



B-19

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Carlos Perez,
Vineland School District

Classification Appeal

CSC Docket No. 2016-605

ISSUED: **OCT 12 2015** (HS)

Carlos Perez appeals the attached decision of the Division of Classification and Personnel Management (CPM),¹ which found that his position with Vineland School District is properly classified as a Clerk Driver. He seeks a Senior Clerk Driver job classification in this proceeding.

The appellant received a regular appointment to the title of Clerk Driver on December 4, 2003. In April 2013, the appellant requested a classification review of his position located in the Purchasing Division. CPM received the request and performed a review of all submitted information, including a Position Classification Questionnaire (PCQ). In its decision, CPM indicated that the appellant has no supervisory authority. CPM's review found that the appellant: transported materials and supplies to schools as needed; scheduled deliveries of furniture to schools and for moving furniture between schools; reviewed the utilization rates and shelf lives of stock items to determine the need for stock replacement; printed picking tickets for all deliveries and received parts into inventory; operated hand and power driven equipment to move bulk items; and performed minor maintenance or repair of designated equipment or arranged for periodic maintenance. Based on the foregoing, CPM found that the appellant's assigned duties and responsibilities were commensurate with the title of Clerk Driver, the title he currently holds.

On appeal, the appellant provides an "updated" description of his duties. He states that he takes the lead daily when carrying out assignments; reviews work

¹ Now the Division of Agency Services.

orders and completes and/or assigns them to be completed as needed; and, under general supervision, takes the lead, schedules deliveries and coordinates furniture movements within the school district. He also states that he is a self-starter and that work is not handed off to him daily.²

CONCLUSION

The definition section of the job specification for Clerk Driver states:

Under direction, drives and services a motorized vehicle for transporting materials or passengers, and may perform routine clerical work; does other related duties.

The definition section of the job specification for Senior Clerk Driver states:

Under direction, drives and services a motorized vehicle for transporting materials or passengers; may perform the more difficult clerical work and/or take the lead over other clerk drivers; does other related work as required.

In the instant matter, CPM's review found that the appellant's position did not take the lead over other Clerk Drivers or perform clerical duties, which may have warranted a Senior Clerk Driver classification. As such, CPM appropriately determined that the appellant's position was classified by the title of Clerk Driver.

Although the appellant presents an "updated" description of his duties on appeal claiming that he takes the lead, it should be noted that 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. Thus, classification reviews are based on a current review of assigned duties and any remedy derived therefrom is prospective in nature. This agency's established classification review procedures in this regard have been affirmed following formal Civil Service Commission review and judicial challenges. See *In the Matter of Community Service Aide/Senior Clerk (M6631A)*, *Program Monitor (M6278O)*, and *Code Enforcement Officer (M0041O)*, 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*

² It is noted that the appellant claimed to have appealed CPM's decision in May 2013. However, a review of agency records revealed no prior receipt of the appeal by this agency. Receipt of the appeal was acknowledged in August 2015.

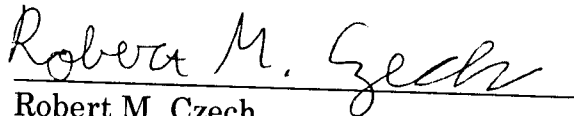
Matter of Theresa Cortina (Commissioner of Personnel, decided May 19, 1993). As such, the appellant's submission of an "updated" description of his duties, which postdates the audit, does not provide a basis to disturb CPM's decision. Accordingly, a review of the entire record establishes that the appellant's position is properly classified as a Clerk Driver. The appellant may submit a new reclassification request if he believes that the duties of his position have changed.

