



STATE OF NEW JERSEY

In the Matter of Shivon Harris,
Department of Labor and Workforce
Development

CSC Docket No. 2024-134

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

Classification Appeal

ISSUED: October 4, 2023 (SLK)

Shivon Harris appeals the determination of the Division of Agency Services (Agency Services) that the proper classification of her position with the Department of Labor and Workforce Development is Employment and Training Specialist 1. The appellant seeks an Administrative Analyst 3 classification.

The record in the present matter establishes that the appellant's permanent title is Employment and Training Specialist 1. The appellant sought reclassification of her position, alleging that her duties were more closely aligned with the duties of an Administrative Analyst 3. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the duties that she performed as an Employment and Training Specialist 1. Agency Services reviewed and analyzed the PCQ, and all information and documentation submitted. Agency Services found that the appellant's primary duties and responsibilities entailed, among other things: implementing and coordinating private career schools and employment training programs; reviewing and approving or disapproving career school applications and training program applications; monitoring compliance and department standards; providing technical assistance to private career schools and local one-stop career centers; establishing and maintaining working relationships with various State and government agencies to facilitate the delivery of services to clients; ensuring applications are complete with all necessary documents; evaluating the performance of training provided to determine if the program meets the federal and State law requirements; training new staff and assigning work; preparing memoranda and correspondence; and maintaining essential records and files. 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 Employment and Training Specialist 1.

On appeal, while the appellant acknowledges that she does not supervise a department or division, she disagrees with that fact being the sole reason that her request was not granted. She submits a vacancy announcement that the Department of Labor and Workforce Development issued in April 2022 for a provisional Administrative Analyst 3 position, and she asserts that she is performing the exact same duties as indicated in this announcement. The appellant notes that supervisory experience is not one of the required duties for an Administrative Analyst 3 position. She asserts that she currently performs Administrative Analyst 3 duties at the request of her Department's Assistant Commissioner and former Chief of Employment and Training. She highlights the duties that were indicated on her PCQ that she believes align with an Administrative Analyst 3 classification. Finally, she provides evidence that she is currently on a promotional list for Administrative Analyst 3, which she believes establishes her qualification for the position,

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 Employment and Training Specialist 1 (P24) job specification states:

Under the direction of a Supervisor, Employment and Training Programs or other supervisor within Workforce New Jersey, has state-wide responsibility for conducting the work involved in planning, coordinating, implementing, and reviewing employment and training programs; plans and directs one or more of the special program services or special research and workforce development efforts; does related work as required.

The definition section of the Administrative Analyst 3 (P26) job specification states:

Under general supervision of an Administrative Analyst 4 or other supervisor in a state department, institution, or agency, performs the review, analysis, and appraisal of current department administrative procedures, organization, and performance and helps to prepare

recommendations for changes and/or revisions; does other related duties.

In this matter, a review of the job specifications indicates that Employment and Training Specialist 1s primarily work on matters related to employment and training programs and other workforce development efforts while Administrative Analyst 3s primarily review, analyze, and appraise internal operations to recommend departmental changes. It is noted that both titles are non-supervisory titles. Therefore, contrary to the appellant's assertion, her lack of supervisory responsibilities does not factor in the classification review of these two titles. A review of the appellant's PCQ and Agency Services' findings indicate that the appellant's primary duties are related to the implementation and coordination of employment and training programs. For example, the first three duties that the appellant highlights on appeal are:

Responsible for Planning, Implementing, Coordinating, and Reviewing Private Career Schools/Employment and Training Programs. Reviewed and processed applications submitted by training providers seeking eligibility on the New Jersey Eligible Training Provider List database under the Workforce Innovation and Opportunity Act. Reviewed and processed private career school applications seeking initial or renewed approval by the Department of Labor and Workforce Development.

While the appellant believes that these duties are Administrative Analyst 3 duties, these responsibilities fall squarely under the job specification of an Employment and Training Specialist 1 as these duties involve the implementation of employment and training programs and are not related to the overall analysis and improvement of the internal operations of the Department of Labor and Workforce Development.

Additionally, in the appellant's letter to the Department of Labor and Workforce Development when she initially asked for the classification of her position to be reviewed, she indicated that she was making the request because she was doing the work of two employees and was performing several duties that were previously designated to a former Administrative Analyst in her unit. However, volume of work has no effect on the classification of a position currently occupied, as *positions*, not employees are classified. See *In the Matter of Debra DiCello* (CSC, decided June 24, 2009). Position classification is not to provide a career path to the incumbent, but rather to ensure the position was classified in the most appropriate title available within the State's classification plan. See *In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005). Moreover, while the appellant may be performing some duties previously performed by an Administrative Analyst, the fact that some of an employee's assigned duties may compare favorably with some examples of work found in a given job specification is not determinative for classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. It is not uncommon for an employee to

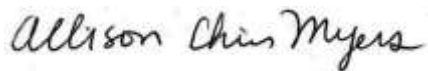
perform some duties which are above or below the level of work which is ordinarily performed. For purposes of determining the appropriate level within a given class, and for overall job specification purposes, the definition portion of the job specification is appropriately utilized. Further, a classification appeal cannot be based solely on a comparison to the duties of another position, especially if that position is misclassified. *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). Finally, the fact that the appellant's name appears on a promotional list for Administrative Analyst 3 only establishes that she meets the minimum eligibility qualifications to be promoted to that title, and does not establish that the duties she performs in her current position rise to the level of an Administrative Analyst classification.

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 BY THE
THE 3RD DAY OF OCTOBER, 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: Shivon Harris
Ebonik Gibson
Division of Agency Services
Records Center