



STATE OF NEW JERSEY

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

In the Matter of
Susan Catlett-Oxendine,
Department of Labor and Workforce
Development

CSC Docket No. 2021-15

Request for Reconsideration

ISSUED: SEPTEMBER 18, 2020 (RE)

Susan Catlett-Oxendine requests reconsideration of the attached decision rendered on May 20, 2020 which upheld the determination of the Division of Agency Services (Agency Services) that her position is properly classified as Technical Assistant 3.

By way of background, the petitioner requested Agency Services review her position, alleging that she had been performing the duties and had the responsibilities of a Contract Administrator 2. Agency Services conducted a detailed analysis of her Position Classification Questionnaire (PCQ) and other documents, and found that the petitioner’s duties were those of a Technical Assistant 3. The petitioner appealed Agency Services’ determination to the Civil Service Commission (Commission) which found that her position is properly classified as Technical Assistant 3. In so doing, the Commission indicated that Agency Services found that the position is not responsible for exercising control and approval authority in the administration of grants and contracts. The position is responsible for monitoring the status of grants and contracts, providing technical assistance, and reviewing various actions ensuring that the grant process complies with rules, regulations, policies and procedures. During the audit, Agency Services found that the petitioner reviews and processes the work of the Business Service Representatives, but does not approve the grants. Additionally, her supervisor did not say that she approves the work of the Business Service Representatives or grants in his letter.

On reconsideration, the petitioner argues that a clear, material error has been made. Specifically, she states that the Commission erred in not explaining that the Business Service Representative title is professional, and she takes the lead over these individuals. Further, she states that her supervisor indicated that she is the lead staffer who converts the work of Business Service Representatives into invoices for the accounting unit or a contract if she advances it up through the executive approval chain. The petitioner maintains that converting this work is approving it for payment or approving it at the unit level prior to submission for executive approval by the Commissioner. She states that she indicated on her PCQ that she approved invoices and payment vouchers for grantees, and her supervisor agreed. The petitioner argues that she should not have to approve work, but only that she reviews the work of lower level contract administration and support staff, in this case, Business Service Representatives. Her supervisor, the Chief of Business Services, states that the appellant reviews the work of Business Service Representative 2s, a title in a higher class code, and advises them of needed corrections. She then converts the work submitted into processed invoices, or advances it up the executive approval chain if a contract is warranted. He states that the requested title is not supervisory, but is a coordinator, and that the appellant exerts control in the business process as the coordinator of the unit.

As to new evidence, the petitioner argues that in January 2020, after submitting her classification appeal, she took on additional duties due to a leave of an incumbent Program Coordinator. She states that although this individual has returned, she retains the duties of acceptance and review of program applications, creation and approval of contracts, approval of reimbursement to employers, technical assistance to employers, and final closeout of contracts.

CONCLUSION

N.J.A.C. 4A:2-1.6(b) sets forth the standards by which the Civil Service Commission may reconsider a prior decision. This rule provides that a party must show that a clear material error has occurred, or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

At the outset, the petitioner has not met the reconsideration criteria. She has not shown a clear material error or presented new evidence or additional information not presented at the original proceeding which would change the outcome of the case.

The first part of the definition of the requested title includes, “administers and exercises review and/or approval authority over various contracts and/or grants.” The petitioner has opined that approving invoices or submitting a grant for approval is the same. The petitioner does not contest that her position is responsible for

monitoring the status of grants and contracts, providing technical assistance, and reviewing various actions ensuring that the grant process complies with rules, regulations, policies and procedures. Her supervisor has described the position as a coordinator of grants. However, the duties of the position do not rise to the level and scope of professional work. Professional work is predominantly intellectual in character, as opposed to routine mental, manual, mechanical or physical work, and it involves the consistent exercise of judgment. It is basically interpretive, evaluative, analytical and/or creative, requiring knowledge or expertise in a specialized field of knowledge. This is generally acquired by a course of intellectual or technical instruction, study and/or research at an institution of higher learning or acquired through an in-depth grasp of cumulative experience. However, there must be thorough familiarity with all the information, theories and assumptions implicit in the chosen field. Persons involved in professional work should be able to perceive, evaluate, analyze, formulate hypothesis, and think in the abstract. Positions are considered professional when the work requires *application* of professional knowledge and abilities, as distinguished from either the desirability of such application or the simple possession of professional knowledge and abilities.

The Contract Administrator 2 title is professional, requiring a Bachelor's degree, while the Technical Assistant titles are para-professional, requiring an Associate's degree or allowing for the possession of an Associate's degree in lieu of experience. Job specifications are descriptive and illustrative of the general nature and scope of functions that may be performed and are not meant to be restrictive or inclusive. Moreover, it is not uncommon for an employee to perform some duties which are above or below the level of work normally performed. Examples of work of a Contract Administrator 2 include developing and administering contracts; conducting solicitation or RFP bidding process, drafting and negotiating contract language, and developing contract evaluation criteria; participating in the development of policy and procedure manuals containing financial and administrative contract/grant application guidelines; ensuring compliance with grant policies and procedures, and regulations; conducting contract award meetings; initiating, reviewing and finalizing scope of work and/or specification development documents for those projects requiring architect or engineer services; and collecting and analyzing data to prepare reports.

