

B-24



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Diana Boesch,  
Hunterdon County

Classification Appeal

CSC Docket Nos. 2014-1869

ISSUED: ~~MAR~~ - 6 2015 (SLK)

Diana Boesch, represented by Brad Myhre, Staff Representative, Communications Workers of America, Local 1036, appeals the attached decision of the Division of Classification and Personnel Management<sup>1</sup> (CPM) that the proper classification of her position with Hunterdon County (County) is Secretarial Assistant, effective June 29, 2013. The appellant seeks a classification of Administrative Secretary and an earlier effective date.

The record in the present matter establishes that the appellant's permanent title is Principal Clerk Transcriber. The appellant is assigned to the Department of Land Use Facilities Management, Rutgers Cooperative Extension and reports to Robert Mickel, Agricultural Agent. In support of her request, the appellant completed a PCQ detailing the different duties she performs as a Principal Clerk Transcriber. On May 9, 2012, Mickel signed and forwarded the appellant's PCQ to the appointing authority. In June 2013, the appellant contacted CPM to follow up on her appeal. However, there was no record that the appointing authority forwarded the completed PCQ to CPM for review. By letter dated June 18, 2013, CPM requested that the appointing authority respond to the appellant's request. In reply, the appointing authority indicated that it had determined that the appellant's job duties were consistent with the Principal Clerk Transcriber title. Thereafter, CPM reviewed and analyzed the PCQ completed by the appellant and other information submitted by her and the appointing authority. In its January 9, 2014 decision, CPM found that the appellant's position would be properly classified as Secretarial Assistant effective June 29, 2013.

<sup>1</sup> Now known as the Division of Agency Services.

On appeal, the appellant states that her union and the appointing authority had a dialogue regarding the reclassification of her position that spanned several months. The appellant claims that the appointing authority had agreed to reclassify her position as Secretarial Assistant, but refused to increase her compensation. In this regard, while the appellant understands that the Commission does not govern local collectively bargained salaries, she questions if Secretarial Assistant is considered a "higher level" title than Principal Clerk Transcriber. Additionally, the appellant now contends that an Administrative Secretary title is more appropriate for her duties. The appellant states that the job specification for Administrative Secretary provides that an incumbent assists a department head, by performing administrative clerk work, usually varied and involving some elements of troubleshooting. In her position, the appellant maintains that she meets this definition by directly assisting and reporting to a Division Head and performs many of the tasks outlined in the examples of work in the job specification for Administrative Secretary. The appellant submits a letter from Mickel that supports the reclassification of her position as Administrative Secretary.

Additionally, the appellant states that after not hearing from the appointing authority regarding the status of her appeal, she contacted CPM by phone and was advised to submit to it a copy of the PCQ that she submitted to the appointing authority. The appellant highlights that CPM's June 18, 2013 letter to the appointing authority indicates her PCQ that was originally sent to the appointing authority for review on May 9, 2012. Therefore, the appellant requests a date earlier than June 29, 2013 as the date of reclassification.

### CONCLUSION

*N.J.A.C.* 4A:3-3.9(e)3 provides that if an appeal is granted by the Commission, the effective date of implementation shall be, in local service, the date an appropriate representative of the Commission first received the appeal or reclassification request, or at such earlier date as directed by the Commission.

*N.J.A.C.* 4A:3-4.1(a) provides in local service, appointing authorities shall establish compensation plans that provide for paying employees in reasonable relationship to their job titles.

The definition section of the job specification for Administrative Secretary states:

Assists an administrative official of a department or autonomous government agency at a level no lower than department head, by performing administrative clerical work, usually varied and involving some elements of troubleshooting, OR, under the immediate direction

of an administrative official, performs administrative clerical work, and supervises the office and other clerical and related operations of a department or autonomous government agency; does other related duties as required.

The definition section of the job specification for Secretarial Assistant states:

Under direction, acts as a personal secretary or aide to the head of an established division and performs complex and responsible clerical work of a varied nature requiring a thorough knowledge of the rules and regulations of the division; in addition, may assign and supervise the work of the clerical staff of the unit; does other related work as required.

The definition section of the job specification for Principal Clerk Transcriber states:

Under direction, acts as a secretary to a supervisory official, supervises work of a group of Clerk Transcribers or Senior Clerk Transcribers, or is responsible for very difficult clerical work; any of these categories of work assignments would be combined with very difficult and complex transcription work; does other duties as required.

In the present matter, it is clear that the appellant's title is properly classified as Secretarial Assistant. The appellant's position primarily assists the Agricultural Agent with such things as the preparation of the annual budget, making deposits, writing checks, and reconciling bank statements, purchasing office supplies and equipment and maintaining the inventory of those items, handling correspondence, maintaining attendance records, reports and files, and reviewing and directing the work of subordinate staff. As CPM determined, these duties are consistent with a Secretarial Assistant classification. The Administrative Secretary classification is used to classify those positions where the incumbent assists an administrative official of a department or autonomous governmental agency at a level no lower than department head. According to agency records, Frank Bell, *not* Mickel, is the County Department Head for the Department of Land Use and Facilities Management. Mickel is the Agricultural Agent. Therefore, since the appellant does not assist a position that is classified at a level no lower than department head, her position cannot be classified as Administrative Secretary.

