



B-15

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Jennifer Chojnacki
Department of Education

Classification Appeal

CSC Docket No. 2015-1644

ISSUED: **JUN 23 2015** (EG)

Jennifer Chojnacki appeals the attached determination of the Division of Classification and Personnel Management (CPM)¹ that her position with the Department of Education (DOE) is properly classified as a Speech/Hearing Specialist. The appellant seeks an Education Program Development Specialist 2 (10 months, Deaf Language Specialist) classification.

The record in the present matter establishes that the appellant is serving in her permanent title of Speech/Hearing Specialist. At the time of her classification review, the appellant was assigned to work in DOE's Office of Student Support Services, Katzenbach School for the Deaf. She reported directly to Joan Krasnisky, Supervisor of Educational Programs 1, and had no direct supervisory responsibility. The appellant requested a review of the classification of her position to determine whether she was properly classified. CPM performed a review which involved a detailed analysis of all the information provided, including a Position Classification Questionnaire (PCQ), organizational chart, and written statements from Krasnisky.

CPM found that the duties the appellant performed most closely matched the job description and examples of work performed by a Speech/Hearing Specialist. CPM also indicated that the majority of the appellant's duties were not consistent with those of an incumbent Education Program Development Specialist 2 (10 months, Deaf Language Specialist). In this regard, it stated that the majority of her duties did not encompass the design, production, and delivery of curricula, training,

¹ Now the Division of Agency Services.

and related services to education agencies; and she did not implement procedures and instrumentation for the ongoing assessment of the staff training and instructional program needs. Further, it indicated that the primary function of the appellant's position was to provide teaching intervention of deaf/hard of hearing students so that they could meet the New Jersey Core curriculum standards. Additional responsibilities included conducting assessments and being accountable for ensuring that students meet federal and State mandates. CPM determined that these duties and responsibilities were consistent with a classification of Speech/Hearing Specialist.

In the instant appeal, the appellant contends that her duties did encompass the design, production, and delivery of curricula, training, and related services to education agencies; and she did not implement procedures and instrumentation for the ongoing assessment of the staff training and instructional program needs. She argues that while providing direct intervention is one of the priorities of her position, it is not the only function. The appellant states that she develops curriculum, training, and related services to education programs throughout the year. Additionally, the appellant explains that she performs the functions of both a Speech/Hearing Specialist and an Education Program Development Specialist 2 (10 months, Deaf Language Specialist) but believes that Education Program Development Specialist 2 (10 months, Deaf Language Specialist) title is the more appropriate title for her position. Further, the appellant questions the lack of an interview by CPM during the reclassification process. She also complains that when she was initially hired, she had responded to a job posting for an Education Program Development Specialist 2 (10 months, Deaf Language Specialist) and was hired as a Speech/Hearing Specialist. Moreover, the appellant asserts that she performs the same duties and has the same credentials as co-workers in the title of Education Program Development Specialist 2 (10 months, Deaf Language Specialist). In this regard, the appellant submits Performance Assessment Reviews (PAR) for herself and an employee in the Education Program Development Specialist 2 (10 months, Deaf Language Specialist) title and argues that the duties are all the same. Finally, the appellant argues that while her present title is a 12 month title, the school only operates for 10 months, and she spends many weeks working in a school building alone and unable to fully execute her duties because no children are present.

CONCLUSION

The definition section of the job specification for Education Program Development Specialist 2 (10 months, Deaf Language Specialist) states:

Under general direction of an Education Program Development Specialist 1, or supervisory official in the Department of Education, supervises the design, production, and delivery of curricula, training,

program improvement, and related education services to education agencies to ensure achievement of mandated goals and to meet existing and emerging needs; performs mandated regulatory functions; performs work of considerable difficulty and works with a high level of independence in monitoring and evaluation of education programs in school districts statewide; does other related duties.

The definition section of the job specification for Speech/Hearing Specialist states:

Under direction of a supervisory official in a state department, agency, or facility, plans and carries out a program to remedy the speech, language, or hearing needs of clients with handicaps, prescribes proper tests and procedures for therapy; participates in research projects; administers tests and evaluates speech or hearing performance; does other related duties as required.

