



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Karen Bruccoleri,
Ewing Township

CSC Docket No. 2019-467

Request for Reconsideration

ISSUED: SEPTEMBER 7, 2018 (SLK)

Karen Bruccoleri, represented by Dudley Burdge, Senior Staff Representative, CWA Local 1032, requests reconsideration of the attached decision rendered on May 23, 2018, which upheld the determination of the Division of Agency Services (Agency Services) that the proper classification of her position with Ewing Township is Keyboarding Clerk 2. The appellant seeks a classification of Keyboarding Clerk 3.

In its prior decision, the Civil Service Commission (Commission) noted that on the appellant's PCQ, the local appointing authority disagreed with the appellant's description of her job duty that she was the secretary for Zoning and Planning as this was performed by another employee. Further, the Zoning Officer indicated that all of her work was reviewed by the Zoning Officer or Construction Official upon completion. Additionally, the appellant only indicated on her PCQ that for approximately 1% of her time, she provided guidance and assistance to Code Enforcement co-workers as needed and therefore she was not a lead worker. Accordingly, the Commission found that the appellant's position was properly classified as Keyboarding Clerk 2.

On reconsideration, the appellant believes that the Commission did not properly take into account the responsibilities placed on her. Specifically, the Zoning Officer who she reports to only works two to three days per week and only works several hours on the days he works. Thus, the appellant presents that when the Zoning Officer is not present, she is the primary point of contact for Ewing Township residents and others for all matters related to zoning and planning.

Therefore, she is required to possess an extensive knowledge of complex zoning and planning matters. The appellant asserts that the Business Administrator was mistaken when he stated that she is not the Secretary for Zoning and Planning. Instead, she indicates that while there is another employee who serves as the secretary to the Zoning and Planning Boards and prepares board meeting minutes, this other employee is not the primary point of contact for Zoning and Planning matters and is not required to possess the depth of knowledge on Zoning and Planning matters that she has.

The appellant describes her duties as: (1) providing advice on zoning requirements and the prior approvals needed for zoning and planning applications to move forward; (2) receiving all initial escrow and application payments for all board meetings and preparing and providing necessary documents to finance to establish escrow accounts; (3) reviewing all board applications for completeness, coordinating the review process and ensuring that appropriate professionals receive documents and letters; (4) preparing monthly reports indicating fees collected and number of applicants; (5) compiling and writing a large portion of the annual zoning and planning report; (6) preparing correspondence which is signed by the Zoning Officer usually without changes; (7) depositing payments into accounts, writing memos to the Chief Financial Officer concerning payments, preparing annual reports of payment, making referrals to the Assessor for re-evaluation of assessment when required and notifying parties regarding changes in the fee calculation; (8) receiving all annual backflow permits and review for completeness, processing payments and issuing certificates for the Construction Official's signature; (9) receiving applications for construction permits, reviewing for completeness and issuing permits for the Construction Official's signature; and (10) reviewing all construction files for various certificates, advising applicants if all requirements are not met and issuing documents for the Construction Official's signature.

The appellant emphasizes that she works independently and the Zoning Officer's and Construction Official's signatures are normally perfunctory. She presents that the job specification for Keyboarding Clerk 3 indicates that incumbents in this title take the lead and/or perform the more difficult and complex clerical work. Therefore, she asserts, based on the "and/or" in the job specification, she is not required to be a lead worker to have her position classified as a Keyboarding Clerk 3. Consequently, she argues that the Commission erred by mandating that she be a lead worker.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) sets forth the standards by which a prior decision may be reconsidered. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented

at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding. *N.J.A.C. 4A:2-1.4(c)* provides that the appellant has the burden of proof on appeal.

The appellant has not met the standard for reconsideration. Initially, the appellant acknowledges that she is not a lead worker. Additionally, Agency Services determined that the appellant's duties were not considered complex clerical work as all work is reviewed upon completion. Further, the appellant acknowledges on reconsideration that either the Zoning Officer or the Construction Official needs to sign off on her work. While the appellant describes these officials' signatures as "normally perfunctory," these signatures indicate that these officials, and not the appellant, are ultimately responsible. Therefore, these signatures are more than "perfunctory." Regardless, a review of Agency Services' audit notes indicates that when the appellant was asked what were her change in duties, the appellant stated that she was taking on more duties, but she did not clearly indicate that her duties were more complex. Moreover, the audit notes also indicate that in response to the same question, her supervisor stated that there was more of a change in the amount of the appellant's work than in the degree of responsibility or difficulty. Accordingly, a thorough review of the entire record fails to establish that Karen Bruccoleri has presented a sufficient basis to warrant a Keyboarding Clerk 3 classification of her position.

