



STATE OF NEW JERSEY

In the Matter of David Bailey,
Department of Labor and Workforce
Development

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

CSC Docket No. 2018-2577

Classification Appeal

ISSUED: MAY 2, 2018 (JET)

David Bailey appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of his position with the Department of Labor and Workforce Development is Program Specialist 1. The appellant seeks an Employment and Training Specialist 1 or an Employment and Training Specialist 2 classification.

The record in the present matter establishes that at the time the appellant filed his request for a classification review, he was serving as a Program Specialist 1. The appellant's position is located in the Processing Team of the Training Evaluation Unit, Division of Workforce Operations, Department of Labor and Workforce Development, and he reports to Deshahn Lawrence, Supervisor, Employment and Training Program. The appellant does not have any supervisory duties. The appellant sought a reclassification contending that his position would be more appropriately classified as an Employment and Training Specialist 1 or 2. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties that he performed. Agency Services reviewed all documentation supplied by the appellant including his PCQ. Based on its review of the information provided, including an organizational chart and written information provided by his supervisor, Agency Services concluded that the appellant's position was properly classified as a Program Specialist 1.

On appeal, the appellant asserts, among other things, that his duties include granting approvals for private career schools; approving private career school applications; reviewing change of location information; reviewing change of school

name and ownership information; reviewing financial information; calculating school tuition bond amounts; reviewing the validity of tuition bonds, fire certificates, school catalogs, liability insurance, and other information from providers; providing financial information to the Division of Accounting; reviewing application components; providing feedback to applicants; ensuring compliance with rules; providing technical assistance; updating Oracle database; managing the Eligible Training Provider List (ETPL) database; and processing ETPL applications. The appellant adds that he is responsible for assigning work to individuals serving as Employment and Training Specialist 1s on a regular basis, assigning site visits when needed, and for creating site visit forms. The appellant contends that he has the approval authority for the private career applications received and the certificates of approval that are signed by the Commissioner. Moreover, the appellant states that Agency Services did not interview him at the time of the classification evaluation review, and it appears that the classification determination was based on the definitions in the job specifications for the titles rather than the duties he is performing.

CONCLUSION

The definition section of the job specification for Employment and Training Specialist 1 states:

Under the direction of a Supervisor, Employment and Training Programs or other supervisor within Workforce New Jersey, has state-wide responsibility for conducting the work involved in planning, coordinating, implementing, and reviewing employment and training programs; plans and directs one or more of the special program services or special research and workforce development efforts; does related work.

The definition section of the job specification for Employment and Training Specialist 2 states:

Under the direction of a higher level Employment and Training Specialist or other Supervisor within the Workforce New Jersey, has regional responsibility for conducting the office and field work involved in planning, coordinating implementing and reviewing new and existing programs in the One-Stop Career Center (OSCC) field offices; plans and directs one or more of the special program services or special research and workforce development efforts; does related work.

The definition section of the job specification for Program Specialist 1 states:

Under the close supervision of a Program Specialist 3 or 4, or other supervisory official in a State department, institution or agency, assists in the professional, administrative and analytical work to promote the planning, operation, implementation, monitoring and/or evaluation of various programs and services administered by the Department of assignment; assists in conducting the research and field work necessary to meet the needs of the appropriate State and/or local public or private agencies; does related work.

In the instant matter, it is clear that the proper classification of the appellant's position is Program Specialist 1. Indeed, the majority of the duties listed on the appellant's PCQ (over 50%) include such things as processing applications from providers; referring applications to Employment and Training Specialists for site visits; forwarding completed applications to unit secretary; mailing Certificates of Approval; verifying documents in support of applications; contracting providers; determining providers eligibility; issuing approval and denial notices; suspending approval when providers do not maintain eligibility status; verifying student records via program portal; updating website and Oracle database as necessary; updating online account access for providers; providing information to One Stop Career Centers (OSCC) and other interested parties; preparing records in support of division programs; ensuring application review is in accordance with applicable law; and maintaining records and files. Such duties are consistent with those performed by a Program Specialist 1. The appellant did not indicate on the PCQ that the majority of his duties include state-wide responsibility for conducting the work involved in planning, coordinating, implementing, and reviewing employment and training programs; planning and directing one or more of the special program services or special research and workforce development efforts; having regional responsibility for conducting office and field work involving the planning, coordinating implementing and reviewing new and existing programs in the OSCC field offices, and doing related work. Moreover, the appellant's supervisor and director indicated on the PCQ that they did not agree that the appellant's duties are closely aligned with the Employment and Training Specialist 1 or 2 titles.

With respect to the appellant's argument that the Agency Services did not interview him at the time of the classification evaluation, there is no Civil Service law or rule which stipulates that an interview must be performed. In this regard, it is noted that this agency typically conducts classification reviews either by a paper review, based on the duties questionnaire completed by the employee and supervisor; an on-site audit with the employee and supervisor; or a formal telephone audit to obtain clarifying information. *See In the Matter of Richard Cook* (Commissioner of Personnel, decided August 22, 2006). In this particular case, as previously noted, Agency Services conducted a paper review of appellant's position

in order to determine the appropriate classification. With respect to the appellant's contention that Agency Services misinterpreted some of the information that he provided, the record indicates that all of his duties and responsibilities were reviewed and the classification determination was based on that information. The purpose of a classification evaluation is to conduct a fact-finding session and the classification reviewer's role is strictly limited to an independent review of the current duties and responsibilities of the position at issue. Further, it is longstanding policy that only those duties and responsibilities assigned at the time of the request for a reclassification are to be considered. In this regard, classification appeals are based solely on the duties performed by an employee at the time of the classification review and not on any subsequent duties or organizational changes. 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. Moreover, the appellant has not established that Agency Services' methodology in this matter was improper or led to an incorrect result. Even assuming, *arguendo*, the validity of the appellant's claim, the entire record has once again been thoroughly reviewed in this matter in conjunction with the appellant's appeal and the Civil Service Commission is satisfied that the classification determination was proper.

Accordingly, there is no basis to disturb the determination of Agency Services that the appellant's position is properly classified as Program Specialist 1. However, if the appellant believes that he is now performing duties that are not consistent with his current title, he may submit a new classification evaluation request to Agency Services.

ORDER

Therefore, it is ordered that this appeal be denied.

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 2nd DAY OF MAY, 2018



Deidre L. Webster Cobb
Chairperson
Civil Service Commission

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

c: David Bailey
Mary Fitzgerald
Kelly Glenn
Records Center