



STATE OF NEW JERSEY

In the Matter of Pamela Smith,
Department of Law and Public Safety

CSC Docket No. 2025-2099

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

Classification Appeal

ISSUED: May 20, 2025 (SLK)

Pamela Smith appeals the determination of the Division of Agency Services (Agency Services) that the proper classification of her position with the Department of Law and Public Safety, Division of Gaming Enforcement, is Program Specialist 3, R26, Title Code 64485. The appellant seeks a State Investigator 4, Law and Public Safety (Investigator 4) classification. In the alternative, the appellant seeks a Program Specialist 4 classification.

The record in the present matter establishes that the appellant's title is State Investigator 3, Law and Public Safety (Investigator 3), an unclassified title. The appellant sought reclassification of her position, alleging that her duties were more closely aligned with the duties of an Investigator 4. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the duties that she performs as an Investigator 3. Agency Services reviewed and analyzed the PCQ, the unit's organization chart, a recent performance assessment review (PAR), comments provided by the appellant, the appellant's supervisor, Chief of Investigations, the Director, Human Resource Management, and all information and documentation submitted.

Agency Services found that the appellant's primary duties and responsibilities entailed, among other things, supervising, reviewing, and assigning work daily to unit personnel to initiate and prepare investigative case files pursuant to the Casino Control Act and corresponding regulations; delegating daily assignments; prioritizing

investigations pursuant to the Casino Control Act and regulations to ensure timely completion of investigative case files; reviewing and analyzing investigative case files to determine if investigation should be expedited based on derogatory information which could impact licensure and enforcement of the Casino Control Act.

Additionally, Agency Services indicated that the appellant analyzes the workflow of received applications, establishes procedures within the unit to ensure compliance with statutes, adheres to routine auditing principles for monitoring of investigative work, and organizes staff schedules to accomplish investigative goals to achieve monthly metrics, regularly evaluates personnel tasks to alter job functions to achieve successful measures, meets deadlines, and increases overall efficiency of the unit; supervises staff to produce monthly statistics for the assessment of productivity; and presents statistics at monthly meetings and is responsible for implementing process changes that are based on meeting feedback.

Moreover, Agency Services found that the appellant organizes training; supervises staff in the retention of records and the transfer of investigative files to digital storage; and leads the unit in utilizing new procedures to lighten workflow within the unit.

In its decision, Agency Services determined that the duties performed by the appellant were consistent with the definition and examples of work included in the job specification for Program Specialist 3, R26, Title Code 64485.

On appeal, the appellant states that she disputes the determination that she supervises staff in preparation of and maintenance of investigative records and files. While the appellant acknowledges that some of her duties align with the Program Specialist 3 job specification, she asserts that her job duties go beyond that title's duties. The appellant argues that the determination did not recognize that she supervises investigative staff that ensures compliance with the Casino Control Act that is involved in every application for licensure. The appellant explains that her subordinates research and analyze criminal and civil violations such as arrests, restraining order, sex offender registrants, and other violations of law. Thereafter, she indicates that after her staff completes fact finding that reveals derogatory information, she or her staff determine if further investigation is necessary. The appellant states that the determination omitted the aspects of her job that relate to an Investigator 4 classification and the determination ignored her unit's compliance and enforcement function. Additionally, the appellant believes that the responsibility involving derogatory information which requires additional review that could subject applications to revocation or additional civil action is an Investigator 4 duty. The appellant contends that the determination ignored her PCQ, and she highlights that she did not have access to other information used in the determination such as the organization chart and input from others within her agency.

Concerning the fact that the appellant supervises staff with technical assistant titles, the appellant believes that their responsibilities are not represented by their titles. She claims that her staff has the same relative experience as others with higher titles. The appellant notes that any employee in the Division has a duty to appear and testify, which she believes supports her position that her staff performs investigatory duties. The appellant highlights that she was hired by the Attorney General as a State Investigator, and she has taken over duties for a now retired Deputy Chief. Further, the appellant asserts that previously only investigative personnel have held her position in the Division. Therefore, she believes that she should not be classified in a position that was not contemplated, posted, or offered by the Attorney General when she was hired. Moreover, the appellant presents that there are no other Program Specialists in the Division, as any supervisor that contributes to investigative aspects of compliance and enforcement are investigators. In the alternative, the appellant contends that her position should be classified as a Program Specialist 4 instead of Program Specialist 3 as she is performing the “most complex” duties since she believes that there is nothing more complex than ensuring that individuals with questionable backgrounds and character are scrutinized and recommended for proposed licensure revocation when needed.

