



**STATE OF NEW JERSEY**

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

In the Matters of Employment  
Services Trainee, Department  
of Labor and Workforce Development

Request for Salary Re-Evaluation

CSC Docket Nos.      2020-2061,  
   *et. al.*

**ISSUED: NOVEMBER 6, 2020(JET)**

The Communication Workers of America, Local 1038, represented by Peter A. Cipparulo, petition the Civil Service Commission (Commission) for a salary re-evaluation for the Employment Services Trainee title. Since these matters concern similar issues, they have been consolidated herein.

As background, as a result of a salary evaluation conducted by this agency, the title of Examiner, Unemployment Tax,<sup>1</sup> was approved for an upward evaluation effective March 2, 2019, from salary range P17, step 1 (\$44,835.21) to salary range P18, step 1 (\$46,873.41). The petitioners, Paula Buscamera, Gerald Kole, Daybrina Little, Justin Lamb and Caroline Tutak were appointed as Employment Services Trainees on December 10, 2018, at a salary range of P16, step 1 (\$42,985.85),<sup>2</sup> and at the time the March 2, 2019 salary reevaluation was granted for the journeyman title, they were serving as Employment Services Trainees. The petitioners were appointed to the Examiner, Unemployment Tax title effective December 7, 2019 at range P18, step 1. The petitioners appealed to Agency Services, arguing that since the Employment Services Trainee title is aligned with the Examiner, Unemployment Tax title, they were entitled to an increase to coincide with the salary change.

<sup>1</sup> Examiner, Unemployment Tax is only one journeyman title to advance from the Employment Services Trainee title. According to the job specification for Employment Services Trainees, the additional journeyman titles include Interviewer (P17), Examiner Unemployment Tax (P18), Claims Examiner, Unemployment and Disability Insurance (P17), and Field Examiner, Wage and Hour Compliance (P19).

<sup>2</sup> P16 is the salary range for Employment Services Trainees.

By letter dated January 15, 2020, Agency Services denied the petitioners' request pursuant to *N.J.A.C.* 4A:3-4.3. Specifically, Agency Services indicated that changes in job content must apply to all positions and employees in the title in all agencies for the title to warrant a re-evaluation. Agency Services explained that the Employment Services Trainee title is a broad, 'multi-path,' entry level title which is used exclusively by the appointing authority, and such employees are not limited to an appointment to Examiner, Unemployment Tax at the time the trainee period is completed. Rather, Agency Services indicated that the career path for Employment Services Trainees may differ as such employees perform different work depending on their appointed career path. Agency Services explained that the appointing authority has discretion to train Employment Services Trainees in various areas including, but limited to, unemployment/disability insurance, wage and hour compliance, and other areas, and after one year of satisfactory service, they are advanced to the journeyman title for which they were trained. In this regard, multiple journeyman titles are aligned with the Employment Services Trainee title, ranging from the P17 salary range to the P19 salary range.

Agency Services stated that, given the nature of how the trainee title is utilized and the different career paths trained employees may enter, the upward re-evaluation for the Examiner, Unemployment Tax title did not guarantee that the other levels in the title series would warrant an upward re-evaluation. Agency Services indicated that, although all in-series titles are considered at the time of a salary re-evaluation, the determination of a such a re-evaluation may not be the same in every case. Moreover, Agency Services indicated that records reflected that the petitioners' salaries at the time of their trainee appointments was P16, step 1, they subsequently received an increment after six months to P16, step 2, and were advanced to the journeyman title of Examiner, Unemployment Tax after one year of service at P18, step 1. As such, Agency Service concluded that the petitioners were properly compensated pursuant with Civil Service law and rule, and as such, no salary change was warranted.

On appeal, the petitioners assert that effective December 10, 2018, they were appointed as Employment Services Trainees with the appointing authority, and they were notified that their starting salaries were \$42,895.85 (P16, step 1). The petitioners state that after six months, their salaries were to increase to \$44,835.21 (P17, step 1). They indicate that P17, Step 1 is equivalent to the starting salary of an Examiner, Unemployment Tax employee. The petitioners contend that, at the time of their anticipated promotion to Examiner, Unemployment Tax, their salary should have increased to \$47,810.87 (P17, step 2), which has historically occurred when prior Employment Services Trainees were appointed to that title. Further, the petitioners contend that a salary evaluation was granted for the Examiner, Unemployment Tax title, and as a result, the salary for that title was changed on March 2, 2019 from P17 to P18. The petitioners state that, although the employees serving in the Examiner, Unemployment Tax title received a salary increase, they

did not receive a salary increase while serving in the Employment Services Trainee title. Specifically, the petitioners assert that, as a result of the salary evaluation, their salaries should also have increased from P16, step 1 (\$42,895.85) to P17, step 1 (\$44,835.21), and after six months, their salaries should have increased to a P18, step 2 (\$49,990.40). As such, the petitioners request retroactive pay to reflect the salary increases.

