



**STATE OF NEW JERSEY**

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

In the Matter of Wendy Mercado,  
Millville

CSC Docket No. 2019-1596

Classification Appeal

**ISSUED:** March 6, 2019 (RE)

Wendy Mercado appeals the decision of the Division of Agency Services (Agency Services) which found that her position with Millville is properly classified as Keyboarding Clerk 2. She seeks a Deputy Registrar of Vital Statistics/Keyboarding Clerk 3 job classification in this proceeding.

The appellant was promoted to Deputy Registrar of Vital Statistics/Keyboarding Clerk 3 on August 9, 2010. Her position is assigned to the Department of Clerk, is supervised by a City Clerk, and has no supervisory responsibility. Agency Services conducted a review of the appellant’s Position Classification Questionnaire (PCQ) and determined that the appellant’s position was properly classified as Keyboarding Clerk 2.

On appeal, the appellant argues that in the Registrar’s absence she is responsible for performing duties such as preparing monthly reports, processing corrections, issuing and recording licenses and certificates, and taking applications. She also covers for her supervisor during lunch and meetings. The appellant provides a description of her duties and states that she provides guidance and training to a new employee, provides input on amending the municipal code, assisted with teaching a seminar on how to obtain a license, assisted with creating and formatting applications, and other duties listed on her PCQ. She maintains that she is proficient with software to create reports.

In support, the City Clerk states that the appellant handles a complex and voluminous workload, is bilingual, is customer service oriented and is great at her

job. She indicates that the appellant performs Registrar of Vital Statistics tasks for 22% of her time, in the absence of the incumbent, and assists with those duties when she is present. She handles multiple assignments with ease, attends classes for her license, shows initiative and takes on additional responsibilities. The Clerk states that the appellant has assisted in training a new employee, and Agency Services' determination has been damaging to the appellant's goals and aspirations. She indicates that the Clerk's Office handles a high volume of requests for licenses, certificates, Open Public Record Act (OPRA) requests, and Police Department record requests.

## 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 Deputy Registrar of Vital Statistics states:

Under direction, assists the Registrar of Vital Statistics by keeping records of births, marriages, deaths, and communicable diseases in the municipality. May respond to inquiries and process clerical transactions for other functions of the organization; does related work as required.

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 and 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.

Based upon a thorough review of the information presented in the record, the duties of the appellant's position match those of Keyboarding Clerk 2. At the outset, the classification of a position is determined based on the duties and responsibilities assigned to a position at the time the request for reclassification is received as verified by audit or other formal study. The outcome of position classification is not to provide a career path to the incumbents, but rather is to ensure that the position is classified in the most appropriate title available within the State's classification plan.<sup>1</sup> 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). 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.

One of the primary determinants in the appellant's classification review was that she was not a lead worker. A leadership role refers to those 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 a lower level than themselves. Duties and responsibilities would include training, assigning and reviewing work of other employees on a regular and recurring basis, such that the lead worker has contact with other employees in an advisory position. However, such duties are considered non-supervisory since they do not include the responsibility for the preparation of performance evaluations. Being a lead worker does not mean that the work is performed by only one person, but involves mentoring others in work of the title series. See *In the Matter of Henry Li* (CSC, decided March 26, 2014). The Keyboarding Clerk 3 is a lead worker, and as the appellant had no lead worker duties at the time of the audit, this title is not appropriate. Additionally, the appellant mentions that she assists in training a new employee. However, lead worker duties must be performed on a consistent and daily basis, not merely intermittently as needed.

Next, the appellant's PCQ indicates that she is responsible for the duties as listed in Agency Services' determination. These duties primarily include

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<sup>1</sup> See *In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd* on reconsideration (MSB, decided November 22, 2005).

moderately complex and non-routine clerical work involving the processing of documents and requiring the utilization of keyboarding or typing skills, which falls squarely within the definition of Keyboarding Clerk 2. A Keyboarding Clerk's function revolves around properly entering information on computers, including typing letters, and performing data entry from documents and information. The appellant's tasks focus more so on this function than on keeping records and issuing licenses and certificates.

The requested title is a dual title, which is a title that combines two separate classifications into one classification. Generally, a dual title is assigned to positions which have the responsibility of performing two different sets of duties for approximately 50% of the time each. In this case, most of the appellant's duties fall directly into the Keyboarding Clerk 2 definition. Deputy Registrar of Vital Statistics duties may be interspersed with the other duties, nevertheless, the appointing authority asserts these duties are performed in the intermittent absence of the Registrar of Vital Statistics. Although assignments performed 22% of the time is not incidental, it does not warrant a dual title. *See in the Matter of Kevin Dick, Millville School District* (CSC, decided November 5, 2015). (Duties performed less than 25% of the time are not sufficiently weighted to warrant a dual title.) *See also In the Matter of Scott Spellman, Passaic Valley Water Commission* (CSC, decided October 7, 2015). Accordingly, a review of the entire record supports that the appellant's duties are commensurate with the Keyboarding Clerk 2 title.

Accordingly, a thorough review of the entire record fails to establish that the appellant has presented a sufficient basis to warrant a Keyboarding Clerk 3 classification of this position.

### **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 6<sup>th</sup> DAY OF MARCH, 2019



Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: Wendy Mercado  
Pamela Shapiro  
Kelly Glenn  
Records Center