In contrast, the appellant's duties were as follows: acts as first point of contact and liaison, provides technical information and answers questions about the grant program; monitors grant processes by ensuring that grantees are assigned to a Business Service Representative, verifying the completeness and accuracy of applications, contracts, letters, and billings, tracks the contract phase in the database, ensures correct funding sources are setup and modifications are made, reviews invoices for correctness, and processes payment vouchers; schedules staff meetings and prepares agendas, schedules panel meetings and provides information regarding grant programs and applicants; creates forms for processes and makes

recommendations for improvement on policies and procedures; updates the NGO each fiscal year and makes recommendations regarding technical information to be included in the NGO; prepares detailed reports, compiles data, prepares a supplemental summary report at different stages of the grant process, and prepares correspondence; investigates the issues and problems in the grant process and recommends resolutions; and, maintains files and records. The appellant's duties are technical or paraprofessional in nature. Persons in this group perform some of the duties of a professional, but as an aide, in a supportive role. The primary focus of the petitioner's work is not at a professional level which would warrant the requested title.

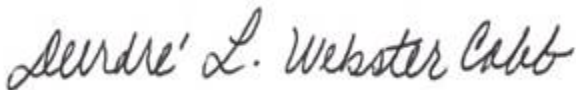
The petitioner is now claiming that she performs additional duties as a Program Coordinator, assigned after Agency Services' determination. As indicated in the prior decision, duties which were not initially presented and were not reviewed by Agency Services cannot be considered in a classification appeal to the Commission. Furthermore, a petition for reconsideration is not the forum to submit a new set of duties to be considered.

ORDER

Therefore, it is ordered that this request 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 DAY 16th OF SEPTEMBER, 2020



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Attachment

c: Susan Catlett-Oxendine
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Records Center



STATE OF NEW JERSEY

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

In the Matter of
Susan Catlett-Oxendine,
Department of Labor and Workforce
Development

CSC Docket No. 2020-2474

Classification Appeal

ISSUED: MAY 22, 2020 (RE)

Susan Catlett-Oxendine appeals the decision of the Division of Agency Services (Agency Services) which found that her position with the Department of Labor and Workforce Development is correctly classified as Technical Assistant 3. She seeks a Contract Administrator 2 classification in these proceedings.

The appellant requested a review of her position as a Technical Assistant, Contract Administration. In her request, she asserted that the proper classification of her position was Contract Administrator 2. Her position is located in the Division of Business Services, Department of Labor and Workforce Development, reports to a Chief of Business Services, and has no supervisory responsibility. Agency Services reviewed all documentation supplied by the appellant including her Position Classification Questionnaire (PCQ), Performance Assessment Review (PAR), organizational chart, and statements of the appellant and her supervisor. Based on its review of the information provided, Agency Services determined that the proper classification for her position is Technical Assistant 3.

On appeal, the appellant argues that Business Service Representatives submit their work to her for “approval” before it moves forward, she receives, assigns, reviews and approves their work including monitoring the status of grants and contracts, she performs “management-level duties” in the status tracking database, she updates the annual Notice of Grant Opportunity (NGO), and she provides technical assistance and reviews grant process actions. In support, her supervisor states that the appellant works in tandem with Business Service Representatives. The appellant asserts that she reviews their work and advises

them of needed corrections, then she converts their work into processed invoices or advances it up the executive approval chain.

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 the title 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 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, analyses, and makes effective recommendations for actions involving a specific element of regulatory or administrative program requiring the application of rules, regulations, policies, procedures, and or technical concepts: does other related duties as required.

The definition section of the job specification for the title Contract Administrator 2 states:

Under the general supervision of a supervisory official, administers and exercises review and/or approval authority over various contracts and/or grants; provides technical assistance in contract and/or grant preparation, control, monitoring, amendment, and/or evaluation; as appropriate, exercises controllership and approval rights and responsibilities in the area of contract and/or grant administration; and/or processes contracts for multiple divisions, projects and/or programs, may be assigned to review the work of lower level contract administration and support staff; does other related duties.

In this matter, it is clear that the appellant's position is properly classified as Technical Assistant 3. The position has the following duties: acts as first point of contact and liaison, provides technical information, and answers questions about the grant program; monitors grant processes by ensuring that grantees are assigned to a Business Service Representative, verifying the completeness and accuracy of

applications, contracts, letters, and billings, tracks the contract phase in the database, ensures correct funding sources are setup and modifications are made, reviews invoices for correctness, and processes payment vouchers; schedules staff meetings and prepares agendas, schedules panel meetings and provides information regarding grant programs and applicants; creates forms for processes and makes recommendations for improvement on policies and procedures; updates the NGO each fiscal year and makes recommendations regarding technical information to be included in the NGO; prepares detailed reports, compiles data, prepares a supplemental summary report at different stages of the grant process, and prepares correspondence; investigates the issues and problems in the grant process and recommends resolutions; and, maintains files and records.

Agency Services found that the position is not responsible for exercising control and approval authority in the administration of grants and contracts. Rather, the position is responsible for monitoring the status of grants and contracts, providing technical assistance, and reviewing various actions ensuring that the grant process complies with rules, regulations, policies and procedures. During the audit, Agency Services found that she reviews and processes of the work of the Business Service Representatives, but does not approve the grants. Additionally, her supervisor did not say that she approves the work of the Business Service Representatives or grants in his letter. Thus, the position does not have the level of authority required for a Contract Administrator 2 classification.

A thorough review of the information presented in the record establishes that Susan Catlett-Oxendine's position is properly classified as Technical Assistant 3 and she has not presented a sufficient basis to establish that her position is improperly classified.

ORDER

Therefore, the position of Susan Catlett-Oxendine is properly classified as Technical Assistant 3.

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
20TH DAY OF MAY, 2020

Deirdre L. Webster Cobb

Deirdre L. Webster Cobb
Chairperson
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