

B-20



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of
Luz Rodriguez-Ghaul,
Department of Labor and Workforce
Development

Classification Appeal

CSC Docket No. 2016-1272

ISSUED: DEC 21 2015

(RE)

Luz Rodriguez-Ghaul appeals the attached decision of the Division of Agency Services (DAS) which found that her position with the Department of Labor and Workforce Development is properly classified as Senior Clerk Typist. She seeks a Principal Clerk Typist title in this proceeding.

Ms. Rodriguez-Ghaul received a regular appointment to Senior Clerk Typist on December 16, 2013. Thereafter, in January 2015, she requested a classification review of her position. The position is assigned to the Division of Wage and Hour Compliance, Department of Labor and Workforce Development, reports to an Assistant Chief Wage and Hour Compliance, and has no supervisory responsibilities.

In its determination, DAS listed Ms. Rodriguez-Ghaul's assigned duties and responsibilities. It also indicated that a Principal Clerk Typist is a first level supervisory position and is assigned to the "R" Employee Relations Group (ERG), which is designated as the "Primary Level Supervisors Unit." As such, the Principal Clerk Typist must supervise and direct the work of the clerical unit, discipline subordinate staff, and evaluate staff performance. As the appellant does not supervise, DAS determined the proper classification of Ms. Rodriguez-Ghaul's position was Senior Clerk Typist.

On appeal, Ms. Rodriguez-Ghaul argues that the Division of Wage and Hour Compliance currently has 10 Principal Clerk Typists who do not supervise employees. She states that no one below salary range 14 supervises employees.

Thus, she is in an impossible situation as she can never be promoted as she will never supervise in her current title. She states that she performs with independent judgment, and completes all clerical work, including typing, of a complex/technical nature. She states that she is knowledgeable in the department's laws, regulations, policies and procedures. She notes that the job definition includes "and/or supervise," and the only thing that she does not do from the definition is supervise. She believes that supervision should be removed from the Principal Clerk Typist job specification as a salary range 12 is too low to have supervisory responsibilities and does not seem to be in compliance with any existing labor positions.

CONCLUSION

The definition section of the job specification for Senior Clerk Typist states:

Under supervision, performs typing related clerical work requiring exercise of independent judgment and working knowledge of department rules, regulations, and policies, and/or has charge of the work of a small group of clerk typists, and/or has charge of the designated phase of the typing work of the department; does other related duties as required.

The definition section of the class specification for the title Principal Clerk Typist states:

Under direction of a supervisory official, does clerical work including typing of a complex and/or technical nature requiring knowledge of department laws, regulations, policies, and procedures as well as the frequent exercise of independent judgment, and/or has charge of the work of a clerical unit; does related work as required.

Based upon a review of the information presented in the record, Ms. Rodriguez-Ghaul's position is properly classified as Senior Clerk Typist. It is clear that the Principal Clerk Typist title is supervisory in nature. Support for this position can be found in both the job definition and the examples of work in the job specification. For example, several examples of work reference direct supervision of subordinates, including organizing and assigning work, reviewing work and evaluating subordinate employee performance. Further evidence of the supervisory nature of the title is the fact that the Principal Clerk Typist title is in the "R" ERG. In this respect, titles are assigned to ERGs based on the classification of the position by this agency. See *N.J.S.A. 11A:3-1*. Each ERG is distinctly defined, and the "R" ERG is defined as those titles used in the primary or first level of supervision. See *In the Matter of Alan Handler, et al., Department of Labor and Workforce Development* (CSC, decided October 7, 2015). Accordingly, even if the

appellant is performing complex duties, she cannot be classified as a Principal Clerk Typist since she does not supervise.

As to the Principal Clerk Typists the appellant alleges do not supervise, 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). Moreover, even if true, misclassification of another individual's position cannot be used to support a reclassification request. However, the Department of Labor and Workforce Development is cautioned to ensure that all employees at the level of Principal Clerk Typist are assigned appropriate supervisory duties.

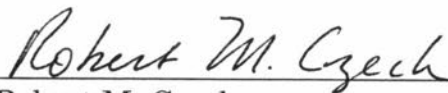
Accordingly, a thorough review of the entire record fails to establish that the appointing authority has presented a sufficient basis to warrant a Principal Clerk Typist classification of Ms. Rodriguez-Ghaul's position.

ORDER

Therefore, the position of Luz Rodriguez-Ghaul is properly classified as a Senior Clerk Typist.

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

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION
THE 16th DAY OF DECEMBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

Enclosure

c: Luz Rodriguez-Ghaul
Thomas Healy
Kenneth Connolly
Joseph Gambino



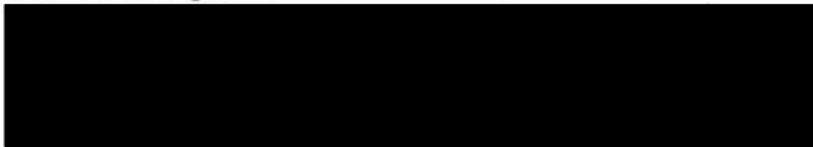
STATE OF NEW JERSEY
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CHRIS CHRISTIE
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

August 28, 2015

Ms. Luz Rodriguez-Ghaul



Re: Classification Appeal – Senior Clerk Typist, Position # 010353, CPM Log# 0 [REDACTED],
EID # [REDACTED]

Dear Ms. Rodriguez-Ghaul:

This is to inform you of our determination concerning the classification appeal referenced above. The determination is based upon a thorough review and analysis of the Position Classification Questionnaire submitted and the information and documentation obtained during and subsequent to the audit conducted August 12, 2015, as well as the information provided by your immediate supervisor, Barry Hickey, Assistant Chief Wage and Hour Compliance (S28, 55985).

