



technical issues and policies, she schedules projects, swaps out hardware in computer labs, and hires and schedules student aid workers. She states that her Director is extremely busy and she does not communicate with him daily, but only intermittently. The appellant provides an example of support that she provided to a student, indicates that she fixes computers manually rather than by installing an image, and states that her former "CIO" suggested that she be cross-trained and take on more administrative tasks. She states that she works the help desk, and that the duties of a Professional Services Specialist 2, Computer Services (not the requested title) does not include managing a help desk. She argues that she does not just perform helpdesk duties, but makes decisions on all types of technology issues.

## 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 Professional Services Specialist 3, Computer Services states:

Under the direction of a Professional Services Specialist 2 or higher supervisory officer in the Computer Services area at a State college, is responsible for independently performing professional work of greater difficulty using established policies, procedures, precedents, and guidelines; does related work as required.

The definition section of the job specification for Professional Services Specialist 1, Computer Services states:

Under the direction of a Director 2 or higher in the Computer Services area at a State college, is responsible for independently performing a professional Function or functions of unusual difficulty, sensitivity and/or complexity with the context of established college policies and procedures; does related work as required.

By way of background, after the enactment of P.L. 1986, c. 42, the Commission removed a number of classified titles not included in a bargaining unit from the State Classification Plan for use by the State Colleges. Thereafter, the Department of Higher Education established the State College Classification Plan (SCCP) to govern the classification of those positions that were removed from the provisions of the former Title 11. The SCCP was administered by the former Chancellor of Higher Education, through the Presidents of each of the State Colleges. In fact, a regulatory

scheme governing the SCCP, *N.J.A.C.* 9-6A and 9:6, was in place between January 1988 and May 1996 that provided for the State Colleges to determine all matters concerning position classification for the positions that were removed from the auspices of Title 11. In other words, some positions in State Colleges were subject to a classification review by the Commission (bargaining unit titles) and others to classification review procedures by the State Colleges (non-bargaining unit titles).

However, *In the Matter of Department of Higher Education Employees* (MSB, decided May 25, 1993), the former Merit System Board created many generic non-competitive titles for use by the Department of Higher Education as part of a settlement agreement to resolve a bargaining unit charge brought before the Public Employee Relations Commission by various unions. Specifically, that charge claimed that some of the titles created by the State Colleges after July 1986, i.e., the ones in accordance with *N.J.S.A.* 18A:64-21.2 that were no longer subject to the provisions of Title 11A, actually involved functions performed by career service titles that were formerly aligned, bargaining unit titles. Germane to the matter at hand, one of the title series that was created is Professional Services Specialist, Computer Services. Accordingly, when these generic, non-competitive titles were created, they were assigned to an employee relations group in the appropriate bargaining unit. To that end, Professional Services Specialist 1 and 3, Computer Services are in the “P” ERG (professional) and are subject to a classification review by the Commission.

Moreover, it is noted that Ramapo University conducted its own review of the appellant’s position and provided her with a denial letter dated February 25, 2019. As stated in *In the Matter of Jillian Itri, Ramapo University* (CSC, decided June 20, 2018), the Commission cleared up the matter of whether classification reviews should be performed by the State College appointing authority, and it explained that according to current law, the Commission reviews position classifications of State College employees in CWA bargaining unit titles. In this case, Ramapo conducted its own classification review of the appellant’s position, and in its February 25, 2019 determination, indicated that she could appeal the determination to Human Resources. Therefore, Ramapo is reminded that this practice is not appropriate for CWA bargaining unit positions. Should an incumbent in the CWA bargaining unit position challenge the appropriateness of his/her position classification, Ramapo must advise these employees that they are required to file a petition for classification review to Agency Services in compliance with *N.J.A.C.* 4A:3-3.9(c). Ramapo is reminded that in the future its continuation of self-conducted classification reviews may result in the Commission ordering that fines be assessed for each violation, up to a maximum of ten thousand dollars (\$10,000.00). *See N.J.S.A.* 11A:10-3; *N.J.A.C.* 4A:10-2.1(a)2.

In the matter at hand, the responsibilities of the position include: overseeing all technical support tickets; troubleshooting technical issues and advising staff and students on support matters; managing all help desk correspondence; performing

installations and updating software; monitoring systems to remove malware and updating antivirus software; creating and updating student system accounts and student technical support; aiding in the training and supervision of student aids in labs or at the help desk; working directly to troubleshoot problems on devices. Thus, the primary focus of the position is in the Information Technology field. In *Higher Education, supra*, the Board indicated that the generic, non-competitive titles, such as the appellant's, were established to avoid service disruptions, due to bumping, in the event of layoffs. Appendix A, point 2 referred in the decision states:

New positions not in a direct line of supervision to the State Colleges Unit created since July 1986 and presently in generic titles below Associate Director 2 which the parties agree are more appropriately included in one of the CWA units will be included in one of the CWA units in existing classified<sup>1</sup> competitive titles. If there is no appropriate existing classified competitive title for an affected position, then the position will be placed in a generic classified non-competitive title created by the Department of Personnel.<sup>2</sup>

Therefore, the generic non-competitive title that the appellant seeks is not intended to be used where an existing career service competitive title would appropriately classify a position. In this regard, the Commission has a statutory obligation to classify titles, and appropriate existing career services competitive titles should first be considered to ensure that this agency's mandate that appointments to public service be made on the basis of merit and fitness on a competitive basis. In this case, there are no duties that the appellant performs that appear to fall outside of the scope of existing competitive titles. Therefore, based on the duties presented, it does not appear that the appellant's position is properly classified by either title.

Therefore, Agency Services should re-review the classification of the appellant's position to determine if it would be more appropriately classified by a competitive title in the career service.

### **ORDER**

Therefore, it is ordered that this appeal be denied, and that Agency Services review the classification of the position encumbered by Lillian Mann consistent with this decision.

This is the final Computer determination in this matter. Any further review is to be pursued in a judicial forum.

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<sup>1</sup> Now known as "career service" titles.

<sup>2</sup> Now known as the Civil Service Commission.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 1<sup>ST</sup> DAY OF JULY, 2020

*Deirdre' L. Webster Cobb*

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