

the appellant's position did not act in such capacity. Agency Services found that the appellant's assigned duties and responsibilities were commensurate with the title of Program Specialist 1.

On appeal to the Civil Service Commission (Commission), the appellant maintains that reclassification of his position to Program Specialist 2 was warranted. The appellant states that he manages a portfolio of over 20 Health Services grants worth over \$6 million and works directly with agencies and major hospital networks. He states that over the past three years, his role has expanded greatly as a result of hard work and dedication. For example, he claims that as new Program Specialist Trainees onboarded, he provided assistance and training to them on a recurring basis in daily program activities and reviewed their work as requested by his supervisor. The appellant asserts that consideration should be given not only to the duties he performs but also the additional duties assigned to him throughout the past three years; duties assigned as a result of retirements and resignations; and duties assigned since the submission of his request for a classification review. The appellant highlights a number of his duties that he believes justify reclassification. For example, he trains, assists, and reviews the work of the employees of the grantee agencies with which he deals. The appellant repeatedly uses the phrase "take the lead" in describing his duties. In support, the appellant submits various exhibits.

The appellant also asserts that in his unit, there is one unfilled Program Specialist 2 position; one individual serving in the title of Program Specialist 2 is awaiting a start date to leave the unit; and one Program Specialist 3 will be retiring. These personnel actions, according to the appellant, will create vacant positions. He thus contends that being proactive and reclassifying his position, along with the positions of other employees who have requested reclassification, would open the door for job opportunities in the form of new Program Specialist Trainee positions, which would be led by the individuals whose positions are reclassified to Program Specialist 2. The appellant adds that his unit lost seasoned employees over the past five years, and it would thus be beneficial to the unit to reclassify his position as he has the training and skillset to work and grow within the unit.

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 Program Specialist 2 states: Under the limited supervision of a Program Specialist 3 or 4, or other supervisory official in a State department, institution or agency, or in a

local jurisdiction, takes the lead over professional and/or technical staff engaged in program activities; performs professional, administrative and analytical work to promote the planning, operation, implementation, monitoring and evaluation of various programs and services administered by the Department of assignment; conducts the research and field work necessary to meet the needs of the appropriate State and/or local public or private agencies; does other related work.

The definition section of the job specification for Program Specialist 1 states:

Under the close supervision of a Program Specialist 3 or 4, or other supervisory official in a State department, institution or agency, assists in the professional, administrative and analytical work to promote the planning, operation, implementation, monitoring and/or evaluation of various programs and services administered by the Department of assignment; assists in conducting the research and field work necessary to meet the needs of the appropriate State and/or local public or private agencies; does other related work.

The two titles are distinguished by the fact that Program Specialist 2 is a lead worker title, while Program Specialist 1 is not. 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. 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. *See In the Matter of Henry Li* (CSC, decided March 26, 2014); *In the Matter of Catherine Santangelo* (Commissioner of Personnel, decided December 5, 2005).

The appellant argues that duties he has performed in past years should be taken into account. He claims that as new Program Specialist Trainees onboarded, he provided assistance and training to them on a recurring basis in daily program activities and reviewed their work as requested by his supervisor. However, the foundation of position classification, as practiced in New Jersey, is the determination of duties and responsibilities being performed *at a given point in time* as verified by this agency through an audit or other formal study. Classification reviews are thus based on a current review of assigned duties, and any remedy derived therefrom is prospective in nature since duties which may have been performed in the past cannot be reviewed or verified. Given the evolving nature of duties and assignments, it is simply not possible to accurately review the duties an employee may have performed six months ago or a year ago or several years ago. This agency's established classification review procedures in this regard have been affirmed following formal Commission review and judicial challenges. *See In the Matter of Community Service*

Aide/Senior Clerk (M6631A), Program Monitor (M62780), and Code Enforcement Officer (M00410), Docket No. A-3062-02T2 (App. Div. June 15, 2004) (Accepting policy that classification reviews are limited to auditing current duties associated with a particular position because it cannot accurately verify duties performed by employees in the past). *See also, In the Matter of Engineering Technician and Construction and Maintenance Technician Title Series, Department of Transportation*, Docket No. A-277-90T1 (App. Div. January 22, 1992); and *In the Matter of Theresa Cortina* (Commissioner of Personnel, decided May 19, 1993). Agency Services properly found, based on the record before it, that the appellant was not performing lead worker duties *at the time of the classification review*. Notably, in this regard, the appellant did not indicate on his PCQ that he assigned work or reviewed the completed work of employees, and lead worker duties were not listed as a job responsibility on his PAR. Contrary to the appellant's contention on appeal, training, assisting and reviewing the work of individuals employed by external *grantee agencies* do not qualify as lead worker duties. *See Li, supra*, and *Santangelo, supra*.

The remainder of the appellant's appeal is similarly unpersuasive. Although he repeatedly ties in the phrase "take the lead" in discussing his duties on appeal, the appellant's reliance on this phrase taken from the job specification for Program Specialist 2 is misplaced. A classification review is not performed based on buzzwords, but on a holistic view of the actual work performed. *See In the Matter of Carol Lynn Barr* (CSC, decided March 16, 2011). That actual work was accurately described by Agency Services, based on the record before it, in its determination; does not involve lead worker duties, as discussed above; and was within the scope of the job specification for Program Specialist 1. Merely invoking the phrase "take the lead" cannot by itself transform otherwise non-lead worker duties into lead worker duties. Moreover, the definition section of the job specification for Program Specialist 2 provides important context for the phrase "takes the lead" as it clearly states that the incumbent "takes the lead *over professional and/or technical staff engaged in program activities*" (emphasis added). While the appellant notes his hard work and dedication and contends that he took on duties performed by employees who have retired or resigned, factors such as how well or efficiently an employee does his job and volume of work 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). Additionally, the outcome of position classification is not to provide a career path to the incumbent but rather is to ensure that the position is classified in the most appropriate title available within the State's classification plan. *See In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005). As such, the appellant's arguments that he has the capabilities to work and grow within his unit and that reclassification of his position would open the door for new Program Specialist Trainees do not warrant the requested relief.

As a final matter, the appellant argues that consideration should be given to duties assigned since the submission of his request for a classification review. However, information or argument which was not presented at the prior level of appeal cannot be considered. *See N.J.A.C. 4A:3-3.9(e)*. As such, if the appellant believes that the duties he *currently* performs warrant reclassification, he must file a new request for a classification review pursuant to *N.J.A.C. 4A:3-3.9*.

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 17TH DAY OF JULY, 2020

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