



STATE OF NEW JERSEY

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

In the Matter of Patricia Horrell,
Department of Health

CSC Docket No. 2019-3580

Classification Appeal

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ISSUED: August 16, 2019 (RE)

Patricia Horrell appeals the decision of the Division of Agency Services (Agency Services) which found that her position with the Department of Health (DOH) is properly classified as Technical Assistant 2. She seeks a Technical Assistant 3 job classification in this proceeding.

The appellant is assigned to work in the Management and Administration unit within the DOH, reports to a Building Management Services Specialist 2, and does not have any supervisory authority. A classification review was conducted by Agency Services in response to the appellant’s request for an audit of her position, wherein she sought re-classification to Technical Assistant 3. The review found that the appellant’s assigned duties and responsibilities were commensurate with the title Technical Assistant 2.

On appeal, the appellant explains that since her supervisor’s retirement, she has been the sole party responsible for Records Management. She has investigated the Records Management Practices of the Psychiatric Hospitals and the State Medical Examiner’s Office, both of which joined the Department. Thus, in November 2018, due to the substantial change in her duties, she submitted a Reclassification Request. The appellant states that, at that time, she was the department lead in Records Management which involved working with various Department branches to provide technical guidance/interpretation of regulations pertinent to the management of permanent/non-permanent Department records. This work includes making specialized technical determinations regarding specific program requests to ensure all necessary information is correct.

The appellant argues that Agency Services' definition of lead worker is too narrow, as she is the lead worker over individuals in other units and in other title series. Specifically, she maintains that records management is necessary by law, and that in DOH, each work unit (e.g. unit, program, service unit, Division, etc.) has an employee(s) designated to perform its records management. Depending upon the nature of the unit's size, work product, complexity, and staffing levels, the designee may be a non-professional, para-professional or professional. Records Management duties are, to most, part-time, as they are required to perform duties commensurate with their position's classification. The appellant emphasizes that whether these designees are assigned to her work unit or not, or operating at a lower or higher level, they all require her subject matter expertise and rely on her. The tasks are cyclical and perpetual and exist without "season." Though each of the designees may perform their Records Management tasks part-time, and whether they work in her unit or not, the appellant emphasized that the guidance and interpretations are the same. Moreover, she is responsible for training designees, and assigning and reviewing their work and as such, the accountability assigned to her for their work product is the same as if they were of a lower level and/or in her work unit. Therefore, under DOH's organizational model, the Commission's definition of a lead worker should not apply.

The appellant attaches letters of recommendation from her supervisor and colleagues, and indicates that she previously applied for the promotional examination for Technical Assistant 1, Community Affairs (PS3977H), Department of Health, which has now been changed to the Technical Assistant 3, Community Affairs.

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 Technical Assistant 2 states:

Under the limited supervision of a supervisory official in a State department, institution, or agency, performs complex technical duties and functions as an independent worker for prescribed technical projects or programs requiring the independent application of rules, regulations, policies, and procedures to varying situations within the particular area of assignment; does other related duties as required.

The definition section of the job specification for Technical Assistant 3 states:

Under the general supervision of a supervisory official in a State department, institution or agency, takes the lead over the technical and/or clerical staff and has responsibility for the work programs of an identifiable technical unit responsible for reviewing, monitoring, and processing specific actions requiring the application of rules, regulations, policies and/or procedures, or independently, under general supervision, reviews, analyzes, and makes effective recommendations for actions involving a specific element of a regulatory or administrative program requiring the application of rules, regulations, policies, procedures, and/or technical concepts; does other related duties as required.

Based upon a thorough review of the information presented in the record, it is clear that the appellant's position is properly classified as Technical Assistant 2. The appellant does not dispute the duties in Agency Services' findings. Rather, she contends that she performs these duties as a lead worker over other units, and by serving as a subject matter expert in her unit. The organizational chart shows that, besides the appellant and her supervisor, there is an Analyst Trainee and a Technician, MIS in the unit. The documentation does not support that the appellant is taking the lead over the other Technical Assistants. Taking the lead is the distinguishing characteristic in considering whether a position should be classified at the requested title. 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 and perform the same kind of work as that performed by the group being led. *See In the Matter of Catherine Santangelo* (Commissioner of Personnel, decided December 5, 2005). 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.

The Commission has found that acting as a representative does not define a position as a lead worker, and being the sole person responsible for a given area ensures that he or she is *not* a lead worker. Being a lead worker does not mean that work is performed only by one person, but involves mentoring others in work of the title series. *See In the Matter of Henry Li* (CSC, decided March 26, 2014) and *In the Matter of Catherine Santangelo* (Commissioner of Personnel, decided December 5, 2005). Additionally, there is only one primary focus for a position. If individuals in other titles are performing the same work as the appellant, but it is not their primary focus, the appellant is not a lead worker over that individual. Rather, she is teaching or instructing others in the work. The Commission has found that the

training duties, without the responsibility of assigning and reviewing work of other employees on a regular and recurring basis, did not establish that the appellant was a lead worker. *See In the Matter of Loretta Creggett* (CSC, decided August 1, 2018). Being a contact person does not define a lead worker, nor does volume of work. How well or efficiently an employee does his or her job, length of service, 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).

As to the organization of DOH, the role of Agency Services determining position classifications is limited strictly to the duties and responsibilities assigned to a position. The appointing authority assigns duties and responsibilities as it sees fit in accordance with its needs, and the Commission has no statutory or other authority to mandate the organization of another administrative agency. Nevertheless, *N.J.S.A. 11A:3-1* and *N.J.A.C. 4A:3-3.1(1)* provide that each position in the career and unclassified services shall be assigned by the Commission to a job title. Moreover, *N.J.A.C. 4A:3-3.4* provides that no person shall be appointed or employed under a title not appropriate to the duties to be performed nor assigned to perform duties other than those properly pertaining to the assigned title which the employee holds. *N.J.A.C. 4A:3-3.5(a)* states that when the duties and responsibilities of a position change to the extent that they are no longer similar to the duties and responsibilities set forth in the specification, and the title is no longer appropriate, the Commission shall reclassify the position to a more appropriate title if there is one. As such, the Commission is responsible for the proper classification of every position in State service. Without proper definitions, a classification system would not be meaningful, and it is not appropriate to change definitions to suit a single agency and its preferred organization. It has been longstanding policy that a lead worker acts as a leader of a group of employees in titles at the same or a lower level than themselves, and does so in the organizational unit to which the position is assigned. Supervision or leading of staff from other bureaus not considered supervisory or lead worker position because there is no ultimate authority to enforce completion of assignments or to remedy staff's failure to meet work standards. *See In the Matter of Robert Barry* (CSC, decided May 7, 2014). The appellant's position is not so singular and distinct as to warrant its own definition of lead worker. She does not mentor, on a regular and daily basis, an employee in her unit who has the duties of her work as a primary focus. As the appellant is not a lead worker, the higher title is not warranted.

Lastly, the fact that appellant was admitted to and passed a promotional examination for a different title, Technical Assistant 1, Community Affairs, is not evidence, in and of itself, that her position is misclassified. Rather, it means that she met the minimum requirements to be admitted to the examination.

Accordingly, a thorough review of the entire record fails to establish that appellant has presented a sufficient basis to warrant a Technical Assistant 3 classification of her position.

ORDER

Therefore, the position of Patricia Horrell is properly classified as Technical Assistant 2.

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 14th DAY OF AUGUST, 2019



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