

B-12



STATE OF NEW JERSEY

In the Matter of Jacqueline
VanDeWeghe, Department of
Environmental Protection

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

CSC Docket No. 2014-1392

Classification Appeal

ISSUED: ~~NOV~~ 10 2014 (CAG)

Jacqueline VanDeWeghe appeals the attached decision of the Division of Classification and Personnel Management (CPM) which found that her position with the Department of Environmental Protection (DEP) is properly classified as Secretarial Assistant 2, Non-Stenographic. The appellant seeks a Secretarial Assistant 1, Non-Stenographic, classification in this proceeding.

The record in the present matter establishes that the appellant received a regular appointment to the title of Secretarial Assistant 2, Non-Stenographic, on September 12, 2005. This position is located in Natural and Historic Resources, Division of Parks and Forestry. The position reports to Edward Mark Texel, a Manager 1, EP. The appellant sought a reclassification of her position to Secretarial Assistant 1, Non-Stenographic. CPM performed a classification review including an analysis of the appellant's Position Classification Questionnaire (PCQ) and related documents.

The classification review found that the appellant's assigned duties and responsibilities, as detailed in CPM's attached decision, were commensurate with the title of Secretarial Assistant 2, Non-Stenographic. It found that, as appellant reports to a Manager 1, EP, which is entitled to a Secretarial Assistant 2, Non-Stenographic, a reclassification was not warranted. CPM referred to the Salary Administration Memorandum (SAM) #9-88, Supplement #1, which sets the standards for determining the level of secretarial support assigned to a position. CPM stated that Texel has oversight of Park Services, which is not considered a division but instead is a part of the Division of Parks and Forestry. Therefore, his

position is not considered the functional equivalent of a Division Director. As such, he is not entitled to the support of a Secretarial Assistant 1, Non-Stenographic.

On appeal, appellant argues that Richard Boornazian, Assistant Commissioner of Natural and Historic Resources, and the upper management of DEP consider Texel a Director. She submits another copy of her original submissions to CPM for review. She also lists an overview of the responsibilities of the Director of the State Park Service. In addition, she states that a Secretarial Assistant 1 is assigned to a Division Director or their organizational equivalent, and she argues that Texel is a Manager 1, which is the organizational equivalent of a Division Director. Further, appellant submits a letter of support from Texel. Texel argues that it is his understanding from the Assistant Commissioner's office that the functional duties of his position are those of the Director of the State Park Service. He also argues that he was hired as the Director of the State Park Service, is introduced and acknowledged in all professional settings as the Director of the State Park Service, and uses this title for all of his official correspondence. Therefore, he argues that he should be entitled to a Secretarial Assistant 1 position since his title is the functional organizational equivalent of a Division Director.

N.J.S.A. 13:1B-5a establishes within the DEP, five separate divisions, including the Division of Parks and Forestry, and provides that the DEP Commissioner shall have the authority to reorganize the department and the several divisions established into such offices, bureaus, and agencies which he/she deems necessary.

N.J.A.C. 13:1B-15.100 specifies that within the Division of Parks and Forestry, the division shall be under the immediate supervision of a director.

It is noted that the organizational chart provided by the DEP as part of this appeal indicates that the Division of Parks and Forestry consists of two different program areas, State Park Service and State Forestry Service. The organizational chart indicates that Texel is the Director of the State Park Service and that Lynn Fleming, who serves in the Senior Executive Service, is Director of the State Forestry Service.

CONCLUSION

The definition section of the job specification for Secretarial Assistant 2, Non-Stenographic states:

May be assigned as a secretary to deputy division directors, assistant directors, bureau chiefs or their organizational equivalents, having responsibility for the administration of major programs which include administration of a large sub-divisional unit, and management of large

regional, field, or satellite installations (four or more regional entitles), or Deans of state colleges; does related work as required.

The definition section of the job specification for Secretarial Assistant 1, Non-Stenographic states:

May be assigned as a secretary to deputy commissioners, assistant commissioners or division directors or their organizational equivalents, superintendents or chief administrators of institutions, or vice presidents of state colleges; does related work as required.

Salary Adjustment Memorandum (SAM) #9-88, Supplement #1, established the standards for the allocation of secretarial assignments, which are now referred to as "entitlement titles." As such, utilization of the Secretarial Assistant title series is determined based on the level of the assigned immediate supervisor, as higher level supervisory titles generate equivalent higher level work of a secretarial nature requiring appropriate handling and processing. In this regard, SAM #9-88, Supplement #1, indicates that a Deputy Commissioner, Assistant Commissioner, Division Director or their organizational equivalent is allowed a Secretarial Assistant 1, Non-Stenographic, while the organizational equivalent to a Deputy Division Director or Bureau Chief having responsibility for administration of major programs is allowed a Secretarial Assistant 2, Non-Stenographic, and the organizational equivalent to an Assistant Division Director or Bureau Chief is allowed a Secretarial Assistant 3, Non-Stenographic.

