



STATE OF NEW JERSEY

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

In the Matter of Aldo Morales,
Department of the Treasury

CSC Docket No. 2018-3164

Classification Appeal

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ISSUED: September 6, 2018 (RE)

Aldo Morales requests a retroactive appointment date as an Printing Machine Operator 1 effective November 11, 2017 with the Department of the Treasury.

By way of background, the petitioner received a regular appointment to the title Helper on August 8, 2016. The petitioner appealed the classification of his position, and completed and submitted to the Director of his Division a Position Classification Questionnaire (PCQ) on September 25, 2017. The PCQ was signed by his supervisor on December 1, 2017, the Division Director on December 14, 2017, and the appointing authority on December 28, 2017. The Division of Agency Services issued a determination on April 3, 2018 that the classification of the appellant's position was Printing Machine Operator 1, effective January 20, 2018.

In his request, the petitioner states that he submitted his completed PCQ to his director on September 25, 2017. However, due to an administrative oversight, the director did not submit it to the petitioner's supervisor until on or about December 1, 2017. In support of his request, the petitioner submits a letter from Douglas N. Krieger, Chief, Treasury Administrative Printing Services, explaining that due to staffing shortages and workloads, he did not forward the PCQ after he received it for several weeks. Therefore, Krieger states that the petitioner should not be penalized for this delay. It is noted that the appointing authority was contacted and indicates that it supports this request.

CONCLUSION

N.J.A.C. 4A:3-3.9(c)3 states that the supervisor and program manager/division director shall complete their portions of a PCQ and provide their signatures on the form in accordance within 15 days of the employee's submission of the appeal to the immediate supervisor. By no later than the end of this period, the program manager/division director shall submit to the agency representative the completed questionnaire.

N.J.A.C. 4A:3-3.9(c)7 states that the agency representative shall review the appeal, affix to it an organizational chart, and ensure that the required information has been included and within 10 days of receipt of the appeal, the agency representative shall either notify the appellant that specific additional information is required, or forward the appeal with organizational chart to the appropriate representative of the Civil Service Commission.

N.J.A.C. 4A:3-3.9(e)3i, states that the effective date of a reclassification action in State service should be the pay period immediately after 14 days from the date the Commission received the appeal or reclassification request, or at such earlier date as directed by the Commission.

In the instant matter, the petitioner filed for a classification review and submitted his PCQ to his Division Director rather than his immediate supervisor on September 25, 2017. The Director forwarded the PCQ to the petitioner's immediate supervisor in late November, and the appeal was a properly processed thereafter. The Commission has complete directions on filing a classification appeal on its website at <http://www.state.nj.us/csc/authorities/faq/slo>. Those directions state,

In State service, complete form DPF-44S. You must specify the title which you believe is appropriate to the duties you are performing, and explain how the duties at issue are more appropriate to the requested title than to the title in which you are currently serving. The questionnaire should then be submitted to your supervisor to complete and sign. Your supervisor shall forward the completed questionnaire to the program manager/division director to complete and sign.

In the future, the petitioner is cautioned to follow directions, and in the future, submit any appeal of classification first to his immediate supervisor.

Given that the Director failed to forward the PCQ, and there is no evidence that the petitioner's Printing Machine Operator 1 duties were removed, there is a basis to grant an earlier effective date for the petitioner. Pursuant to *N.J.A.C. 4A:3-3.9(c)3*, the appeal should have been forwarded to the Human Resources office no later than October 10, 2017. Then, absent any additional information that may have

been required, the appeal should have been forwarded to Agency Services by October 20, 2017. Given the correct timeline, pursuant to *N.J.A.C. 4A:3-3.9(e)3i*, the effective date of the provisional appointment to Printing Machine Operator 1 should be changed to November 11, 2017 and he should receive differential pay November 11, 2017 to January 20, 2018.

ORDER

Therefore, the effective date of the provisional appointment of Aldo Morales to Printing Machine Operator 1 is properly determined as November 11, 2017 and he should receive differential pay from November 11, 2017 to January 20, 2018.

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 5th DAY OF SEPTEMBER, 2018



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