ORDER

Therefore, this request for reconsideration is denied.

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 5th DAY OF SEPTEMBER, 2018



Deirdre L. Webster Cobb
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Attachment

c: Dudley Burdge
Karen Bruccoleri
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Records Center



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE
ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Karen Bruccoleri,
Ewing Township

CSC Docket No. 2017-3664

Classification Appeal

ISSUED: MAY 31, 2018

Karen Bruccoleri, represented by Dudley Burdge, Senior Staff Representative, Communications Workers of America, Local 1032, appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of her position with Ewing Township is Keyboarding Clerk 2. The appellant seeks a Keyboarding Clerk 3 classification.

The record in the present matter establishes that at the time the appellant filed her request for a classification review, she was serving as a Keyboarding Clerk 2. The appellant's position is located in the Department of Economic Development, Ewing Township, and she reports to Lisa Gachetti. The appellant does not have supervisory responsibility. The appellant sought a reclassification contending that her position would be more appropriately classified as Keyboarding Clerk 3. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties that she performed. Agency Services reviewed all documentation supplied by the appellant including her PCQ. Based on its review of the information provided, Agency Services concluded that the appellant's position is properly classified as Keyboarding Clerk 2.

On appeal, the appellant states that Agency Services' determination failed to consider the range and complexity of her duties. For example, she asserts that the determination failed to take into account the documents and unique correspondence that she prepares for the part-time Zoning Officer and the advice that she gives to residents, developers, and real estate professionals. Further, Charles Latini, Zoning Officer, presents that her duties require that she exercise independent judgment in the ordinary performance of her duties. In this regard, she is required

to possess a comprehensive knowledge of complex zoning rules and procedures. Further, since Latini is part-time, she states that she receives general direction in the performance of her duties that are augmented by retrospective review. The appellant also states that she frequently mentors other clerical staff and takes the lead in the absence of the regular supervisor.

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that classification appeals must be submitted in writing within 20 days of receipt of the decision letter and include 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 the 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 Keyboarding Clerk 2 states:

Under limited supervision, performs moderately complex and non-routine clerical work involving the processing of documents in a variety of functions; performs moderately complex and non-routine clerical work requiring the utilization of keyboarding or typing skills; formats, reproduces, corrects, adjusts and prints a variety of written material; key enters/types correspondence, documents, reports charts and other materials on a computer console, typewriter, or other key entry device used by the agency; may provide guidance and assistance to staff; does other related duties as required.

The definition section of the job specification for Keyboarding Clerk 3 states:

Under direction, performs varied complex clerical work involving the processing of documents in a variety of functions; takes the lead and/or performs the more difficult and complex clerical work requiring the utilization of keyboarding or typing skills and the application of independent judgment; formats, reproduces, corrects, adjusts and prints a variety of written material; key enters/types correspondence, documents, reports charts and other materials on a computer console, typewriter, or other key entry device used by the agency; may take the lead over other clerical employees; does other related duties as required.

In the present matter, the record demonstrates that the appellant's position is properly classified as Keyboarding Clerk 2. On her PCQ, the local appointing authority disagreed with the appellant's description of her job duty that she is the secretary for Zoning and Planning as this is performed by another employee who is

compensated for fulfilling this role. While the Zoning Officer confirmed that the appellant utilizes independent judgement, the appointing authority agreed, but qualified the statement explaining that all her work is reviewed by the Zoning Officer or Construction Official upon completion. Moreover, while she indicated on her PCQ that she prepares and verifies the accuracy of deposit and permit fees when her supervisor is on vacation, there is no indication that she performs the duties of a lead worker. In this regard, an incumbent in a leadership role refers to persons whose titles are non-supervisory in nature, but are required to act as a leader of a group of employees in titles at the same or lower level than themselves and perform the same kind of work as that performed by the group being led. Rather, the appellant only indicated on her PCQ that for approximately 1% of her time, she provides guidance and assistance to Code Enforcement co-workers as needed. The definition section of the job specification for Keyboarding Clerk 2 clearly indicates that an incumbent may provide guidance and assistance to staff.

Further, 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. Additionally, 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).

Accordingly, a thorough review of the information presented in the record establishes that the appellant's position is properly classified as a Keyboarding Clerk 2 and she has not presented a sufficient basis to establish that her position is improperly classified.

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
23RD DAY OF MAY, 2018

Deirdre L. Webster Cobb

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