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 7TH DAY OF OCTOBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Written Record Appeals Unit
Civil Service Commission
P.O. Box 312
Trenton, NJ 08625-0312

Attachment

- c. Carlos Perez
- Dr. Joseph Rossi
- Kenneth Connolly
- Joseph Gambino



Chris Christie
Governor
Kim Guadagno
Lt. Governor

STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
DIVISION OF CLASSIFICATION AND PERSONNEL MANAGEMENT
P.O. Box 313
Trenton, New Jersey 08625-0313

Robert M. Czech
Chair/Chief Executive Officer

May 1, 2013

Dr. Joseph Rossi
Executive Director
Vineland School District
625 Plum Street
Vineland, N.J. 08360

Dear Dr. Rossi:

This is in reference to a classification review of the position held by Carlos Perez who is permanent in the title Clerk Driver since December 4, 2003. This review involved a detailed analysis of the Position Classification Questionnaire, (DPF-44), that was submitted by Mr. Perez, and by his supervisor, Mark Zorzi, Director of Purchasing, and you, as the Appointing Authority.

ISSUE:

This review was requested by the immediate supervisor to determine if Mr. Perez is performing the duties of the title Clerk Driver.

ORGANIZATION AND STRUCTURE:

Mr. Perez is assigned to the Purchasing Division in the Vineland School District. He reports to Mark Zorzi, Director of Purchasing, a non-Civil Service title. He has no supervisory authority.

FINDINGS OF FACT:

The primary duties and responsibilities of the position in question include, but are not limited to, the following:

- Transports materials and supplies to schools as needed.
- Schedules deliveries of furniture to schools and for moving furniture between schools.

- Reviews the utilization rates and shelf lives of stock items to determine the need for stock replacement.
- Prints picking tickets for all deliveries and receives parts into inventory.
- Operates hand and power driven equipment to move bulk items.
- Performs minor maintenance or repair of designated equipment or arranges for periodic maintenance.

REVIEW AND ANALYSIS:

The definition section of the job specification for the title, Clerk Driver, states:

Under direction drives and services a motorized vehicle for transporting materials or passengers, and may perform routine clerical work; does other related duties.

An incumbent in this title would make arrangements for the delivery, storage, and pickup of supplies. They would also load and unload supplies, and drive and service motorized vehicles for transporting materials and/or passengers. In addition, they would maintain records, inventory, and files, and maintain the garage in a clean and orderly manner.

The definition section of the job specification for the title, Senior Clerk Driver, states:

Under direction, drives and services a motorized vehicle for transporting materials or passengers; may perform the more difficult clerical work and/or take the lead over other clerk drivers; does other related work as required.

An incumbent in this title would perform the more difficult clerical work and/or take the lead over other clerk drivers. They would also load and unload supplies, and pick up and deliver parts, supplies, and other materials. In addition, they would arrange for deliveries and storage supplies, drive and service a motorized vehicle for transporting materials and/or passengers, and service the vehicle by washing it and polishing it, changing the tires, and checking and replenishing gas, oil, water, and the battery periodically.

Mr. Perez did not indicate that he takes the lead or performs clerical duties.

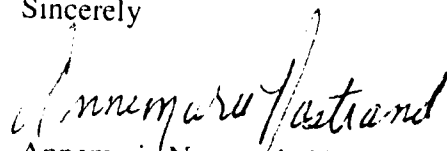
DETERMINATION:

Based on a review of the current job duties and responsibilities, we have determined that the current work duties performed are more consistent with those assigned to the title, Clerk Driver. Mr. Perez is considered to be presently and properly classified in the title, Clerk Driver. The effective date of this action is April 1, 2013.

The job specification for Clerk Driver is descriptive of the general nature and scope of the functions that may be performed by the incumbent in this position. However, the examples of work are for illustrative purposes and are not intended to restrict or limit performance of the related tasks not specifically listed. The relevancy of such specific tasks is determined by an overall evaluation of their relationship to the general classification factors listed in the specification.

Please be advised that in accordance with *N.J.A.C. 4A:3-3.9*, you may appeal this decision within twenty (20) days of receipt of this letter. This appeal should be addressed to Written Record Appeals Unit, Division of Appeals and Regulatory Affairs, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include a copy of the determination being appealed as well as written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely

A handwritten signature in cursive script, reading "Annemarie Nostrand".

Annemarie Nostrand, Team Leader
Division of Classification and Personnel Management

AN/at
Attachment
Log # 04130169
Records

c: Employee