



STATE OF NEW JERSEY

In the Matter of Nora Kennedy,
Stockton University

CSC Docket No. 2024-1724

**FINAL ADMINISTRATIVE ACTION
OF THE CHAIR/
CHIEF EXECUTIVE OFFICER
CIVIL SERVICE COMMISSION**

Classification Appeal

ISSUED: August 12, 2024 (SLK)

Nora Kennedy¹ appeals the determination of Stockton University (the University)² that the proper classification of her position with the University is Principal Clerk Typist. The appellant seeks a Professional Services Specialist 4, Administrative Services (PSS4) classification.

The record in the present matter establishes that the appellant's permanent title is Principal Clerk Typist. The appellant sought reclassification of her position, alleging that her duties were more closely aligned with the duties of a PSS4. The appellant reports to Brenda Sterling, Professional Services Specialist 2, Administrative Services.³ In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the duties that she performed as a Principal Clerk Typist. The University reviewed and analyzed the PCQ and all information and documentation submitted. It also interviewed the appellant and Sterling. In its decision, the University determined that the duties performed by the

¹ Personnel records list Nora Kennedy's name as Nora O'Connor.

² Pursuant to a Delegation Order, Memorandum of Understanding (Delegation Order), signed May 25, 2023, the parties agreed that the University would initially review the position reclassification requests of its employees, and then the determinations would be referred to the Civil Service Commission (Commission) for final determination.

³ The University indicates that Sterling is an Administrative Assistant to the Dean, School of Health Services, Academic Affairs.

appellant were consistent with the definition and examples of work included in the job specification for Principal Clerk Typist.

On appeal, the appellant states that her request initiates from the substantial increase in responsibilities that have been assigned to her, which were necessitated by the promotion and reassignment of three other staff members who were classified as PSS4s. She notes that these new duties that have been assigned to her have been capped at 20 percent of her time in consideration of her lower salary as a Principal Clerk Typist as compared to a PSS4 as well as to ensure that she could effectively manage the increased workload and requisite skills that these responsibilities demand. Additionally, the appellant highlights that there is a considerable amount of similar work that has not been assigned to her while awaiting the subject reclassification determination and to ensure that she could handle the increased workload.

In support of the appellant's request, Sterling indicates that since the appellant was reclassified from Senior Clerk Typist to Principal Clerk Typist in 2019, the appellant has surpassed the expectation of her entry-level position as she independently manages her additional workload. Further, Sterling states that the appellant's extensive administrative experience gained from her positions within the legislative office demonstrates her abilities and capacity. She asserts that the appellant is ready to handle a higher volume of tasks and projects. Sterling also suggests a Program Assistant, Administrative Services⁴ classification for the appellant if it is determined that PSS4 is not the appropriate classification for her position. Sterling emphasizes that the three positions that have been vacated are not going to be backfilled, which is what has led to the increased workload for the appellant.

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 Principal Clerk Typist (A12) job specification states:

⁴ Sterling suggests "Program Assistant" as an alternative title for the appellant. However, a review of the Civil Services job specifications does not indicate this title. Therefore, presumably, Sterling is suggesting Program Assistant, Administrative Services as an alternative classification for the appellant's position.

Under the general supervision of a supervisory official, performs complex typing and other related clerical work requiring knowledge and independent interpretation of department laws, regulations, policies, and procedures as well as the frequent exercise of independent judgment; may take the lead over the work of a clerical unit; does related work as required.

The definition section of the PSS4 (P18) job specification states:

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

The definition section of the Program Assistant, Administrative Services (P16) job specification states:

Under general supervision of a Professional Services Specialist 2 or other supervisory officer in the Administrative Services area at a State college, is responsible for performing basic professional functions using established policies, procedures, precedents, and guidelines; does related work as required.

In this present matter, a review of the job specifications indicates that the main differentiation between the Principal Clerk Typist title and the other titles is that Principal Clerk Typists perform clerical work while incumbents in the other titles perform basic professional functions. A review of the appellant's PCQ evidences that her two main duties are general office support (60 percent) and event planning (20 percent). It also noted that most of the appellant's other duties listed on her PCQ can generally be characterized as clerical. Concerning the appellant's event planning duties, professional work is predominately intellectual in character, as opposed to routine mental, manual, mechanical or physical work, and it involves the consistent exercise of judgment. It is basically interpretative, 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 in professional work should be able to perceive, evaluate, analyze, formulate hypotheses, 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. *See In the Matter of Lydia Lopez* (CSC, decided

May 27, 2009). In the University's determination, it noted that the appellant's event planning duties are done within the guidance and parameters set forth by the University and departmental policies and procedures, as well as at the direction of the appellant's superiors. Therefore, the record is unclear as to whether the appellant's event planning duties rise to the level of basic professional duties. Regardless, as the record demonstrates that the appellant spends most of her time performing clerical duties, her duties are consistent with a Principal Clerk Typist classification.

Referring to the appellant's arguments that her workload has increased, and she has the background and capability to handle work that requires additional time and skill, how well or efficiently an employee does his or her job, length of service, volume of work and qualifications 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). Concerning the fact that the appellant may be given additional responsibilities in the future, 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 through an audit or other formal study. Therefore, potential future assignments have no bearing as this determination is based on the appellant's duties at the time of the evaluation. Further, the mere fact that the appellant's workload and responsibilities have increased because she is performing *some* duties that were formerly performed by PSS4s does not signify that her position is misclassified as a classification appeal cannot be based solely on a comparison to the duties of another position. *See In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided March 16, 1995); *In the Matter of Dennis Stover, Middletown Township* (Commissioner of Personnel, decided March 28, 1996). *See also, In the Matter of Lorraine Davis, Office of the Public Defender* (Commissioner of Personnel, decided February 20, 1997), affirmed, Docket No. A-5011-96T1 (App. Div. October 3, 1998). Regarding any argument that the appellant is making that some of her duties rise to the level of basic professional duties, the fact that some of an employee's assigned duties may compare favorably with some examples of work found in a given job specification is not determinative for classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. Moreover, it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed. For purposes of determining the appropriate level within a given class, and for overall job specification purposes, the definition portion of the job specification is appropriately utilized.

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
THE 9TH DAY OF AUGUST, 2024



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