

B-61



STATE OF NEW JERSEY

In the Matter of Judith Nadal,
Department of Law and Public Safety

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2016-1640

Classification Appeal

* Revised Copy *

ISSUED: FEB - 6 2017 (CSM)

Judith Nadal appeals the attached decision of the Division of Agency Services (Agency Services) that the proper classification of her position with the Department of Law and Public Safety is Agency Services Representative 1. The appellant seeks an Agency Services Representative 4 or Supervisor, Licensing Unit, Professional Board classification.

The record in the present matter establishes that at the time the appellant filed her request for a classification review, she was serving as an Agency Services Representative 1. The appellant's position is located in the New Jersey Board of Architects/Landscape Architects, Professional Engineers, Professional Planners, Interior Design and Real Estate Appraisers, Division of Consumer Affairs and is supervised by Charles Kirk, Investigator 1, Law and Public Safety. The appellant sought a reclassification contending that her position would be more appropriately classified as either an Agency Services Representative 4 or Supervisor, Licensing Unit, Professional Board. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties that she performed. Agency Services reviewed all documentation supplied by the appellant including her PCQ.¹ Based on its review of the information provided, Agency Services concluded that the appellant's position is properly classified as Agency Services Representative 1.

¹ The appointing authority indicated on the PCQ that it had a meeting with the appellant and her supervisor on March 12, 2015 wherein they were advised that out-of-title supervisory duties were being removed. However, Agency Services noted that this was inappropriate as no out-of-title supervisory duties were being performed.

On appeal, the appellant states that she was assigned to read statutes and regulations and apply them to licensing procedures. The appellant notes that she has attained a Bachelor's degree and asserts that this gives her a solid background in developing effective solutions to a variety of situations. Further, she states that in 2009, the Executive Director recommended her for promotion, as she handles all the work for the Board of Architects/Landscape Architects and took on additional responsibilities for the Professional Planners, Engineers, and Surveyors and Home Improvement Contractors. The appellant also states that her duties and responsibilities may be commensurate with Agency Services Representative 3. In support of her appeal, the appellant provides copies of her formal Performance Evaluations System (PES) reviews from 2011 forward. Therefore, you maintain that your position should be reclassified.

CONCLUSION

The definition section of the job specification for Agency Services Representative 1 states:

Under the close supervision of a supervisory official in a State department, agency, or institution, provides basic and/or repetitive front-line and behind the scenes customer and other support services involving the review, processing and issuance of agency documents; provides information to customers regarding department/agency programs and services; does other related work as required.

The definition section of the job specification for Agency Services Representative 3 states:

Under the general supervision of a supervisory official in a State department, agency, or institution, provides front-line and behind the scenes customer and other support services involving the review, processing and issuance of agency documents; provides specialized information to customers regarding department/agency programs and services; handles the more complex and/or sensitive customer issues, requests and complaints; does other related work as required.

The definition section of the job specification for Agency Services Representative 4 states:

Under the direction of a supervisory official in a State department, agency, or institution, provides front-line and behind the scenes customer and other support services involving

the review, processing and issuance of agency documents; provides varied information to customers regarding department/agency programs and services; handles the most complex and/or sensitive customer issues, requests and complaints; functions in a lead worker capacity; does other related work as required.

The definition section of the job specification for Supervisor, Licensing Unit, Professional Board states:

Under the direction of the Executive Director or Executive Secretary of a Professional Board in the Division of Consumer Affairs, Department of Law and Public Safety, supervises clerical staff involved in processing licenses for one of the Division's Professional Boards; does other related work.

