

paralegal/case manager title. She also claims that her former Director misrepresented her job duties. The appellant states that since that Director retired, McCormick is now encouraging her to have her position reclassified. The appellant presents that whether she reports to the Director, Deputy Director or Senior Counsel, she performs the same duties. She states that one of the differences that the JIQ does not consider is that her office is the only office within the Judiciary that files pleadings and has staff that goes to court. The appellant claims that a job posting for Deputy Director lists her position as an internal investigator and she notes that the other investigator in her office is an AS4. She disagrees with her immediate supervisor's statements that were part of her ERR where he claimed that she does not process claims from inception through completion, the only thing that has changed in her position is that she now scans, and her duties can be absorbed by an AS4 if higher duties are found.

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 Level 1-Basic (AS2 and Financial Specialist) job specification states:

Employees at this level perform entry-level professional administrative and/or financial functions.

The definition section of the Level 3 - Mastery (AS4, Judiciary Coordinator 2 and Financial Specialist 2) job specification states:

Employees at this level perform advanced professional administrative and/or financial functions. Assigned to act as mentor or lead worker, provide technical advice and expertise, and/or act as a subject matter expert. Employees at this level also may conduct formal hearings and/or mediation sessions.

In this present matter, a review of the appellant's ERR indicates that she believes that the substantive changes in her responsibilities included working as a "lead worker" because she works independently without supervision while managing the processing of claims from inception to resolution, which includes preparing pleadings, subpoenas, and other legal documents. It is noted that McCormick disagreed with her assertions as it is the staff counsel that has responsibility for a file and all of the appellant's tasks are performed for review and revision as needed

by staff counsel. McCormick described the appellant's core responsibilities as preparing draft administrative determinations based upon claim submissions and subsequent development and preparation of draft pleadings.

A review of the job specification definition sections indicates that one of the main distinguishing characteristics between the two titles is that AS4s are lead workers while AS2 are not. The appellant believes that she is a lead worker because she works independently. However, under Civil Service, a leadership role refers to those persons whose titles are non-supervisory in nature, but are required to act as a leader of a group of employees in titles at the same or a lower level than themselves. Duties and responsibilities would include training, assigning and reviewing work of other employees on a regular and recurring basis, such that the lead worker has contact with other employees in an advisory position. However, such duties are considered non-supervisory since they do not include the responsibility for the preparation of performance evaluations. Being a lead worker does not mean that the work is performed by only one person, but involves mentoring others in work of the title series. *See In the Matter of Henry Li* (CSC, decided March 26, 2014). Therefore, regardless of the level of the appellant's independence, a review of the record indicates that the appellant is not a lead worker as she does not regularly train and assign and review work of specific employees on a regular and recurring basis.

Additionally, a review of the tasks for Level 1 indicates that incumbents complete subpoenas, writs, or other related legal documents while Level 3 tasks include, acting as a hearing officer, mediating various legal matters, acting as a lead worker and mentor, and other higher level duties. Accordingly, the record indicates that the appellant is primarily performing legal clerical tasks which are consistent with an AS2 classification. The fact that her office may be the only office within the Judiciary that files pleadings and has staff that goes to court does not justify a reclassification of her position as filing pleadings and preparing other legal documents related to court proceedings are AS2 duties. Further, the fact that the appellant believes that her duties compare favorably to an investigator who is an AS4 is not determinative, as a classification appeal cannot be based solely on a comparison to the duties of another position, especially if that position is misclassified.² *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).

ORDER

² There is nothing in the record to indicate whether the position of the AS4 that the appellant references is properly classified or misclassified.

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
THE 27TH DAY OF JUNE, 2023



Allison Chris Myers
Chair/Chief Executive Officer
Civil Service Commission

Inquiries
and
Correspondence

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

c: Diana Perea
Jack Konathappally
Christina Blum
Darlene Hammer
Division of Agency Services
Records Center