With respect to the effective date of her reclassification, the record evidences that on May 9, 2012, Mickel submitted the appellant's PCQ to the appointing authority. However, the appointing authority apparently did not submit the PCQ to CPM at that time. Instead, it was not until after CPM sent the appointing

authority a letter on June 18, 2013 that it replied to the classification appeal. In its July 5, 2013 response, the appointing authority explained that it had reviewed the appellant's position reclassification request as part of its 2013 budget deliberations and determined that her position was appropriately classified as Principal Clerk Transcriber. In other words, it appears that the appointing authority conducted a classification review and determined that the appellant's position was properly classified instead of forwarding the PCQ to CPM for review.

It was clearly improper for the appointing authority to have delayed or denied CPM review for the purposes of conducting its own classification review in this matter. This agency is charged with the responsibility to establish, administer, amend, and continuously review the classification plan governing all positions in State and local service. *See N.J.S.A. 11A:3-1(a)*. In addition, the controlling statutory and regulatory provisions clearly charge this agency with the responsibility to ensure the proper classification of employees in the career service. This responsibility has not been delegated to Civil Service appointing authorities. Indeed, the foundation of position classification, as practiced in New Jersey, is the determination of duties and responsibilities being performed at a given point in time as verified by this agency through an audit or formal study. The established classification review procedures in this regard have been affirmed following formal review through this agency and judicial challenges. *See in the Matter of Community Service Aide/Senior Clerk (M6631A), Program Monitor (M6278O), and Code Enforcement Officer (M0041O)*, Docket No. A-3062-02T2 (App. Div. June 15, 2004) (Accepting policy that classification reviews are limited to auditing current duties associated with a particular position because it cannot accurately verify duties performed by employees in the past). In this case, the delay in establishing a proper effective date for the appellant's position is appears to be tied to the appointing authority's performance of its internal classification review. However, the appointing authority is reminded that it must follow all applicable rules in regard to this agency's performance of classification reviews. *See N.J.A.C. 4A:3-3.9(d)*.

In the instant matter, the appellant requested a classification review and Mickel indicated his agreement on May 9, 2012. The appointing authority expressed its disagreement with the appellant's appeal by letter dated July 5, 2013, which CPM received on July 12, 2013, or 24 days after CPM's letter of June 18, 2013. Therefore, it is reasonable to assume a June 4, 2012 date of receipt of a complete package by CPM, which is the Monday that is 24 days after the appellant submitted her PCQ to the appointing authority on May 9, 2012. Clearly, the delay in CPM's receipt of the complete appeal package was occasioned by the appointing authority's determination that the position was properly classified. *See In the Matter of Josh Osowski* (CSC, decided July 30, 2008) (Appellant provided a sufficient basis to substantiate that there was an undue delay on the part of the appointing authority in the processing of the request for reclassification due to the fact that it was not forwarded to this agency as a reclassification request).

*Compare, In the Matter of Parag Shah* (MSB, decided March 12, 2008) (In denying an appellant's request for an earlier effective date, it was emphasized that absent some bad faith motivation or evidence of serious negligence on an appointing authority's part, internal departmental processing delays, over which this agency has no control, do not provide a sufficient basis for a retroactive effective date of position classification). Therefore, since there is no indication in the record that the appellant was not performing higher level duties, the effective date of her position classification to Secretarial Assistant should be June 4, 2012.

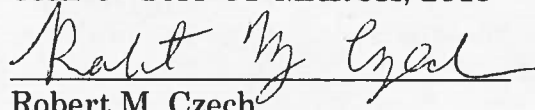
In regard to her request for a determination if Secretarial Assistant is a "higher title" than Principal Clerk Transcriber, a promotion in local service means an advancement in title and a class code in local service is a ranking based upon an evaluation of job content. *See N.J.A.C. 4A:1-1.3*. The Principal Clerk Transcriber title has a class code of 2 and the Secretarial Assistant title has a class code of 3. Therefore, movement from Principal Clerk Transcriber to Secretarial Assistant is considered a promotional action. However, while it is noted that a reasonable and generally accepted aspect of a promotion is that the employee receives greater compensation, *N.J.A.C. 4A:3-4.1* states that, in local service, appointing authorities shall establish compensation plans which provide for paying employees in reasonable relationship to their job titles, and the Commission is generally not involved in the development of compensation plans, unless an appointing authority asks for assistance. As the Commission does not establish or administer local compensation schedules, mandating a salary increase would be beyond the Commission's jurisdiction in this matter. The classification system of local titles used by the Commission was originally developed using occupational group categorizations, as recognized by the United States Department of Labor, as a reasonable and objective method for identification of job similarities. Job evaluation factors such as education and experience, work duties and characteristics and supervisory responsibility are components of any classification system. CPM determined local class codes based upon an assessment of the title's level and an evaluation of the amount of experience and education required to perform the duties as outlined in the job specification. Thus, the class code for local titles does not address the work duties and characteristics of the positions as a factor in identifying class codes. Neither does it classify titles based on amount of compensation. *See In the Matter of Joseph Haney, et al.* (MSB, decided August 29, 2007).