In the instant matter, CPM found that the appellant's job duties were properly classified under the title of Speech/Hearing Specialist. On appeal, the appellant contends that she performs the duties of Education Program Development Specialist 2 (10 months, Deaf Language Specialist). However, she does not provide examples of these duties. Even assuming, *arguendo*, that such examples had been provided, the Civil Service Commission (Commission) notes that the fact that some of an employee's 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 classification specification purposes, the definition portion of the job specification is appropriately utilized. Furthermore, a review of the appellant's PCQ indicates that most of her duties are comprised of those performed by incumbents in the title Speech/Hearing Specialist. CPM found that the primary function of the appellant's position was to provide teaching intervention of deaf/hard of hearing students so that they could meet the New Jersey Core curriculum standards. Additional responsibilities included conducting assessments and being accountable for ensuring that students meet federal and State mandates. Further, while the appellant argues that she works as an Education Program Development Specialist 2 (10 months, Deaf Language Specialist), these duties and the majority of the duties assigned to her are duties which can be performed by individuals in a Speech/Hearing Specialist position. The appellant has not provided evidence or arguments that show that the preponderance of the duties she performed are substantially similar to the essential duties of an Education Program Development Specialist 2 (10 months, Deaf Language Specialist). In this regard, the essential functions of an incumbent

Education Program Development Specialist 2 (10 months, Deaf Language Specialist) include designing, producing, and delivering curricula, training and related services to education agencies; providing technical assistance in designing and implementing plans for improving instruction programming; designing and implementing procedures and instrumentation for the ongoing assessment of staff training and instruction program needs; conducting training activities for staff employed in education agencies; and developing guidelines in the areas of curricula and instructional materials and methods. Neither CPM's review nor a current review of the materials provided on appeal reveal that the appellant's primary duties are substantially similar to the essential functions of an Education Program Development Specialist 2 (10 months, Deaf Language Specialist).

Further, while the appellant alleges that other employees doing the same job as her are in the Education Program Development Specialist 2 (10 months, Deaf Language Specialist) title, she provides no persuasive arguments or dispositive evidence in support of such claims. Moreover, the classification of a position is based on the duties being performed in that position and not that of other positions. The appellant's position stands on its own and is classified based on the duties she performs. The duties performed by other individuals, whether properly or improperly classified, are irrelevant in determining the proper classification of the appellant's position. See *In the Matter of Dennis Stover*, Docket No. A-5011-96T1 (App. Div. October 3, 1998), affirming *In the Matter of Dennis Stover, Middletown Township* (Commissioner of Personnel, decided February 20, 1997). See also, *In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided March 16, 1995). Finally, with regard to not being provided an interview by CPM, N.J.A.C. 4A:3-3.9(c)8 provides that a representative of the Civil Service Commission shall review the appeal filed, request additional information if needed, order a desk audit where warranted, and issue a written decision letter. The regulations do not require that an interview be conducted by CPM in classification matters.

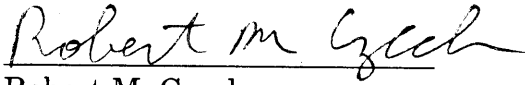
Accordingly, based on the foregoing, the record amply supports a Speech/Hearing Specialist classification for the appellant's position.

ORDER

Therefore, it is ordered that this appeal be denied.

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

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 17TH DAY OF JUNE, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Written Record Appeals Unit
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P.O. Box 312
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Attachment

c: Jennifer Chojnacki
Heidi Musselman
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

November 14, 2014

Jennifer Chojnacki
Department of Education
PO Box 500
Trenton, NJ 08625-0500

Re: Classification Appeal, Jennifer Chojnacki
Position# 949366, CPM log# 05140086
EID# 000525248

Dear Ms. Chojnacki:

A review of your position has been completed and the determination follows. According to our records, your position's current classification is Speech/Hearing Specialist (03653-P25). This determination is based upon a thorough review and analysis of all information and documentation submitted, including a DPF-44, organizational chart, and written statements by your immediate supervisor, Supervisor of Educational Programs 1, Joan Krasnisky.

Issue:

You believe the duties of the position are outside the scope of your permanent title and are more closely aligned with the duties of an Education Program Development Specialist 2, 10 months, Deaf Language Specialist (10223C-P25).

Organization:

Your position is assigned to the Office of Student Support Services, Katzenbach School of the Deaf. You report directly to Joan Krasnisky, Supervisor of Educational Programs 1. You do not supervise employees.