## CONCLUSION

*N.J.A.C. 4A:3-4.3(a)* provides that appointing authorities may request a re-evaluation by the Chairperson or designee of a job title to determine its proper class code. The request, which shall be submitted through the agency representative, must include a brief rationale for the request, an organization chart, and the requested new salary level. The Chairperson or designee may require additional information to be submitted in a manner and form as determined by the Chairperson or designee. *N.J.A.C. 4A:3-4.3(b)* provides that an appeal by an employee or authorized employee representative for a re-evaluation shall be submitted, in writing, to the agency representative. The appeal 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. A representative of the Civil Service Commission may require additional information to be submitted in a manner and form as determined by the Chairperson or designee. 1.) The agency representative shall review the appeal and ensure that the information set forth in (b) above has been included. Within 10 days of receipt of the appeal, the appointing authority representative shall either notify the appellant that specific additional information is required, or shall forward the appeal to the Civil Service Commission and so notify the appellant, and may indicate a recommended approval or rejection of the appeal for specified reasons. If additional information is required, the agency representative shall forward the appeal to the Civil Service Commission within 10 days of receipt of the appellant's response to the request for additional information.

*N.J.A.C. 4A:3-4.3(c)* provides that a representative of the Civil Service Commission shall review the request or appeal and render a written decision. A written decision on evaluation appeals shall be rendered within 60 days of receipt of all required information. The decision letter shall include a notice of appeal rights to the Commission in the case of an appeal by an employee or authorized employee representative. *N.J.A.C. 4A:4-4.3d* provides that any affected employee or authorized employee representative may appeal the determination to the Civil Service Commission within 20 days of its receipt. The appeal 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. The appellant shall provide copies to all parties.

*N.J.A.C.* 4A:3-4.3(e) provides, in pertinent part, that the Civil Service Commission may render a decision based on the written record or appoint an independent salary reviewer. All parties, either personally, through counsel or authorized union representative, shall have the opportunity to present argument. Information and/or argument which was not presented at a prior level of appeal shall not be considered.

In this matter, the petitioners have not established that they are entitled to the requested salary increase. Agency Services correctly determined that the fact that the journeyman title of Examiner, Unemployment Tax was entitled to a salary increase as a result of a salary re-evaluation, such information did not automatically entitle the Employment Services Trainee title to an increase. As noted above, the Employment Services Trainee title is a broad, multi-path, entry level title which is used exclusively by the appointing authority, and such employees are not limited to an appointment to Examiner, Unemployment Tax. Indeed, the job specification for Employment Service Trainee indicates that, after completion of the 12-month training period, trainees will be eligible for advancement among the titles for which they were trained. Salary re-evaluations are title specific, and as such, the employees who were serving as Employment Services Trainees at the time the salary evaluation in the instant matter was conducted are not entitled to the salary re-evaluation. Agency Services also indicated that, although all in-series titles are considered at the time of a salary re-evaluation, the determination of a such a re-evaluation may not be the same in every case. As an example, if a title is re-evaluated by this agency and it warrants a lower level salary due to the removal of supervisory tasks and responsibilities, the change will have no impact on lower level titles in the series. Moreover, records reflect that the petitioners' salaries at the time of their trainee appointments (P16, step 1) and (P16, step 2 after six months), and \$46,873.41 (P18, step 1) were correct. Contrary to the petitioner's claims, they were properly appointed to the journeyman title at range P18, step 1. There is no evidence that the petitioners requested a salary re-evaluation for Employment Services Trainee while serving in that title, nor evidence in this matter to warrant their advancement to the P18, step 2 salary range. Indeed, the petitioners did not show any change in job content or duties that would warrant a higher salary range. As such, Agency Service correctly concluded that the petitioners were properly compensated pursuant with Civil Service rule and laws, and as such, no salary change was warranted.

## **ORDER**

Accordingly, it is ordered that this petition 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 4<sup>TH</sup> DAY OF NOVEMBER 2020

*Deirdre L. Webster Cobb*

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Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher 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: Paula Buscamera 2020-2061  
Gerald Kole 2021-38  
Daybrina Little 2021-40  
Justin Lamb 2021-39  
Peter A. Cipparulo  
Tennille McCoy  
Agency Services