



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Jillian Gormley,  
Stockton University

Classification Appeal

CSC Docket No. 2018-2493

**ISSUED:** December 20, 2018 (RE)

Jillian Gormley appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of her position with Stockton University (Stockton) is Technical Assistant, Higher Education. The appellant seeks a classification of Professional Services Specialist 4, Administrative Services.

The appellant filed a request for a position classification review of her provisional title as Technical Assistant, Higher Education. The appellant's permanent title is Principal Clerk Typist. The appellant is assigned to the Department of Enrollment Management, reports to a Secretarial Assistant 1, Non-Stenographic, and does not supervise employees. The appellant sought a reclassification of her position, alleging that her duties are more closely aligned with the duties of a Professional Services Specialist 4, Administrative Services. Agency Services reviewed all documentation supplied by the appellant including her Position Classification Questionnaire (PCQ), Performance Assessment Review (PAR) and organizational chart, and it conducted telephone interviews. Based on its review of the information provided, Agency Services concluded that the appellant's position was properly classified as Technical Assistant, Higher Education.

On appeal to the Civil Service Commission (Commission), the appellant states she assigns tasks to staff and student workers. She states that she worked with Professional Services Specialists 2, Administrative Services to update and streamline the Common Application import process, and to identify and correct errors and issues and to build efficiencies within the Recruiter program. She states

that she processes decisions for students who are not qualified, including analyzing coding, reviewing test scores, updating files, and printing and distributing applicable letters to secretarial staff for mailing. She states that this duty was performed by a Professional Services Specialist 2, Administrative Services in the past. She explains that the Portal is the computer system used by students to access their records, and she gives students access to this system. She states that she directly reports to an Associate Dean, and two Professional Services Specialists 2, Administrative Services, with whom she works in coordination. She maintains that she liaises with various other departments.

## CONCLUSION

*N.J.A.C. 4A:3-3.9(e)* states that in classification appeals, the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the job specification for Technical Assistant, Higher Education states:

Under a Program Officer or other supervisory official at a State University, performs the more responsible detailed clerical duties related to statistical, fiscal, analytical, and/or interpretive activities within broad limits including the making of recommendations; supervises staff and has responsibility for a technical program area; does other related duties as required.

The definition section of the job specification for Professional Services Specialist 4, Administrative Services states:

Under the coordination of a Professional Services Specialist 2 or a higher supervisory officer in the Administrative Services area at a State college, is responsible for performing basic professional functions using established policies, procedures, precedents, and guidelines; does related work as required.

The definition section of the job specification for Technical Assistant 1 states:

Under the close supervision of a supervisory official in a State department, institution, or agency performs technical duties and/or performs para-professional responsibilities for prescribed technical projects or programs requiring the independent application of the rules, regulations, policies, and procedures to varying situations within

the particular area of assignment; does other related duties as required.

By way of background, after the enactment of P.L. 1986, c. 42, the Commission removed a number of classified titles not included in a bargaining unit from the State Classification Plan for use by the State Colleges. Thereafter, the Department of Higher Education established the State College Classification Plan (SCCP) to govern the classification of those positions that were removed from the provisions of the former Title 11. The SCCP was administered by the former Chancellor of Higher Education, through the Presidents of each of the State Colleges. In fact, a regulatory scheme governing the SCCP, *N.J.A.C.* 9-6A and 9-6, was in place between January 1988 and May 1996 that provided for the State Colleges to determine all matters concerning position classification for the positions that were removed from the auspices of Title 11. In other words, some positions in State Colleges were subject to a classification review by the Commission (bargaining unit titles) and others to classification review procedures by the State Colleges (non-bargaining unit titles).

However, in 1993 the former Merit System Board created many generic non-competitive titles for use by the Department of Higher Education as part of a settlement agreement to resolve a bargaining unit charge brought before the Public Employee Relations Commission by various unions. Specifically, that charge claimed that some of the titles created by the State Colleges after July 1986, i.e., the ones in accordance with *N.J.S.A.* 18A:64-21.2 that were no longer subject to the provisions of Title 11A, actually involved functions performed by career service titles that were formerly aligned, bargaining unit titles. Germane to the matter at hand, one of the title series that was created is Professional Services Specialist, Administrative Services. Accordingly, when these generic, non-competitive titles were created, they were assigned to an employee relations group in the appropriate bargaining unit.

The appellant argues that her duties are processing decisions for students who are not qualified, including analyzing coding, reviewing test scores, updating files, and printing and distributing applicable letters to secretarial staff for mailing had been previously performed by a Professional Services Specialist 2, Administrative Services. However, such an argument is unpersuasive. Initially, the Commission notes that a classification appeal cannot be based solely on a comparison to the duties of another position, especially if that position is misclassified. See *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). Additionally, although the appellant provides the titles of other staff members, she does not provide their duties, and no proof has been provided that another individual performed the same duties as the appellant. If they did and they

are misclassified, the classification of their position does not support that the appellant's position should also be misclassified. Rather, misclassified positions should be reclassified to the appropriate title.

In the matter at hand, the responsibilities of the position include: working with two systems to process enrollment confirmations, including receiving, recording and forwarding payments, for 10% of her time; importing Common Applications, including making corrections and changes in the data, for 40% of her time; providing technical assistance with the Recruiter program for 20% of her time; Printing and Distributing Portal letters to appropriate parties for 10% of her time; and updating student accounts for 5% of her time. The remaining 15% of the time is spent providing instructions to secretaries in the use of the Recruiter system, providing backup for absent staff, and attending special events. As indicated on appeal, the appellant assisted with updating and streamlining the Common Application import process. On appeal and in her PCQ, she indicated that she identified and corrected errors and issues, and built efficiencies, within the Recruiter program. The appellant notes in her appeal that she that she processes decisions for students who are not qualified (NQ), including analyzing coding, reviewing test scores, updating files, and printing and distributing applicable NQ letters to secretarial staff for mailing. This task is related to Printing and Distributing Portal letters to appropriate parties.

