



STATE OF NEW JERSEY

In the Matter of Jacqueline
Hutchinson, Department of Labor
and Workforce Development

CSC Docket No. 2023-1496

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

Classification Appeal

ISSUED: October 16, 2024 (SLK)

Jacqueline Hutchinson 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 (E&TS1). The appellant seeks a Supervising Administrative Analyst (SAA) classification.

The record in the present matter establishes that the appellant's permanent title is E&TS1.¹ The appellant sought reclassification of her position, alleging that her duties were more closely aligned with the duties of a SAA. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the duties that she performs as an E&TS1. 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: training new staff in protocols and procedures for the unit; distributing work among the unit and ensuring that work is accurate and complete; reviewing new and existing laws and regulations regarding employment and training for State agencies; preparing reports and making recommendations based on findings; monitoring the unit's established goals to ensure they meet with department standards; preparing formal recommendations for the budget, employee performance,

¹ The appellant was provisionally serving as an E&TS1 at the time she requested that the classification of her position be reviewed. Effective June 29, 2024, the appellant was permanently appointed as an E&TS1.

and the unit's workload; conducting surveys to ensure efficiency of program services; updating the newly established NJTOPP website and responding to users' inquiries regarding username and password requests; informing training providers, school owners and directors, students, and current One-Stop Career Center staff with general information when needed; 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 E&TS1.

Initially on appeal, while the appellant acknowledged that she did not have supervisory responsibility,² she asserted that she was performing duties that are the equivalent of a supervisor as indicated by the SAA's job specification's Examples of Work due to staff shortages. Further, she presented her duties and percentages of time performing those duties as indicated on her PCQ. After this agency closed her file and then re-opened it after her follow-up approximately one year and 10 months later, she currently presents due to staff absences and turnover, she had a larger workload for approximately two years. Also, the appellant states that the remaining staff sought guidance from her. Moreover, the appellant indicates that she did not have a Performance Assessment Review (PAR) for 2018, 2020, 2021 and 2023, although she repeatedly requested to have one. Therefore, she asserts that PARs were not being performed in her unit, and no one from her unit met the Commission's definition of a supervisor. Consequently, she argues that there should be a different standard in determining who is a supervisor in her unit and she, by default, acted as the "supervisor." Finally, the appellant submits attachments and explains how these documents demonstrate that she has the knowledge, skills, and abilities that are associated with SAA duties.

CONCLUSION

N.J.A.C. 4A:2-1.1(b) states that unless a different time period is stated, an appeal must be filed within 20 days after either the appellant has notice or should reasonably have known of the decision, situation, or action being appealed.

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 SAA (&32) job specification states:

Under general supervision of a supervisory official, directs the review, analysis, and appraisal of administrative procedures/policies,

² On the appellant's PCQ, she indicated that she does not supervise other employees.

organizational structure, and performance for a small State department, large division, or agency to improve efficiency/effectiveness of operations of the organizational unit; supervises subordinate administrative analysts; has charge of work concerned with data processing, administrative practices, budget, and/or other operational studies of the department/agency; does other related duties as required.

The definition section of the E&TS1 (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.

Initially, it is noted that in a February 2, 2023, letter, this agency advised the appellant that based on the information that she submitted on appeal, there was no basis to disturb Agency Services' determination. Therefore, it informed her that her appeal was not going to be forwarded for a formal determination, and the matter was closed. Thereafter, in September 2024, the appellant followed-up with this agency, and the matter was re-opened. However, as the appellant's follow-up was approximately one year and 10 months after she was notified that her appeal was closed, her follow-up was well after 20 days from when she knew the decision, situation, or action being appealed. Accordingly, her appeal is untimely. *See In the Matter of Joe Moody, Jr.* (CSC, decided January 15, 2020).

Regarding the merits, a review of the job specification for SAA indicates that this title is a second-level supervisory title as incumbents in this title sign the performance evaluations of first-level supervisors. On appeal, the appellant acknowledges that she did not sign any employee's performance evaluations. Instead, she argues that she performs duties that are the equivalent of a supervisor based on the SAA's Examples of Work. However, it has been established that the fact that some 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. Moreover, 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. Additionally, in order for a position to be classified in a supervisory title, an incumbent *must* supervise subordinate staff, including having responsibility for formal performance evaluations. That is, the individual must be the person actually administering and

signing the evaluation as the subordinate's supervisor. Thus, while it is noted that the classification review found the appellant's analytical duties and larger workload were temporary, even if these duties were permanent, as the appellant did not sign performance evaluations, her position could not be classified as a SAA, or even a first-level supervisory title, for the purpose of this classification review. Further, performance evaluation authority is a reasonable standard because it is the means by which it can be demonstrated that a supervisor can exercise his or her authority to recommend hiring, firing, and disciplining of subordinate employees. In other words, the actual authority and exercise of performance evaluation of subordinate staff is what makes a supervisor a supervisor. Performance evaluation of subordinates, and its myriad of potential consequences to the organization, is the key function of a supervisor. *See In the Matter of Alexander Borovskis, et al.* (MSB, decided July 27, 2005).

Concerning the appellant's comments that no one in her unit was signing PARs, and therefore, her belief that the signing of PARs should not be the standard in her unit, and she was acting as the "default supervisor," even if true, does not signify that the appellant was serving as a supervisor for classification purposes as defined above. At most, all this potentially demonstrates is that the appellant had lead worker responsibilities and no one in her unit had supervisory authority. The remedy for the appellant's unit not having current PARs is for the appointing authority to ensure that the appropriate supervisory-level employees overseeing or in the appellant's unit complete and sign PARs for their subordinate employees. To the extent it has not already done so, the appointing authority is directed to ensure such reviews are conducted as required.

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 11TH DAY OF OCTOBER, 2024



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