In the instant matter, at the time of the classification review, it is clear that the appellant's position was not properly classified as Agency Services Representative 1. Initially, all of the Job Responsibilities listed in the appellant's PES' for rating cycles 2013 to 2015 submitted in support of her request for reclassification all indicate that she works "under close supervision." However, during her interim rating for PES cycle 2015, the appellant disagreed with this language asserting that it should reflect that she works under general supervision. On June 10, 2015, the appellant's rater, Emilio Aviles, noted in the PES' Significant Performance Events section that the job expectations should indicate that she works under general supervision as of November 1, 2014, which was certified by the reviewer, Kirk, on June 15, 2015. Additionally, the duties the appellant listed on her PCQ are not routine or repetitive in nature. For example, while her PCQ lists that she does such things as provide information to callers regarding licensure and certification requirements and processes and records various documents received by her program, her position also is required to independently respond to and compose detailed correspondence, evaluate official documents by applicants and explain the reasons why the license, certification or eligibility for programs is denied, and ensure applications comply with applicable law and rules. Given the duties she performs, in conjunction with the level of supervision she receives, the appellant's position should be classified as Agency Services Representative 3. Additionally, as the record indicates that her immediate supervisor verified her work under general supervision on her PES as of June 15, 2015, that is the appropriate date of this reclassification.

With respect to Agency Services Representative 4, there is no evidence that the appellant functions as a lead worker or handles, as a primary function, the most complex customer issuers. Further, with respect to Supervisor, Licensing Unit, Professional Board, as correctly noted by Agency Services, this title is assigned to

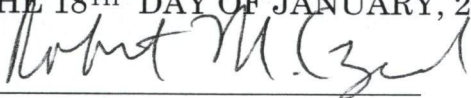
the "S" or second level supervisory Employee Relations Group (ERG). It has been well established that the essential component of supervision is the responsibility to conduct formal PAR reviews for subordinate staff. *See In the Matter of Alan Handler, et al.* (CSC, decided October 7, 2015 (Commission found that Auditor 1 was a supervisory level position based on job definition, duties, and inclusion in the first level supervisory ERG). Therefore, since the appellant's position does not supervise first level supervisory or other subordinate staff, it cannot be classified as Supervisor, Licensing Unit, Professional Board.

ORDER

Therefore, it is ordered that this appeal be granted in part and the appellant's position be reclassified as Agency Services Representative 3 effective June 13, 2015.

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 18TH DAY OF JANUARY, 2017



Robert M. Czech
Chairperson
Civil Service Commission

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

Attachment

c: Judith Nadal
Mirella Bednar
Kelly Glenn
Records Center



Chris Christie
Governor
Kim Guadagno
Lt. Governor

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

Robert M. Czech
Chair/Chief Executive Officer

October 9, 2015

Judith Nadal
[REDACTED]
[REDACTED]

Re: **Classification Appeal – Agency Services Representative 1, Law and Public Safety
Position # 093912, EID # 000309982, Log # 03150375**

Dear Ms. Nadal:

This is to inform you, and the Department of Law and Public Safety, of our determination concerning the classification appeal referenced above. This determination is based on a thorough review and analysis of documents submitted, including the Position Classification Questionnaire (DPF-44S), organization chart, Performance Assessment Review (PAR), statement of your immediate supervisor, and a telephone audit conducted with you on September 23, 2015.

Issue

You are currently serving permanently in the title, Agency Services Representative 1 (56352; A08; 09) and contend you are performing duties and responsibilities commensurate with either of the titles, Agency Services Representative 4 (56364; A18; 19), or Supervisor, Licensing Unit, Professional Board (30622; S17; 18).

Organization

Your position is assigned to the NJ Board of Architects/Landscape Architects, Professional Engineers, Professional Planners, Interior Design and Real Estate Appraisers, Division of Consumer Affairs. Your current supervisor is Charles Kirk, Investigator 1, Law and Public Safety (33858; P26; 26), and you presently have no employee supervisory responsibility.

Findings of Fact

The current primary responsibilities you perform in your position include, but are not limited to, the following:

- Reviews licensing applications for renewal, restoration, etc., presents file for board approval; and advises applicants on the status of requests

- Assists in reviewing and processing consumer complaint forms to ensure all information and documents are accurate
- Educates consumers on the complaint process via email, telephone or face-to-face
- Enters related data in the "Licensing 2000" software installed on computer peripherals and tracks consumer complaints
- Prepares a variety of correspondences
- Mails license application to applicants
- Manages files and records
- Processes Open Public Records Act (OPRA) requests
- Prepare and generate reports, e.g. monthly executive report
- Reviews website content to determine the need for update
- Receives, sorts and routes incoming mail; responds to inquiry emails as necessary
- Assists in the preparation of board meeting agenda; schedules board meetings, hearings, and investigative inquiries; attends board sessions, and prepares minutes of such sessions

Review and Analysis

Currently, your position is classified by the title, Agency Services Representative 1 (56352; A08; 09). The definition section of the job specification for the title states:

"Under the close supervision of a supervisory official in a state department, agency, or institution, provides basic and/or repetitive front-line and behind the scenes customer and other support services involving the review, processing and issuance of agency documents; provides information to customers regarding department/agency programs and services; does other related work as required."