Finding of Fact:

At the time of the submission of your classification appeal, the position was responsible for performing the following assigned duties and responsibilities:

- Provide intervention through proven teaching/intervention strategies to meet the New Jersey Core Curriculum Content Standards. Develop expansions of these Standards for Deaf/Hard of Hearing students and individual student needs appropriate to the age and learning needs of each individual student which may include students exhibiting the full

range of communication disorders, including those involving language, auditory impairment, articulation (speech sound disorders), fluency, voice/resonance, and swallowing.

- Conduct assessments that are unique to students who are Deaf/Hard of Hearing in collaboration with others that help to identify students with communication disorders, as well as, to inform instruction and intervention, consistent with evidence based practice.
- Accountable for student outcomes and for meeting federal and state mandates, as well as, local policies in the performance of duties; and uses data for decision making, including gathering and interpreting data with individual students, as well as, overall program evaluation. Reports of progress, observations, conclusions, and recommendations are completed quarterly and annually and are evaluated to determine efficacy of each individuals programming
- Required to learn and use various types of technology and computerized programs to service students and meet state standards and individualized education goals.
- Work with school and district professionals and administrators in implementing programs for improved speech, language and auditory skills. Provide services to support the instructional program at school. Work collegially with general education teachers, reading specialists, literacy coaches. special education teachers occupational therapists, physical therapists. school psychologists, audiologists, guidance counselors, and social workers, in addition to others.

Review and Analysis:

You currently have permanent status in the title, Speech/Hearing Specialist (03653- P25). The definition for this title is:

Under direction of a supervisory official in a state department, agency, or facility, plans and carries out a program to remedy the speech, language, or hearing needs of clients with handicaps, prescribes proper tests and procedures for therapy; participates in research projects; administers tests and evaluates speech or hearing performance; does other related duties as required.

An incumbent in this position would plan and carry out a program to provide speech, language, and hearing intervention; prescribe assessments and therapy to deaf and hard-of-hearing children and students; administer tests and evaluate speech or hearing performance; review individual clinical histories and consult with staff for structuring individual programs; apply clinical techniques of therapy and training to individual patients with speech, language, or hearing impairments; and serve as a member of a diagnostic staff.

You believe the title that best describes your duties is Education Program Development Specialist 2, 10 months, Deaf Language Specialist (10223C- P25). The definition for that title is:

Under general direction of an Education Program Development Specialist 1, or other supervisory officer in the Department of Education, designs, produces, and delivers curricula, training, program improvement, and related education services to education agencies to ensure the achievement of mandated goals and to meet existing and emerging needs; performs mandated regulatory functions; performs work of a difficult nature and generally works independently in the monitoring and evaluation of education programs in school districts statewide; does other related duties.

An incumbent in this title would design, produce, and deliver curricula, training, and related services to education agencies; provide technical assistance in designing and implementing plans for improving instructional programming; design and implement procedures and instrumentation for the ongoing assessment of the staff training and instructional program needs; conduct training activities for staff employed in education agencies; and develop program guidelines in the areas of curricula and instructional materials and methods.

The majority of your duties do not encompass the design, production, and delivery of curricula, training, and related services to education agencies; and you do not implement procedures and instrumentation for the ongoing assessment of the staff training and instructional program needs.

The position's primary function is to provide teaching intervention to Deaf/Hard of Hearing students so that they meet the New Jersey Core curriculum Standards. This position conducts assessments and is accountable for ensuring that students meet federal and state mandates.

Determination:

Based on this fact, and the written record, it is our determination you are appropriately classified in your current position as a Speech/Hearing Specialist (03653-P25).

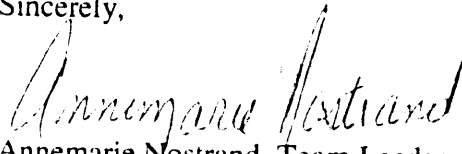
The specification for Speech/Hearing Specialist is descriptive of the general nature and scope of the functions that may be performed by the incumbent in this position. However, the examples of work are for illustrative purposes and are not intended to restrict or limit performance of the related tasks not specifically listed. The relevancy of such specific tasks is determined by an overall evaluation of their relationship to the general classification factors listed in the specification.

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

Jennifer Chojnacki
November 14, 2014
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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,


Annemarie Nostrand, Team Leader
Classification and Personnel Management

AN/rh

cc: David Corso, Director, Human Resources (EDSK)
Heidi Musselman, Manager 1, Human Resources (EDSK)