Issue:

You are serving permanently (RAP) in the title, Senior Clerk Typist (A08, 23233), Department of Labor and Workforce Development. You contend you are performing duties and responsibilities commensurate with the title, Principal Clerk Typist (R12, 23234).

Organization:

Your position is assigned to the Division of Wage and Hour Compliance, New Jersey Department of Labor and Workforce Development. You report directly to Barry Hickey, Assistant Chief Wage and Hour Compliance (S28, 55985). You have no supervisory responsibilities.

Findings of Fact:

The primary function of your position is to provide clerical support to the Assistant Chief Wage and Hour Compliance, the District Supervisor and Field Representatives in the law enforcement section of the Division of Wage and Hour Compliance.

You perform the following assigned duties and responsibilities:

- Enter wage claim forms data into the Wage and Hour Automated Tracking System (WHATS).
- Prepare and keyboard acknowledgement letters, initial assessment letters and final orders.
- Prepare and keyboard correspondence for the Assistant Chief Wage and Hour Compliance and the District Supervisor.
- Prepare monthly statistical reports for the Assistant Chief Wage and Hour Compliance.
- Review travel expense vouchers for staff and submit for reimbursement.
- Record and maintain attendance records for field and office staff.
- Maintain tickler files and tracking systems.
- In the absence of the Assistant Chief Wage and Hour Compliance, assign time sensitive cases to Field Representatives.
- Answer telephone inquiries regarding the status of claims, theatrical permit questions, etc.
- Review theatrical applications and issue theatrical permits.
- Assist Office Supervisor in copying and preparing files for OPRA requests.
- Perform searches in response to OPRA requests to ensure proper information is presented.
- Open, date stamp, and deliver mail for the division.

Review and Analysis:

Currently, your position is classified in the title, Senior Clerk Typist (A08, 23233). The definition section of the job specification for the title states:

“Under supervision, performs typing and other related clerical work requiring the exercise of independent judgment and a working knowledge of department rules, regulations, and policies, and/or has charge of the work of a small group of clerk typists, and/or has charge of the designated phase of the typing work of the department; does related work as required.”

Positions classified by this title involve keyboarding clerical work using independent judgment. Assignments are generally accomplished independently. Incumbents in this title organize assigned clerical, typing, and other related work and develop effective work methods. They receive and check applications and/or fees and prepare receipts. Incumbents also assist the supervisor in the planning and supervision of a designated phase of clerical activity in a unit. Additionally, incumbents check and verify bills, vouchers, statements, and payroll; review, check, and certify reports, applications, and other documents for correctness; and, prepare personnel records, requisitions, estimates, statistical information, receiving records, and inventories.

You contend your position should be classified in the title, Principal Clerk Typist (R12, 23234). The definition section of the class specification for this title states:

“Under direction of a supervisory official, does clerical work including typing of a complex and/or technical nature requiring knowledge of department laws, regulations, policies, and procedures as well as the frequent exercise of independent judgment, and/or has charge of the work of a clerical unit; does related work as required.”

Incumbents in this title plan, organize, and assign the work of the organizational unit, evaluate employee performance and conduct, and discipline subordinates. Incumbents perform keyboarding of a legal, technical, statistical, and/or tabular nature requiring the use of considerable judgment in making independent determinations regarding all matters of form and arrangement in complicated material. Incumbents compose and type routine and/or non-routine correspondence with speed, accuracy, and neatness, prepare designated correspondence which may not be reviewed by a supervisor, and supervise employees engaged in a variety of clerical work. The title, Principal Clerk Typist, is assigned to the “R” bargaining unit. Titles assigned to the “R” bargaining unit are first level supervisory positions. As such, incumbents supervise and direct the work of the clerical unit, discipline subordinate staff and evaluate staff performance.

The audit revealed your primary job duty is providing clerical support to the Assistant Chief Wage and Hour Compliance, the District Supervisor and Field Representatives of the law

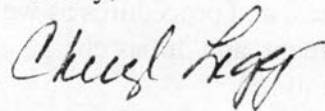
enforcement section of the Division of Wage and Hour Compliance. You frequently exercise independent judgment in the execution of your duties, which include preparation of acknowledgement letters, initial assessment letters and final orders and preparing correspondence for the Assistant Chief Wage and Hour Compliance and the District Supervisor. You review theatrical applications and issue theatrical permits. You review travel expense vouchers for staff and submit for reimbursement and maintain tickler files and tracking systems. You assist the Office Supervisor in copying and preparing files for OPRA requests. You are not responsible for disciplining subordinate employees and evaluating staff performance and you have no supervisory duties. The level and scope of your duties compare most favorably with the title, Senior Clerk Typist (A08, 23233).

Determination:

It is our determination that the appropriate classification of your position is the title, Senior Clerk Typist (A08, 23233). By copy of this letter the Appointing Authority is advised that your position is presently and properly classified.

If you wish to appeal this decision, you may do so within twenty days of receipt of this letter. Since an appeal will be subject to final administrative review, all arguments which you wish considered should be submitted within the specified timeframe. Appeals should be addressed to the Division of Appeals and Regulatory Affairs, Written Records Appeal Unit, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include a copy of the determination being appealed as well as written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,



Cheryl Legg, Human Resource Consultant 5
Agency Services

CL.kk

c. Mary Fitzgerald

Nick Kanellis

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