



STATE OF NEW JERSEY

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

In the Matter of Mary Ann Prospero,
Department of Labor and Workforce
Development

Classification Appeal

CSC Docket No. 2018-3792

ISSUED: July 23, 2018 (RE)

Mary Ann Prospero appeals the decision of the Division of Agency Services (Agency Services) which found that her position with the Department of Labor and Workforce Development is properly classified as an Interviewer Aide. She seeks an Interviewer job classification in this proceeding.

The appellant received a regular appointment to the title Interviewer Aide on February 3, 2018. In November 2017, when she was a Job Match Specialist 1, the appellant appealed the classification of her position. This position is located in the Division of Work Force Field Services in the Department of Labor and Workforce Development, reports to a Manager 1 Workforce, and has no supervisory responsibility. The appellant completed a Position Classification Questionnaire (PCQ), which was reviewed along with related documentation.

This classification review found that the appellant's assigned duties and responsibilities were commensurate with the title of Interviewer Aide. On appeal, the appellant contends that she is performing the work of the higher-level title. She argues that in the past year, she has independently conducted 157 one-on-one assessments including creating detailed employment plans, generating customized referrals, and providing resume assistance. She states that these duties are listed in her Performance Assessment Review (PAR). Additionally, she is a lead scheduler for the Reemployment Services and Eligibility Assessment Program (RESEA), attends training sessions, follows up on customers who recently completed training and informs them of job search activities at the One-Stop, and attends job fairs. She appeals that she did not receive the courtesy of a conference call to discuss her

request. Her supervisor, a Senior Interviewer and a Supervising Employment Specialist support her request.

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 Interviewer Aide states:

Under the supervision of an Employment Supervisor and/or lead of a Senior Interviewer, assists the interviewing team with matching job seekers to job openings, entering customer information into the One-Stop case management system, providing job search and general information to customers, and facilitating recruitment events; does related work as required.

The definition section of the job specification for Interviewer states:

Under the close supervision of an Employment Supervisor or Manager, in the Department of Labor, delivers employment-directed services such assessments, and employability plans to job seekers in One-Stop career centers; documents work in the One-Stop case management system; does other related duties as required.

A review of the duties of the appellant's position indicates that they closely match the job description for Interviewer Aide. At the outset, both titles allow for interviewing. There are many similarities in the job descriptions for both titles. Nonetheless, there is a difference such that positions can be determined to be belonging to either one or the other. Interviewer Aide is a technical title, requiring possession of 60 college credits, while Interviewer is a professional title, requiring a Bachelor's degree and one year of professional-level experience. Professional work is predominantly intellectual in 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.

The Definition portion of a job specification is a brief statement of the kind and level of work being performed in a title series, and this section is used to distinguish one class of positions from another. The Examples of Work portion of a job description provides typical work assignments which are descriptive and illustrative and are not meant to be restrictive or inclusive. *See In the Matter of Darlene M. O'Connell* (Commissioner of Personnel, decided April 10, 1992). 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.

Further, classification determinations list only those duties which are considered to be the primary focus of an employee's duties and responsibilities that are performed on a regular, recurring basis. *See In the Matter of David Baldasari* (Commissioner of Personnel, decided August 22, 2006). Also, the classification of a position is determined based on the duties and responsibilities currently assigned to a position. Duties performed in the past, or expected to be performed in the future are not considered. In *In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005), it was affirmed that the outcome of position classification is not to provide a career path to the incumbent, but rather to ensure the position was classified in the most appropriate title available within the State's classification plan. Also, in *In the Matter of Titus Osuagwu* (CSC, Decided December 3, 2008), the Commission found that a recommendation by appellant's management that he be promoted did not establish that the position he encumbers would be properly classified in the higher-level title.

An Interviewer Aide assists customers and public access area of a One-Stop career center; collects and records customer information; identifies and contacts pools of candidates for recruitment, jobs, and training; schedules recruitment events and follows up to gauge the employment success of events; responds to questions and directs customers; insures adequate supplies are delivered; contacts employers for information; explains forms, procedures and registration requirements; and verifies, corrects and interprets information. An Interviewer, delivers one-on-one job search assistance including comprehensive assessments, employability plans, and referrals; presents job seeker information to groups; follows up with case

managed customers; matches job seekers to job openings and recruitment events; documents customer services in the One-Stop Case Management System; and reviews resumes and cover letters and other aspects of the clients.

A review of the appellant's PCQ indicates that for 35% of the time she meets with RESEA clients to perform assessments, provides front desk coverage, and attends fairs and events; for 30% of the time, she is a lead scheduler for RESEA; for 25% of the time, she monitors and tracks data flow, ensures accurate reporting, serves as a local office expert, and attends training; for the remaining 10% of the time, she oversees office equipment maintenance and inventory.

In the instant matter, the appellant argues that she conducts interviews and places individual in positions. However, the appellant indicated that she performed this duty in tandem with providing front desk coverage, and attending fairs and events for 35% of the time. In a professional position, this duty would be expected to be performed for the majority of the time. It should be the primary focus of the position. However, a myriad of other duties have been listed on the PCQ, and some, such as providing job search information and facilitating recruitment events, fall squarely into the Interviewer Aide title definition. While the appellant performs some work above this level, a holistic view of these duties does not support that the position *primarily* has Interviewer responsibilities. As stated above, it is not uncommon or impermissible for an employee to be assigned duties above or below their current classification so long as the majority of their duties conform with their current title.

As to the type of classification review, classification reviews are typically conducted 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). The chosen method in this case was a paper review, which is a valid way of collecting information about a position and is not by any means considered to be inadequate or improper. The appellant's dissatisfaction with the method of classification review is not a reason to conclude that the audit results were inaccurate.

Accordingly, a thorough review of the entire record fails to establish that Mary Ann Prospero has presented a sufficient basis to warrant an Interviewer classification of her position.

ORDER

Therefore, the position of Mary Ann Prospero is properly classified as an Interviewer Aide.

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 JULY, 2018

A handwritten signature in cursive script that reads "Deirdre' L. Webster Cobb".

Deirdré L. Webster Cobb
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