Occupational Group 09 (Occupations in Education). Occupations in this family are concerned with administration and teaching. Thus, neither title would be used to classified positions involving fiscal activity.

On her PCQ, the appellant provided 12 pages of duties written in small font for 14 duties, and she very specifically breaks down each major duty into smaller duties. She indicated that the major categories and percentages of time, by order of difficulty, are:

1	IRS reporting (October through February)	10
2	Fiscal Year End Process (may through October)	10
3	Website Editor	9
4	Projects, Reports and Updates	7
5	Ongoing Training Inspection	8
6	Complex Accounts by Vendor	10
7	Representative of A/P Department	7
8	Analytical Research on Incomplete Invoices and Documents	7

9	Organization with Outlook	8
10	Electronic Invoice Process	7
11	Invoice Process	2
12	Back up to A/P staff	3
13	Customer Service	6
14	Continuing Education	6

It is long-standing Commission policy that upon review of a request for position classification, when it is found that the majority of an incumbent's duties and responsibilities relate to the examples of work found in a particular job specification, that title is deemed the appropriate title for the position. Further, the duties listed in Agency Services' determination are a summary of duties rather than a word for word copy of what was listed in the PCQ. In this case, the summary states that the appellant's duties include, *but are not limited to*, the following: verifies all invoices for payment processing requirements, enters online approved documents for payment processing immediately upon receipt, coordinates with vendors to service all office equipment, assists with all inquiries related to accounts payable for all vendors, and ensures files are current and up-to-date proper retrieval, and maintains e-mail accounts for accounts payable department. This is consistent with how the appellant described her duties on her PCQ. A holistic view of the duties presented indicates that a fiscal title is appropriate. The question then arises of whether this is professional level work.

Professional work is predominantly intellectual in character, as opposed to routine mental, manual, mechanical or physical work, and it involves the consistent exercise of judgment. It is basically interpretive, evaluative, analytical and/or creative, requiring knowledge or expertise in a specialized field of knowledge. This is generally acquired by a course of intellectual or technical instruction, study and/or research at an institution of higher learning or acquired through an in-depth grasp of cumulative experience. However, there must be thorough familiarity with all the information, theories and assumptions implicit in the chosen field. Persons in professional work should be able to perceive, evaluate, analyze, formulate hypothesis, and think in the abstract. Positions are considered professional when the work requires *application* of professional knowledge and abilities, as distinguished from either the desirability of such application or the simple possession of professional knowledge and abilities.

In the instant matter, some of the duties presented may be professional, however, much of the work is not. The work clearly involves a fiscal function, and generally, accounts payable is a bookkeeping detail. That the functions have become computer-oriented does not discount the fact that it is but one feature of accounting, with aspects of purchasing and maintenance of accounts. Accounting Assistant belongs in Occupational Group 15 (Occupations in Financial Specializations). Occupations in this group are concerned with a variety of financial

specializations such as accounting and auditing, sales, promotion, marketing, purchasing, budgeting, investments and securities, and grants administration. It is in the competitive division of the career service, and the definition, performing a preliminary accounting work involved in preparing financial records and in maintaining an accounting system. Therefore, the Accounting Assistant title best classifies the duties of the appellant's position. Accordingly, the appellant should be provisionally appointed, pending promotional examination procedures, to Accounting Assistant, effective November 24, 2018, or that the appointing authority assign duties consistent with her permanent title of Technical Assistant in accordance with *N.J.A.C.* 4A:3-5.

ORDER

Therefore, the position of Keri Fearon is properly classified as Accounting Assistant, effective November 24, 2018.

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 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
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Keri Fearon
Stephanie Cozzone
Kelly Glenn
Records Center