

B-14

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Bernadette  
Augustus, Department of Law and  
Public Safety

Classification Appeal

CSC Docket No. 2017-2291

ISSUED: JUN 09 2017 (SLK)

Bernadette Augustus 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 2. The appellant seeks a classification of Agency Services Representative 3.

By way of background, the appellant sought reclassification of her position, alleging that her duties were more closely aligned with the duties of an Agency Services Representative 3. The appellant's position was classified as Agency Services Representative 1 at the time of her request for a classification review. Ms. Augustus is assigned to Board of Respiratory Care (Board), Division of Consumer Affairs and reports to Dorcas O'Neal, Executive Secretary. Ms. Augustus has no supervisory responsibility. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) and other documentation detailing the different duties she performs as an Agency Services Representative 1. Agency Services reviewed and analyzed the PCQ completed by the appellant. On November 21, 2016, Agency Services conducted a telephone audit. In its decision, Agency Services determined that the duties performed by the appellant were consistent with the definition and examples of work included in the job specification for Agency Services Representative 2.

On appeal, Ms. Augustus presents that she is the sole employee of the Board and states that she takes the lead over Board services. The appellant asserts that she is the "go-to" person in the Executive Director's absence. The appellant states that the majority of her time is spent responding to questions and soliciting information from the Board, public, co-workers and others for the purpose of processing the Board's documents and she performs all of the Board's clerical functions. She states that she explains and interprets rules and policies, resolves



the most difficult and sensitive customer issues, requests information from customers, assesses eligibility for licenses, certifications, and other authorizations based on guidelines and rules, verifies and authenticates information, prepares correspondence including the most sensitive and difficult correspondence, and prepares the agenda, maintains the minutes, and performs all the clerical work related to the monthly Board meetings. She explains that at the time she was hired there were three employees; however, now she is the only Board employee responsible for performing one-hundred percent of the duties for the Board. As such, she believes that her position should be reclassified due to her increased responsibilities.

## CONCLUSION

The definition section of the job specification Agency Services Representative 2 states:

Under the limited 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 information to customers regarding department/agency programs and services; may provide guidance and assistance to clerical staff; does other related work as required.

The definition section of the job specification 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.

In the present matter, it is clear that the appellant's position is properly classified as Agency Services Representative 2. In reviewing the job specification definitions for the titles in question, an incumbent in the Agency Services Representative 3 title works under general supervision, provides specialized information to customers, handles the more complex and/or sensitive customer issues, and is frequently required to exercise independent judgment to make decisions where a clear precedent does not exist whereas incumbents in the Agency Services Representative 2 title works under limited supervision, reviews and processes and issues agency documents, provides information to customers, provides



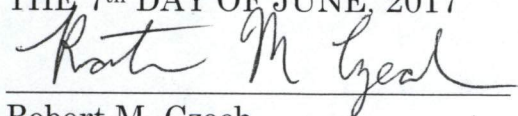
guidance to clerical staff and the work may involve the limited exercise of independent judgment. A review of the appellant's PCQ and Agency Services' audit notes indicates that she spends more than 50 percent of her time working under limited supervision performing clerical, administrative, and customer service duties based on the directives of the Board and its policies and not exercising independent judgment where the Board has not set clear precedent on more complex or sensitive issues and specialized information. Further, the appellant's main justification for the reclassification of her position is that there were three employees when she started as an Agency Services Representative 1 and now she is the only employee working for the Board, which means she needs to perform additional duties. However, 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). Additionally, 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 job specification purposes, the definition portion of the job specification is appropriately utilized.

#### ORDER

Therefore, the Civil Service Commission concludes that the position of Bernadette Augustus is properly classified as an Agency Services Representative 2.

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 7<sup>th</sup> DAY OF JUNE, 2017



Robert M. Czech  
Chairperson  
Civil Service Commission

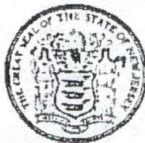
Inquiries  
and  
Correspondence

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: Bernadette Augustus  
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

December 28, 2016

Bernadette Augustus  
[REDACTED]  
[REDACTED]

Re: Classification Appeal – Agency Services Representative 1, [REDACTED]

Dear Ms. Augustus:

This is to inform you, and the Department of Law and Public Safety, of our determination concerning the classification appeal referenced above. The determination is based upon a thorough review and analysis of the Position Classification Questionnaire (DPF-44S), organization chart, and a telephone audit conducted November 21, 2016.