#### ORDER

Therefore, the Civil Service Commission concludes that the position of Diana Boesch is properly classified as a Secretarial Assistant with an effective date of June 4, 2012.

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 4<sup>th</sup> DAY OF MARCH, 2015



Robert M. Czech  
Chairperson  
Civil Service Commission

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Attachment

c: Diana Boesch  
Brad Myhre  
George Wagner  
Kenneth Connolly  
Joseph Gambino



June 1, 2014

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

January 9, 2014

Ms. Diana Boesch  
314 State Route 12, Building 2  
Flemington, New Jersey 08822

**Subject:** Classification Determination – Diana Boesch (000026793); Hunterdon County, Department of Land Use Facilities Management, Rutgers Cooperative Extension; SLGO #

Dear Ms. Boesch:

A classification review of your position has been completed, and the determination follows. This determination is based upon a thorough review and analysis of all information and documentation submitted by you and your Appointing Authority during the review process.

**Issue:**

You believe the duties of your position are out of the scope of your permanent title, Principal Clerk Transcriber (02779), and are commensurate with the job duties of a Secretarial Assistant (03127).

**Organization:**

This position is currently classified in the title of Principal Clerk Transcriber (02779) and is located in the Department of Land Use Facilities Management, Rutgers Cooperative Extension Division. The division is responsible for promoting the vitality, health, sustainability and overall quality of life in New Jersey by developing and delivering practical, effective solutions to current and future challenges relating to agriculture; fisheries; food; natural resources; environments; public health; and economic, community, and youth development. The position is directly supervised by Robert Mickel, Department Head, Rutgers Cooperative Extension.

**Finding of Fact:**

The primary responsibilities of the position you encumber include the following:

- Assists the division head with the preparation of annual budget, assures budget is appropriated in accordance with approved allocation of funds.
- Makes deposits, writes checks, reconciles bank statements, manages postal funds



- Responsible for purchasing office supplies and equipment and maintaining inventory of those items.
- Handles correspondence and fulfills verbal requests from and to Rutgers University, the public, and volunteers as related to the county's corporative extension program.
- Maintains attendance records, statistical reports, and other records and files.
- Reviews and directs work of subordinate clerical staff.

### **Review and Analysis:**

A comparative review of the job specifications for various titles was conducted to determine the nature and scope of the duties and responsibilities assigned to determine the level at which the position functions.

The position is currently classified in the title of Principal Clerk Transcriber (02779). The definition of this title is:

Under direction, acts as secretary to a supervisory official, supervises work of a group of clerk transcribers and senior clerk transcribers, or is responsible for very difficult clerical work; any of these categories of work assignments would be combined with very difficult and complex transcription work; does other related duties as required.

An incumbent properly classified in the title of Principal Clerk Transcriber is responsible for transcribing various types of dictation of a difficult or technical nature. An employee serving in this title is also responsible for completing various clerical tasks, and may supervise lower level transcribers. Samples of these duties are included in the job specification which is available online. The review of the information obtained during the classification process does not support that this position performs the tasks generally involved in the duties of a Principal Clerk Transcriber.

The definition of the title, Secretarial Assistant (03127) is:

Under direction, acts as a personal secretary or aide to the head of an established division and performs complex and responsible clerical work of a varied nature requiring thorough knowledge of the rules and regulations of the division; in addition, may assign and supervise the work of the clerical staff of the unit; does related work as required.

An incumbent properly classified in the title of Secretarial Assistant is responsible for relieving the division head by disseminating information, and fulfilling the requests of various organizations, agencies, and/or the general public in accord with established policies. One serving in this title would also be responsible for maintaining various correspondence from other agencies or organizations as well as records and files pertaining to personnel issues. A Secretarial Assistant may also be responsible for directing and reviewing the work of subordinate employees. Samples of these duties are included in the job specification which is available online. The review of the information obtained during the classification process supports that this position performs the tasks generally involved in the duties of a Secretarial Assistant.

### **Determination:**

The review revealed that the position's current duties and responsibilities are commensurate with the title, Secretarial Assistant (03127). By copy of this letter, the Appointing Authority is advised the position will



be reclassified to the title Secretarial Assistant effective June 29, 2013, unless the Appointing Authority assigns duties and responsibilities commensurate with the position's permanent title, Principal Clerk Transcriber (02779), within thirty days of receipt of this determination letter.

Please note this classification determination does not imply you will meet the eligibility requirements of the title. It is the responsibility of the Appointing Authority to ensure an incumbent meets the eligibility requirements prior to any appointment.

Please be advised, 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 Record Appeals Unit, Division of Appeals and Regulatory Affairs, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note 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,

A handwritten signature in black ink, appearing to read 'Mark B. Van Bruggen', with a stylized flourish at the end.

Mark B. Van Bruggen  
Supervising HR Consultant

MVB/AG

C: Frank Bell, Department of Land Use and Facilities Management  
Robert Mickel, Rutgers Cooperative Extension