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 Investigator 3 job specification states:

Under the general supervision of the State Investigator 4 or other supervisory official in the Division of Gaming Enforcement or New Jersey Racing Commission, Department of Law and Public Safety, takes the lead and is responsible for conducting compliance, enforcement, and related investigative activities concerning licensure and operation, or other criminal and civil violations of other State statutes; does other related duties as required.

The definition section of the Investigator 4 job specification states:

Under the direction of the Administrator of Investigations or other supervisory official in the Division of Gaming Enforcement or New Jersey Racing Commission, Department of Law and Public Safety, supervises compliance, enforcement, and related investigative staff and

activities involving application for licensure, and criminal and civil violations of other state statutes; does other related duties as required.

The definition section of the Program Specialist 3 job specification states:

Under the general supervision of a Program Specialist 4 or other supervisory officer in a state department, institution or agency, or in a local jurisdiction, directly supervises professional and/or technical staff engaged in program activities; performs the more complex and sensitive professional, administrative and analytical work to promote the planning, operation, implementation, monitoring and evaluation of various programs and services administered by the Department of assignment; conducts the research and field work necessary to meet the needs of the appropriate State and/or local public or private agencies; prepares and signs official performance evaluations for subordinate staff; does other related work.

The definition section of the Program Specialist 4 job specification states:

Under the direction of a supervisory official in a State department or agency, supervises professional and/or technical staff engaged in program activities; prepares and signs official performance evaluations for subordinate staff; performs the most difficult and sensitive professional, administrative and analytical work to promote the planning, operation, implementation, monitoring and/or evaluation of various programs and services administered by the Department of assignment; supervises and conducts the research and field work necessary to meet the needs of the appropriate State and/or local public or private agencies; does other related work.

In this matter, a review of the Records and ID Bureau organization chart indicates that there is a legal unit, records and identification unit, intake unit and registration investigations unit. The appellant is the supervisor of the records and investigation unit, and she supervises staff with technical assistant and clerical titles whereas the registration investigations unit is comprised of staff with Investigator titles. As the appellant is a supervisor, the appellant's position cannot be classified as Investigator 3, which is not a supervisory title but a lead worker title.

Regarding an Investigator 4 classification, the appellant's superiors describe the record's unit's responsibility as running and compiling record checks for distribution to Investigative Units for investigations as applicable. Therefore, while the appellant ensures the record's unit compliance with the law regarding the use of information obtained by the unit, the appellant is not supervising work which is

considered investigatory duties. Further, this finding is consistent with the unit's organization chart and the titles of the staff who the appellant supervises. Moreover, other than the appellant's belief that her subordinates are performing higher level duties than their titles, there is nothing in the record to support this assertion. Consequently, the record does not support the classification of the appellant's position as an Investigator 4. Additionally, concerning the appellant's statement that the Program Specialist 3 title was not contemplated when she was hired or previously used in the Division, this argument is unpersuasive as the appellant's possible misclassification of her position from her initial hiring is not a basis to continue the misclassification of her position.


Regarding the appellant's alternative request that her position be reclassified as a Program Specialist 4, the key difference between a Program Specialist 3 and Program Specialist 4 classification is that a Program Specialist 3 performs "more complex" duties while a Program Specialist 4 performs the "most difficult" duties. In this regard, other than the appellant's assertions on appeal, there is nothing in the record to support a finding that the appellant performs the "most difficult" duties required for a Program Specialist 4 classification based on the appellant's superiors' statements, the documentation submitted at the time of the classification review, or the findings of Agency Services. However, it is noted that the request for a Program Specialist 4 classification was not submitted at the time of the classification review and not evaluated by Agency Services. Accordingly, if the appellant believes that Program Specialist 4 is a more appropriate title, she can submit a new classification review request.

ORDER

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 ON THE
THE 20TH DAY OF MAY, 2025



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: Pamela Smith
Danielle Amari
Division of Agency Services
Records Center