

B-45



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Tarsha Morton-
Cook, Office of the Public Defender

CSC Docket No. 2015-3275

Classification Appeal

ISSUED: NOV 10 2015 (LDH)

Tarsha Morton-Cook appeals the attached decision of the Division of Agency Services (DAS) that the proper classification of her position in the Office of the Public Defender is Senior Clerk Typist. Morton-Cook seeks a Legal Secretary 2 classification.

The record in the present matter establishes that Morton-Cook is serving permanently in the title of Senior Clerk Typist, and is assigned to work in the Office of the Public Defender. Morton-Cook pursued the matter of her classification with DAS. She was asked to complete a Position Classification Questionnaire (PCQ) and all documentation supplied by Morton-Cook, including her most recent Performance Assessment Review (PAR), was reviewed. Subsequently, DAS performed a telephone audit of her position. DAS found that the duties and responsibilities of Morton-Cook's position entailed ensuring that Order to Show Cause and Verified Complaints were submitted and/or signed; ensuring all updated and relevant documents were in the file for each client; maintaining daily activity logs for each of the four attorneys; typing correspondence to court and/or counsel regarding attendance at court; compiling monthly statistics to reflect the number of cases and clients each attorney represented for Essex County; and assisting the Assistant Chief Investigators in specific tasks such as creating sign-in sheets for Investigators on a monthly basis. DAS found that Morton-Cook did not perform any duties that included transcribing and/or typing of legal diction. Based on the foregoing, DAS determined that the duties performed by Morton-Cook were consistent with the

definition and examples of work included in the job specification for Senior Clerk Typist.

On appeal to the Civil Service Commission (Commission), Morton-Cook argues that her duties and responsibilities are more consistent with a Legal Secretary 2. In this regard, she states that she assists seven attorneys and not four, and she types letters that are not template letters. She also contends that there are two legal secretaries, a Legal Secretary 1 and a Legal Secretary 2, who perform the same duties as she does. Additionally, Morton-Cook points to her prior employment as evidence of having experience for the proposed title. In support, she submits, *inter alia*, sample Orders, letters to Judges and an Investigator sign-in sheet.

CONCLUSION

The definition section of the job specification for the title Senior Clerk Typist 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 group of clerk typists, and/or has charge of the designated phase of the typing work of the department; does related work as required.

The definition section of the job specification for the title Legal Secretary 2 states:

Under supervision of an attorney or other supervisory official in a state department or agency, or local government jurisdiction, transcribes or types legal diction irrespective of medium; maintains dockets, looks up references, and functions in the capacity of secretary; does other related work.

In the instant matter, Morton-Cook is properly classified as a Senior Clerk Typist. An incumbent in the title of Legal Secretary 2 is primarily responsible for transcribing legal dictation. The title of Legal Secretary 2 is inappropriate as the primary function of Morton-Cook's position is not transcribing or typing legal dictation. Morton-Cook does not perform any of these duties and/or responsibilities. The limited typing Morton-Cook does perform is from standard templates in which the letters have already been established. Therefore, since all of Morton-Cook's duties can be properly performed by a Senior Clerk Typist, her position is properly classified as a Senior Clerk Typist.

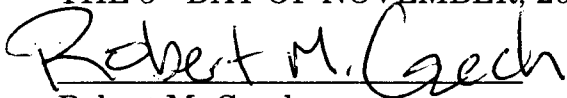
Moreover, the comparison of the Morton-Cook's duties and responsibilities with other employees in the title of Legal Secretary 2 is misplaced. A classification appeal cannot be based solely on a comparison to the duties of another position. See *In the Matter of Dennis Stover* (Commissioner of Personnel, decided March 28, 1996). In addition, Morton-Cook's argument that she performed some Legal Secretary 2 duties at a prior employment is irrelevant. How well or efficiently an employee does his or her job, length of service, volume of work and qualifications have 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). Accordingly, Morton-Cook has failed to establish that DAS's determination, that her position is properly classified as a Senior Clerk Typist, was incorrect.

ORDER

Therefore, the Civil Service Commission concludes that the proper classification of Tarsha Morton-Cook's position is 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 ON
THE 5th DAY OF NOVEMBER, 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

Attachment

c: Tarsha Morton-Cook
William Wander
Kenneth Connolly
Joesph Gambino



STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
AGENCY SERVICES
P. O. Box 313
Trenton, New Jersey 08625-0313

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

June 3, 2015

Ms. Tarsha Morton-Cook
[REDACTED]
[REDACTED]

**RE: Classification Appeal – Senior Clerk Typist
AS# 12140259, Position# 655464, EID# 000020710**

Dear Ms. Morton-Cook:

This is to inform you, and the Office of the Public Defender, of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information and documentation submitted and a telephone audit conducted with you, and your immediate supervisor, Dyneshia Smith, on June 2, 2015.

Issue:

You are appealing your current title of Senior Clerk Typist (A08) is not consistent your current assigned duties and responsibilities. You contend that the title Legal Secretary 2 (A13) is consistent with the duties that you currently perform.

Organization:

According to the organizational chart that was submitted, you are assigned to the Office of Law Guardian, Essex Region. You report to Dyneshia Smith, Office Supervisor (S18), and you do not possess supervisory responsibility.

Finding of Fact:

The primary responsibilities of your position include, but are not limited to the following:

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- Ensuring the Order to Show Cause and Verified Complaints were submitted and/or signed.
- Ensuring all updated and relevant documents are in the file for each client.
- Maintaining daily activity logs for each of the four (4) attorneys which includes: court date, judge's name, client's name and docket number.
- Typing correspondence to court and/or counsel regarding attendance to court.
- Compiling monthly statistics to reflect the number of cases and clients each attorney represents for Essex County.
- Assisting the Assistant Chief Investigators (ACI) specific tasks such as creating sign-in sheets for Investigators on a monthly basis.

Review and Analysis:

Your position is currently classified by the title Senior Clerk Typist (A08-23233). The definition section of the job specification for this 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.”

You contend the title Legal Secretary 2 (A13-24831) is an appropriate title for your position. The definition section of the job specification for this title states:

“Under supervision of an attorney or other supervisory official in a state department or agency, or local government jurisdiction, transcribes or types legal dictation irrespective of medium; maintains dockets, looks up references, and functions in the capacity of secretary; does other related work.”

The Examples of Work include: transcribing or typing dictation of a legal nature; preparing standard legal forms as required; proofreading legal briefs and other materials, including transcriptions, pleadings, and citations; and checking citations and references for accuracy and completeness.

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A review of your primary job duties and responsibilities finds that this position is primarily responsible for: maintaining daily activity logs for each of the four (4) attorneys which includes: court date, judge's name, client's name and docket number; typing correspondence to the court and/or counsel regarding attendance to court; and compiling monthly statistics to reflect the number of cases and clients each attorney represents for Essex County.

The preponderance of assigned duties and responsibilities of your position are significantly descriptive of the tasks assigned to the title, Senior Clerk Typist (A08-23233).

Determination:

Based upon the findings of fact above, it is my determination that the assigned duties and responsibilities of your position are properly classified by your current permanent title Senior Clerk Typist (A08-23233).

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. This appeal should be addressed to: Written Records Appeals Unit, Division of Appeals and Regulatory Affairs, PO Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include a copy of the determination as well as written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,



Joseph Ridolfi, Team Leader
Agency Services

JR/rmd

c: William C. Wander, Manager, Office of the Public Defender