



STATE OF NEW JERSEY

In the Matter of Marie Morrison,
Department of the Treasury

**FINAL ADMINISTRATIVE ACTION
OF THE CHAIR/
CHIEF EXECUTIVE OFFICER
CIVIL SERVICE COMMISSION**

CSC Docket No. 2023-1494

Classification Appeal

ISSUED: June 12, 2023 (HS)

Marie Morrison appeals the determination of the Division of Agency Services (Agency Services) that her position with the Department of the Treasury was properly classified as a Technical Assistant 1, Treasury. The appellant seeks a Technical Assistant 2, Treasury job classification in this proceeding.

The record in the present matter establishes that at the time of the request for a position review, the appellant was serving permanently in the title of Technical Assistant 1, Treasury. Her position was located in the Division of Taxation, Audit Activity, Inheritance and Estate Tax – Team 5. Agency Services received the request on June 23, 2022 and reviewed the appellant’s Position Classification Questionnaire (PCQ), organizational chart, and documentation from the electronic Performance Assessment Review (ePAR) system. On the PCQ, the appellant stated, among other things, that she supervised Nancy Andrews, Clerk Typist; Kathleen Byrd, Technical Assistant 1, Treasury; and Rosalind Ellis, Technical Assistant. However, the ePAR documentation indicated that the appellant was the rater for only Andrews and Ellis. Therefore, Agency Services, in its December 20, 2022 determination, found reclassification unwarranted because the appellant did not supervise at least three employees.

On appeal to the Chair/Chief Executive Officer, the appellant maintains that reclassification of her position to Technical Assistant 2, Treasury was warranted. She explains that at the time of completing the PCQ, she indeed supervised Andrews, Byrd, and Ellis. However, effective September 1, 2022, Byrd was reassigned to

another supervisor, and Ronald Dixon, Technical Assistant, was simultaneously reassigned under the appellant's supervision. The appellant insists that at no time during the position review process was she responsible for the supervision of less than three employees. In support, the appellant submits, among other things, copies of the memoranda reflecting Byrd's and Dixon's reassignments and Dixon's Performance Assessment Review (PAR) form for the September 1, 2022 to August 31, 2023 rating period where the appellant is noted as the rater.

CONCLUSION

N.J.A.C. 4A:3-3.9(c)5 states, among other things, that a representative of the Civil Service Commission (Commission) shall review the position review request, request additional information, if needed, order a desk audit, where warranted, and issue a written decision letter.

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 Technical Assistant 2, Treasury states:

Under the direction of a supervisory official in the Department of the Treasury, performs the technical work involved in reviewing and verifying data from forms, claims, applications, returns, assessments, proposals, computer generated files, and error listings, to determine the completeness and accuracy of complicated and/or irregular eligibility, award, and liability determinations and calculations; may recommend appropriate follow-up action, supervises the work of subordinate para-professional and/or clerical employees; does other related duties.

The definition section of the job specification for Technical Assistant 1, Treasury states:

Under the direction of a Technical Assistant 2, Treasury or other supervisory official in the Department of the Treasury, or, in the Lien Section, Office of the Public Defender collects, reviews, and verifies data from forms, claims, applicants, returns, assessments, proposals, and error listings, determines the completeness and accuracy of information, benefits, and/or liability reported or calculated; makes routine eligibility, award, and liability determinations and calculations; does related work.

Initially, it is noted that the Technical Assistant 2, Treasury title is a first-level supervisory title, and supervisory experience includes responsibility for seeing that tasks assigned to subordinates are efficiently accomplished. It involves independent assignment and distribution of work to employees, with oral or written task instructions, and maintenance of the flow and quality of work within a unit in order to ensure timely and effective fulfillment of objectives. Supervisors are responsible for making available or obtaining materials, supplies, equipment, and/or plans necessary for particular tasks. They provide on-the-job training to subordinates when needed, and make employee evaluations based on their own judgment. They have the authority to recommend hiring, firing, and disciplining employees. See *In the Matter of Julie Petix* (MSB, decided January 12, 2005). See also, *In the Matter of Susan Simon and William Gardiner* (Commissioner of Personnel, decided September 10, 1997). Moreover, the Commission has determined that the *essential component* of supervision is the responsibility for the administration of performance evaluations for subordinate staff. See *In the Matter of Timothy Teel* (MSB, decided November 16, 2001). The individual rating performances is the supervisor.

At the time of the classification review, the supervision of three employees was the requirement for a position to be considered a first-level supervisor.¹ The appellant met the requirement. While it is true that the ePAR documentation reflected that the appellant only supervised Andrews and Ellis, the appellant had noted on her PCQ that she was responsible for supervising three employees. Moreover, on appeal, the appellant presents evidence that Byrd, who had also been under her supervision, was reassigned to another supervisor at the same time that Dixon was reassigned under the appellant's supervision. She also presents Dixon's PAR form for the September 1, 2022 to August 31, 2023 rating period where the appellant is noted as the rater. Thus, while the *identity* of one of the employees supervised changed during the period when the appellant's position was under review, it is clear that the *number* of employees supervised was three throughout that period. Thus, there is a sufficient basis in this particular case to grant the appellant's requested relief.

N.J.A.C. 4A:3-3.9(e)3i states that the effective date of a position reclassification shall be the pay period immediately after 14 days from the date an appropriate Commission representative received the appeal or reclassification request, or at such earlier date as directed by the Commission. As Agency Services received the appellant's request on June 23, 2022, the appropriate effective date of reclassification is July 16, 2022.

ORDER

¹ On April 13, 2023, that requirement was changed. As of that date, supervision of one or more subordinate employees is considered sufficient to be considered a first-level supervisor.

Therefore, it is ordered that this appeal be granted and the position of Marie Morrison be reclassified to Technical Assistant 2, Treasury with an effective date of July 16, 2022.

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

DECISION RENDERED ON
THE 12TH DAY OF JUNE, 2023



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