**Issue:**

You are serving permanently (RAP) in the title, Agency Services Representative 1 (09, A08, 56352) and contend you are performing duties and responsibilities commensurate with the title, Agency Services Representative 3 (15, A14, 56360).

**Organization:**

Your position is currently assigned to the Board of Respiratory Care, Division of Consumer Affairs, Department of Law and Public Safety. Your supervisor is Dorcas O'Neal, Executive Secretary (98, X98, 59869). You presently have no direct supervisory responsibility.

**Findings of Fact:**

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

- Provide information to customers regarding application process and procedures and Board rules and regulations
- Receive, review and process new applications and requests for reinstatement of licensure
- Verify completion of information, authenticate official documents, and issue requests for outstanding information and documentation
- Organize materials for Board meetings, prepare and distribute meeting agendas, attend board meetings, take and transcribe meeting minutes, and issue reports



**Review and Analysis:**

Currently, your position is classified by the title, Agency Services Representative 1 (09, A08, 56352). 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 functions under close supervision and performs basic and repetitive duties in the provision of customer service. Incumbents conduct routine review and processing of applications for licenses, certifications, permits or other official documents; answer basic procedural questions and provide simple instruction in the application process; and assist customers by resolving minor issues according to established guidelines and procedures.

You contend that the title, Agency Services Representative 3 (15, A14, 56360) is the appropriate classification for your position. The definition section of the job specification for the title 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."*

An incumbent serving in a position classified by the title Agency Services Representative 3 functions under general supervision and is responsible for the more complex technical duties involved in processing applications and issuing permits, licenses, and other agency documents; evaluates and authenticates official documentation; assesses applicant eligibility according to established policies and procedures; provides specialized information of a varied nature to customers; conducts research of laws/regulations to explain and resolve varied and difficult issues; and frequently exercises independent judgment to make decisions where little or no precedent exists. Incumbents serving in this title seldom refer matters to the supervisor except for the clarification of policy.

The title Agency Services Representative 2 (12, A11, 56356) was also reviewed. The definition section of the job specification for the title states:

*"Under the limited 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 information to customers regarding department/agency programs*



*and services; may provide guidance and assistance to clerical staff; does other related work as required."*

An incumbent serving in a position classified by the title Agency Services Representative 2 responds to customer inquiries orally and in writing; provides information regarding the services provided within the unit; has an understanding of the program in which they work and the ability to explain and clarify rules, regulations and policies/procedures; and verifies completion and accuracy of information provided on forms and applications.

A review of your current duties and responsibilities indicates that you function under limited supervision in the provision of customer service and support. You explain rules and regulations and provide instructions for submitting applications; follow established procedures to process new applications and reinstatement of licensure; verify completion of information and authenticate official documents; refer applications with positive criminal background checks and discrepancies to the Board subcommittee for review; assemble materials in preparation of Board meetings, prepare and distribute meeting agendas, take and transcribe a report of meeting minutes, and inform applicants/querists of Board determinations.

You are not performing entry-level tasks and basic repetitive functions under close monitoring of a supervisor; therefore, the title Agency Services Representative 1 is not an appropriate classification for your position. Additionally, while the level of work you perform requires familiarity with organization rules and procedures, you do not address the more complex problems requiring the exercise of independent judgment to make decisions where a clear precedence does not exist; therefore, the title Agency Services Representative 3 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 2 (12, A11, 56356). This action shall be effective June 11, 2016.

Please be advised that this classification determination does not imply that 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.

New Jersey Administrative Code 4A:3-3.5(c)1 states, "Within 30 days of receipt of the reclassification determination, unless extended by the Chairperson or designee in a particular case for good cause, the appointing authority shall either effect the required change in the classification of an employee's position; assign duties and responsibilities commensurate with the employee's current title; or reassign the employee to the duties and responsibilities to which the employee has permanent rights. Any change in the classification of a permanent employee's position, whether promotional, demotional, or lateral, shall be effected in accordance with all applicable rules.

Within 30 days of receipt of this letter, we will proceed with reclassifying the position to, Agency Services Representative 2, effective June 11, 2016 unless we are advised by the appointing authority that duties and responsibilities commensurate with your current title will be assigned. If



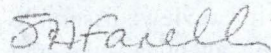
Bernadette Augustus  
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duties are reassigned commensurate with the current title, the appointing authority must submit a current Position Classification Questionnaire and organizational chart documenting the change.

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 determination being disputed and the basis for the appeal.

Sincerely,



Staci Fanelli  
Assistant Director

SF/sr

C: Mirella Bednar  
Nick Kanellis, Records Imaging Center  
File