These duties are best categorized as para-professional rather than professional. Professional work is predominantly intellectual and character, as opposed to routine mental, manual, mechanical or physical work, and it involves the consistent exercise of judgment. It is basically interpretive, evaluative, analytical and/or creative, requiring knowledge or expertise in a specialized field of knowledge. This is generally acquired by a course of intellectual or technical instruction, study and/or research at an institution of higher learning or acquired through an in-depth grasp of cumulative experience. However, there must be thorough familiarity with all the information, theories and assumptions implicit in the chosen field. Persons in professional work should be able to perceive, evaluate, analyze, formulate hypothesis, and think in the abstract. Positions are considered professional when the work requires application of professional knowledge and abilities, as distinguished from either the desirability of such application or the simple possession of professional knowledge and abilities. Para-professional work involves some of the duties of a professional, but in a supportive role. This work needs less formal training, and spans the gap between clerical or non-technical and professional work. The para-professional performs a particular aspect of a professional task, but is not licensed to practice as a fully qualified professional.

The Professional Services Specialist 4, Administrative Services title is professional, requiring a Bachelor's degree, and is not a "super-clerical" or para-professional title. The focus of the duties of a Professional Services Specialist is to

perform professional administrative duties in an assigned unit or work area. The incumbents in this title review and interpret laws and regulations; establish liaisons and cooperative working relationships; may assign and monitor the work of clericals, part-time or student workers; prepare reports of findings, conclusions and recommendations; assist in development and implementation of training programs; schedule the use of, set up and maintain equipment; perform experiments and demonstrations; gather and compile materials for publication and reports; participate in meetings and events related to assigned responsibilities; and may represent the university at conferences, meetings and seminars. While these duties appear to be generic, they refer to professional level work which must be the focus of the duty. For example, reports that are prepared are not at the clerical or technical level, but include professional level knowledge or analysis.

In this case, the appellant's role is predominantly to process applications and enrollment confirmations, including handling the fees, providing technical assistance with the Recruiter program, updating information, and generating correspondence with students or applicants. These duties are not professional, but include technical duties. As the Professional Services Specialist 4, Administrative Services performs professional level work, it is clearly inapplicable.

The Technical Assistant, Higher Education title is not appropriate, as that is a supervisory clerical title, and the appellant has no supervisory duties. In addition, the duties of the position cannot be described as the more responsible detailed clerical duties related to statistical, fiscal, analytical, and/or interpretive activities within broad limits including the making of recommendations. The appellant's duties most closely align with technical duties for prescribed technical projects or programs requiring the independent application of the rules, regulations, policies, and procedures to varying situations within the particular area of assignment. As such, the Technical Assistant 1 is the proper title for this position.

One other issue has become apparent from this appeal: there appears to be an inappropriate reporting relationship. The appellant's supervisor is not in a supervisory title. In this respect, the Secretarial Assistant 1, Non-Stenographic title is in the "A" (administrative) Employee Relations Group (ERG). As such, this is not a first-level supervisory title. It is noted that the appellant's position is one of eleven positions supervised by a Secretarial Assistant 1, Non-Stenographic.

Additionally, Salary Administration Memorandum (SAM) #9-88, Supplement #1, set the definitions for the levels in the Secretarial Assistant title series. This method of designating a position to a Secretarial Assistant 1, 2 or 3 level title is derived from the premise that as the rank of a superior increases, there is a corresponding increase in the responsibilities for the associated secretarial position. SAM #9-88, Supplement #1 also provides that the foregoing classification standards should not be interpreted as minimal entitlements and that appointing authorities

are responsible for development of internal plans with respect to the utilization of this title series. Thus, the SAM sets the highest levels permitted for the use of the Secretarial Assistant title series. Eventually, this title series, as well as those of Executive Assistant and Administrative Assistant, became known as "Entitlement Titles." Interestingly, this position has six Secretarial Assistants reporting to it rather than to executives. It also has one professional reporting to it. There are clearly inappropriate reporting relationships in this unit, and the appellant's supervisor's position warrants a classification review on this basis.

In accordance with *N.J.A.C.* 4A:3-3.5(c) within 30 days from the issuance date of a classification determination, an appointing authority shall either effect the required change in the classification of the employee's position; assign duties and responsibilities commensurate with the employee's current title; or reassign the employee to duties and responsibilities to which the employee has rights.

A thorough review of the information presented in the record establishes that the appellant's position is not properly classified as Technical Assistant, Higher Education, and she has not presented a sufficient basis to establish that her position warrants an Professional Services Specialist 4, Administrative Services job classification. Rather, this position should be classified as Technical Assistant 1. As the Commission is reclassifying this position in this proceeding, consistent with *N.J.A.C.* 4A:3-3.5(c), her effective date shall be the pay period 30 days from the date of this decision, unless the appointing authority reassigns her duties consistent with her permanent title of Principal Clerk Typist.

### **ORDER**

Therefore, the Civil Service Commission concludes that the position of Jillian Gormley is properly classified as a Technical Assistant 1. Within 30 days of the issuance date on this decision, the appellant should receive a provisional appointment as a Technical Assistant 1 or she be assigned supervisory duties consistent with her permanent title of Principal Clerk Typist.

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 19<sup>th</sup> DAY OF DECEMBER, 2018



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