An incumbent serving in a position classified by the title Agency Services Representative 1 performs basic and/or repetitive technical functions in the provision of customer service. Incumbents conduct the review and processing of applications for licenses, certifications, permits or other official documents; compose basic correspondence; sort and index files according to establishes guidelines and procedures. Duties performed are of a routine and uncomplicated nature. Incumbents independently assist customers by resolving minor issues, answering basic procedural questions and provide simple instruction in the application process.

You contend that the title, Agency Services Representative 4 (56364; A18; 19) is the appropriate classification for your position. The definition section of the job specification for the title states:

"Under the direction of a supervisory official in a state department, agency, or institution, provides front-line and behind the scenes customer and other support services involving the review, processing and issuance of agency documents; provides varied information to customers regarding department/agency programs and services; handles the most complex and/or sensitive customer issues, requests and complaints; functions in a lead worker capacity; does other related work as required."

While utilizing a significant level of independent judgment, an incumbent serving in a position classified by the title Agency Services Representative 4 (56364; A18; 19) handles and resolves complex matters; functions as a lead worker; leads the review and processing of applications for licenses and permits; may provide guidance and instruction to lower level staff in the absence of a supervisor; reviews, tracks and handles consumer requests and complaints. Additionally, an incumbent in this title has significant familiarity with the rules, policies, procedures, and practices of his/her organization; often serves as a subject matter expert and a reference point on issues related to the area of his/her expertise; work is performed independently and matters are not often referred to the supervisor, except for clarification of policy.

You also contend that the title, Supervisor, Licensing Unit, Professional Board (30622; S17; 18) may be the appropriate classification for your position. The definition section of the job specification for the title states:

"Under the direction of the Executive Director or Executive Secretary of a Professional Board in the Division of Consumer Affairs, Department of Law and Public Safety, supervises clerical staff involved in processing licenses for one of the Division's Professional Boards; does other related work."

An employee serving in the title, Supervisor, Licensing Unit, Professional Board (30622; S17; 18), supervises activities and staff and utilizes a significant level of judgment and authority in performing their duties. It is further noted that this title is assigned to the "S" Employee Relations Group (ERG), which is defined as a second level supervisory position. It has been the long-standing policy of the Civil Service Commission that titles assigned to a supervisory ERG, must supervise employees. It has been well established that the essential component of supervision is the responsibility for the administration of formal Performance Assessment Reviews (PAR) for subordinate staff.

The review of your current duties indicates that you assist in conducting routine review and processing of documents; assist applicants by providing information, provide customer service and support the functions of the Board. While you perform some clerical support functions, such is not the primary focus of your position.

You do not handle the most complex customer issues, requests and complaints; nor do you function as a lead worker; as such, the title Agency Services Representative 4 is not an appropriate classification for your position. Your position currently does not involve the supervision of permanent State employees; therefore, the title Supervisor Licensing Unit, Professional Board is not an appropriate classification for your position.

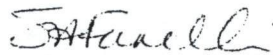
Determination

Based on the findings of fact stated above, it is our determination that your current duties and responsibilities are commensurate with the title, Agency Services Representative 1 (09, A08, 56352). By copy of this letter, the Appointing Authority is advised that your position is presently properly classified.

Judith Nadal
October 9, 2015
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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. 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 documentation being disputed and the basis for the appeal.

Sincerely,



Staci Fanelli
Human Resource Consultant 5

SF/so

C: Mirella Bednar, *Appointing Authority, LPS*
Saheed Olushi
Team Files
Nick Kanellis, *Records Imaging Center*