The issue in this case is that the appellant argues that her supervisor, a Manager 1, EP, is the organizational equivalent of a Division Director. Although Texel is identified by the functional title of "Director State Park Service" and Fleming is identified by the functional title "Director State Forestry Service," it cannot be ignored that *N.J.A.C. 13:1B-15.100* only authorizes the Division of Parks and Forestry to have a director. While the DEP Commissioner may reorganize the division into such offices, bureaus, and agencies which he/she deems necessary, there is no statutory authority permitting such offices, bureaus or agencies within a division to be under the supervision of a director. Although Texel argues that the functional duties of his position are those of a Director, State Park Service and State Forestry Services are not one of the five established divisions provided for in *N.J.S.A. 13:1B-5*. Accordingly, since Texel is not the Director of the Division of Parks and Forestry, he is not entitled to be supported by a Secretarial Assistant, 1 Non-Stenographic position.

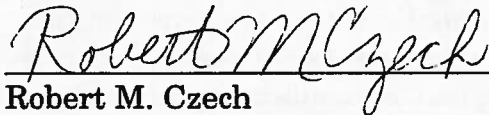
A thorough review of the entire record establishes that the appellant has failed to present a sufficient basis to warrant a Secretarial Assistant 1, Non-Stenographic, classification of her position. The appellant is properly classified in the Secretarial Assistant 2, Non-Stenographic title.

ORDER

Therefore, it is ordered that this appeal be denied.

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

**DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 6TH DAY OF NOVEMBER 2014**



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and
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Civil Service Commission
Written Record Appeals Unit
PO Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Jacqueline VanDeWeghe
Deni Gaskill
Kenneth Connolly
Joseph Gambino



CHRIS CHRISTIE
Governor
KIM GUADAGNO
Lt. Governor

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
Division of Classification and Personnel Management
P. O. Box 313
Trenton, New Jersey 08625-0313

ROBERT M. CZECH
Chair/Chief Executive Officer

October 15, 2013

Ms. Jacqueline VanDeWeghe
[REDACTED]

Re: Classification Appeal; Secretarial Assistant 2 Non-Stenographic; Position # 652520;
CPM log #09130138; Employee ID [REDACTED]

Dear Ms. VanDeWeghe:

This is to inform you, and the Department of Environmental Protection, of our determination concerning the classification appeal referenced above.

Your position is currently classified as a Secretarial Assistant 2 Non-Stenographic (A17-24532C). You contend that your work duties have changed and as a result you believe you are performing duties associated with the title Secretarial Assistant 1, Non-Stenographic (A20-24533C). Your position is located in Natural and Historic Resources, Division of Parks and Forestry. You perform secretarial and administrative clerical support functions for Edward Mark Texel, Manager 1, EP (M98). These functions include preparing meeting agendas, taking meeting notes, preparing confidential correspondence, maintaining Mr. Texel's calendar, opening mail, preparing purchase orders, and acting as liaison with other Division personnel.

The Salary Administration Memorandum (SAM) #9-88, Supplement #1, sets the standards for determining the level of secretarial support assigned to a position. A Secretarial Assistant 2 is assigned as a secretary to deputy division directors, assistant directors, bureau chiefs or their organizational equivalents, having responsibility for the administration of major programs including the administration of a large sub-divisional unit, and management of large regional, field or satellite installations. A Secretarial Assistant 1 is assigned as a secretary to deputy commissioners, assistant commissioners or division directors or their organizational equivalents. This method of designating a position to a Secretarial Assistant title is derived from the premise that as the rank of a manager increases, the job responsibilities for the associated secretarial assistant position also increase.

Name: Ms. Jacqueline VanDeWeghe
Date: October 15, 2013

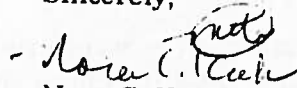
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Your supervisor, Mr. Texel, has oversight of Park Services. Park Services is not considered a Division but instead is a part of the Division of Parks and Forestry. Therefore his position is not considered the functional equivalent of a Division Director. As such, he is not entitled to the support of a Secretarial Assistant 1 (Non-Stenographic).

This office has conducted a review of the submitted information, including the Position Classification Questionnaire (DPF-44S); organization chart; your Performance Assessment Review (PAR) form; your statements; and the statements of your supervisor, division director, and appointing authority. Based on the written record, SAM #9-88 Supplement 1, and the established job specifications for Secretarial Assistant, it is our determination that your position is presently and properly classified as Secretarial Assistant 2, Non-Stenographic.

Please be advised that in accordance with N.J.A.C. 4A:3-3.9, you may appeal this decision within twenty (20) days of receipt of this letter. The appeal should be addressed to the Written Records Appeals Unit, Division of Appeals and Regulatory Affairs, 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,



Nora C. Koch,
Assistant Director,
Classification and Personnel Management

NCK/mtb

c: Debra Ewalt
Joseph Siracusa
Log# 09130138