



STATE OF NEW JERSEY

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

In the Matter of Iris Wilcox,
New Jersey City University

CSC Docket No. 2021-1276

Classification Appeal

ISSUED: MAY 24, 2021 (RE)

Iris Wilcox appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of her position with New Jersey City University is Professional Services Specialist 2, Administrative Services. The appellant seeks a classification of Professional Services Specialist 1, Administrative Services.

The appellant filed a request for a position classification review of her permanent title as Professional Services Specialist 3, Administrative Services, to which she was appointed on February 6, 2017. The appellant is assigned to the Department of Facilities and Construction Management at New Jersey City University, reports to an Assistant Director of Maintenance, and currently has no supervisory responsibilities. The appellant sought a reclassification of her position, alleging that her duties are more closely aligned with the duties of a Professional Services Specialist 1, Administrative Services. Agency Services reviewed all documentation supplied by the appellant including her Position Classification Questionnaire (PCQ), Performance Assessment Review (PAR) and organizational chart, and statements from an email audit. Based on its review of the information provided, Agency Services concluded that the appellant's position was properly classified as Professional Services Specialist 2, Administrative Services, effective October 24, 2020.

On appeal to the Civil Service Commission (Commission), the appellant states that she supervises the work of administrative staff, student assistants and work study students. She states that she has worked for the Associate Vice

President since August 2019, and worked for other Associate Vice Presidents prior to that. She maintains that the Associate Vice President, not the Assistant Director of Maintenance, is her supervisor. She states that the Assistant Director of Maintenance has never been her supervisor, although he signed her Performance Assessment Review for submission for this classification review. She states that the Associate Vice President was the final approver since he is her supervisor. She states that the Associate Vice President made it clear that she supervises administrative staff.

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 2, Administrative Services states:

Under the supervision of a higher administrative officer in the Administrative Services area at a State college, is responsible for independently performing professional work of considerable difficulty using established policies, procedures, precedents, and guidelines; takes the lead over lower level staff; does related work as required.

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

Under the direction of a Director 2 or higher administrative officer in the Administrative Services area at a State college, is responsible for independently performing a professional function or functions of unusual difficulty, sensitivity and/or complexity within 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, Administrative 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, titles in the Professional Services Specialist, Administrative Services title series are in the “P” ERG (professional) and are subject to a classification review by the Commission.

In the matter at hand, Agency Services found that the responsibilities of the position include: establishing and enforcing safety policies for the department; preparing data for reports and recommendations; assisting in the development of budgets, proposals, and procurement plans of equipment and supplies; monitoring the budget reconciliation; providing advisory services; maintaining records and files; managing office inventories; overseeing the department communication board; organizing the acquisition, distribution, and inventorying of facilities equipment; and facilitating in implementing training for office staff. Thus, the primary focus of the position is in Financial or Administrative specializations. 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 to 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 classified¹ competitive titles. If there is no appropriate existing classified competitive title for an affected position,

¹ Now known as “career service” titles.

then the position will be placed in a generic classified non-competitive title created by the Department of Personnel.²

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.

In any event, although the requested title is in the "P" ERG, it requires supervisory responsibilities which therefore must be considered. The Civil Service Commission has determined that the *essential component* of supervision is the responsibility for the administration of performance evaluations for subordinate staff. *See In the Matter of Timothy Teel* (MSB, decided November 16, 2001). Actual authority is evidenced by being named the rater on the performance evaluation document. *See In the Matter of Harry Corey, et al.* (MSB, decided September 21, 2005). It is well established that supervisory duties include responsibility for seeing that tasks assigned to subordinates are efficiently accomplished. It involves independent assignment and distribution of work to employees, with oral or written task instructions, and maintenance of the flow and quality of work within a unit in order to ensure timely and effective fulfillment of objectives. Supervisors are responsible for making available or obtaining materials, supplies, equipment, and/or plans necessary for tasks. They provide on-the-job training to subordinates when needed, *and make employee evaluations based on their own judgment.*

In the present case, the appellant does not have the responsibility of supervising staff as she indicated on her PCQ, completed in August 2020, that she does not complete employee evaluations. In an email in December 2020, the appellant explained that after she submitted her PCQ, she has completed the "job expectations" portions of ePARs for administrative staff, and oversees ePAR submissions for 96 employees. The appellant has indicated that, as of December 2020, she was responsible for the ePARs for a Data Processing Programmer Technician, a Principal Clerk Typist, and students. This information is not reflected in the organization chart.

In this respect, Agency Services' February 12, 2021 determination found that the appellant does not supervise as defined by Civil Service standards. To be considered a supervisor, the individual must be the person administering and

² Now known as the Civil Service Commission.

signing off on the evaluation as the subordinate's supervisor. Only the individual who signs the evaluation as the supervisor can be considered to have the ultimate decision-making responsibility for that subordinate's rating. Supervision or coordination of a program or area is insufficient without being responsible for the above-stated duties. In the absence of supervisory duties over personnel, including the ultimate responsibility for conducting and signing formal performance evaluations of subordinate staff, the position is not properly classified in a supervisory title. Supervision of students or contractors is not applicable. Further, it is long-standing policy that incumbents in a supervisory *professional-level* title are to supervise other *professional-level* subordinates who perform functions of a professional nature. See *In the Matter of Ruth Ade* (Commissioner of Personnel, decided May 17, 2007).

If the appointing authority denies the appellant the responsibility of formally evaluating subordinate employees, it should refrain from assigning the appellant the typical work of a supervisor. This includes assigning work, reviewing work, providing input on evaluations, and developing training for those subordinates in the work of the series. The appellant can lead and provide guidance to lower level staff, but should not be discussing performance evaluation reviews with subordinates. Those duties and responsibilities belong to the appellant's supervisor, who also supervises these staff. If the appellant is performing these duties, she has been inappropriately assigned tasks by her supervisor, who should be responsible for those tasks in the absence of a supervisor. The manager should assume these duties if the supervisor does not do so. It is simply unfair to allow the appellant to bear responsibility for higher level tasks specific to supervision, yet classify the position because she does not conduct formal performance evaluations. It is, at the very least, management's duty and responsibility to ensure that supervisory tasks are performed by supervisors.

Along these same lines, the appellant's ePAR was signed by the Assistant Director of Maintenance. Therefore, the Assistant Director of Maintenance is the appellant's supervisor, while the Associate Vice President is the supervisor of the Assistant Director of Maintenance. This conflicts with the organizational chart, which indicates that the appellant reports to the Associate Vice President, and the appellant's appeal submission. In this regard, the appointing authority should revise the organizational chart to reflect supervision of the position by the Assistant Director of Maintenance, or direct the Associate Vice President to complete the appellant's ePAR. The appointing authority and Agency Services should work together to rectify both issues, the evaluations of ePARs by the appellant and identification of the appellant's actual supervisor. At this juncture, the file does not establish that the position had supervisory duties at the time of the review.

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

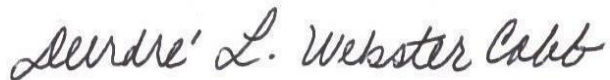
competitive title in the career service. If it is not, a classification as a Professional Services Specialist 1, Administrative Services was not warranted at the time of Agency Service's determination.

ORDER

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

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

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 19TH DAY OF MAY, 2021



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