



STATE OF NEW JERSEY

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

In the Matter of Patricia Cirillo,
Department of the Treasury

Classification Appeals

CSC Docket No. 2020-1152

ISSUED: NOVEMBER 21, 2019 (SLK)

Patricia Cirillo appeals the determination of the Division of Agency Services (Agency Services) that the proper classification of her position with the Department of the Treasury (Treasury) is Secretarial Assistant 2, Non-Stenographic (SA2). The appellant seeks an Administrative Assistant 3 (AA3) classification.

The record in the present matter establishes that the appellant’s permanent title is SA2. The appellant sought reclassification of her position, alleging that her duties were more closely aligned with the duties of an AA3. She is assigned to the Division of Lottery and reports to Daniel O’Brien, Deputy Chief of Detectives, State Investigator. The appellant has no direct supervisory responsibility. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties that she performs as a SA2. Agency Services reviewed and analyzed the PCQ completed by the appellant and all information and documentation submitted. Additionally, Agency Services conducted a telephone call with the appellant and O’Brien. Agency Services found that the appellant’s primary duties and responsibilities entailed, among other things, verifying the accuracy of information for reports, files, cases, claims, and procurements before entry into systems; inputting numbers and dates from the calculations book and tabulating monthly reports; maintaining records of civil penalties and restitutions for the unit; assisting with agenda lineup of staff, field inspections, information processing and calculations; locating information required for memorandums, reports, letters, receipts for different units and ensuring proper location; and coordinating services such as supplies, certified mailings and clerical work operations.

On appeal, the appellant presents several more responsibilities that are not included in the determination letter. She believes that these additional duties align closer with an AA3 classification than a SA2 classification.

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 SA2 (A17-24532C) job specification states:

May be assigned as a secretary to deputy division directors, assistant directors, bureau chiefs or their organizational equivalents, having responsibility for the administration of major programs which include administration of a large sub-divisional unit, and management of large regional, field, or satellite installations (four or more regional entities), or Deans of state colleges; does related work as required.

The definition section of the AA3 (P18 – 59903) job specification states:

Assists the head of a Bureau or Service in a state department, institution, or agency by performing and coordinating administrative support services: does other related work.

In this present matter, a review of the job specification indicates that the main distinguishing characteristic between the two titles is that the SA2 title is a clerical title performing secretarial duties while the AA3 title is professional title performing and coordinating administrative support services. A review of the duties that Agency Services found are the appellant's primary duties are clerical duties. Moreover, a review of the record indicates that when the appellant was asked in her telephone interview what has changed since her position was reclassified to SA2, which was less than one year prior to the current classification request, she indicated that the prior AA3 had left and she was now doing more reports and had more responsibility. Additionally, she stated that she was requesting the AA3 title based on her supervisor's title. On appeal, the appellant does not dispute that she performs the clerical duties that Agency Services indicated were her primary duties. Instead, she lists other duties that were not included in the determination letter, which she believes more closely align with an AA3 classification. However, she has not presented any evidence that she spends most of her time, *i.e.* more than 50 percent of her time, on duties that Agency Services did not indicate as her primary duties. *See In the Matter of Lawrence*

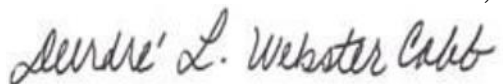
Craig and Louis Muzyka (CSC, decided February 11, 2009). Further, the mere fact that she is taking over some of the responsibilities of a former AA3 does not mean that she is primarily performing the duties of that title, as a classification appeal cannot be based solely on a comparison to the duties of another position, especially if that position is misclassified. See *In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided March 16, 1995); *In the Matter of Dennis Stover, Middletown Township* (Commissioner of Personnel, decided March 28, 1996). See also, *In the Matter of Lorraine Davis, Office of the Public Defender* (Commissioner of Personnel, decided February 20, 1997), *affirmed*, Docket No. A-5011-96T1 (App. Div. October 3, 1998). Additionally, the fact that the appellant has a greater volume of work has 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). Also, her reporting to the Deputy Chief of Detectives, State Investigator is not inconsistent with a SA2 classification as incumbents in this title act as a secretary to deputy division directors, assistant directors, bureau chiefs or their organizational equivalents. 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.

ORDER

Therefore, it is ordered that this appeal be denied, and the position of Patricia Cirillo is properly classified as Secretarial Assistant 2, Non-Stenographic.

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 19th DAY OF NOVEMBER, 2019



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