

compliance with established protocols; supervising the management procedures for Category caseloads, supplying facility staff with inmates' release dates, managing the Category I caseload, and ensuring timely notifications are sent to prosecutors; preparing the Institutional Release Committee form for signatures from all committee members and ensuring that all items for review are documented; informing the Attorney General about Category I inmates eligible for involuntary commitment as sexually violent predators, ensuring the notification letter with supporting details is sent and documenting their eligibility criteria; and overseeing and managing the SCRB by providing instruction, guidance, and training to staff, ensuring they possess the knowledge and competence needed to perform tasks effectively. In its decision, Agency Services determined that the SCRB duties performed by the appellant were consistent with the definition and examples of work included in the job specification for SCO.

On appeal, the appellant presents that, when an incarcerated person is scheduled to be reviewed by the SCRB, they are normally not in the release process as the SCRB members decide whether an incarcerated person should be referred for review for potential parole. She states that when she was appointed as a SCO, her responsibilities concerned processes relating to institutional releases, not the responsibility of monitoring incarcerated persons who are not in the release program, including overseeing and managing the SCRB. The appellant asserts that SCRB duties were always supervised by the Executive Assistant. Excluding the SCRB duties, she agrees with the determination's findings of her primary duties as a SCO. She also lists two additional duties that she performs. However, the appellant notes that just because an incarcerated person is being seen in-person by the SCRB does not signify that the incarcerated person will be paroled or is in the release process. Therefore, she contends that her duties related to the SCRB are out-of-title.

She further argues that her temporary assignment as the SCRB Coordinator while an Executive Assistant was on leave and did not return was in retaliation for her fighting to be appointed as a SCO. The appellant believes that she was assigned SCRB Coordinator duties, instead of the current Executive Assistant, due to the Administrator's friendship with the Executive Assistant. She asserts that she is not the only staff member who has been assigned duties that had previously been assigned to past Executive Assistants.

The appellant notes that she has been requesting that SCRB staff receive training for many years but asserts that these requests have never been answered. Instead, she provides that the only request that was answered was from another SCO who asked the Administrator if SCRB staff could assist her department, which was granted. She indicates that SCRB staff attend a one-week training primarily focused on the duties that the other SCO wanted and only 10 minutes concerned SCRB training. The appellant requests that she be removed as the SCRB Coordinator and the duties be supervised in a separate department under the Executive Assistant as

previously occurred. In the alternative, she requests that the SCO who had asked for assistance from the SCRB staff, supervise that 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 SCO job specification states:

Under direction of a Supervisory Official in an inmate correctional facility or in the central office, supervises the activities of the inmate classification unit or the inmate release notification unit or, supervises activities and staff conducting classification functions in either secure or residential juvenile correctional facilities; supervises staff performing classification functions and the administration of the Objective Classification System including the review of expiration of sentence calculations to ensure accuracy; supervises the organization and submission of relevant medical, custodial, psychological, psychiatric, substance abuse, social services, educational, and other information concerning inmates or juvenile offenders that is presented at initial classification and subsequent periodical reviews by the Classification Committee; does other related duties.

When assigned to an inmate release notification unit, (may) supervise the activities and staff involved with the Institutional Release Unit and Category I/II caseload management procedures or, supervises the activities and operations of a release notification Program: the performance of inmate release functions, including the timely and appropriate release of inmates; reviews expiration of sentence calculations to ensure accuracy of timely prosecutor's notification; ensures preparation of inmate records for review by the Institutional Release Committee and the Civil Commitment Review Committee; as appropriate, ensures the completion of DNA sampling and registration of inmates as sex offenders; does other related duties.

In this matter, the appellant argues that her responsibility as the Coordinator of the SCRB should be removed as these duties are out-of-title for a SCO in the release unit as incarcerated persons who go before the SCRB are not yet in the release program. She provides that when she was first appointed as a SCO, these duties were assigned to a separate department and were supervised by an Executive

Assistant. She contends that duties were assigned to her, instead of the current Executive Assistant, in retaliation for her fighting to be appointed as a SCO in the release unit and favoritism towards the Executive Assistant. She requests that these duties either be assigned to the current Executive Administrator or another SCO.

Concerning the appellant's contention that her SCRB Coordinator duties are out-of-title because the incarcerated persons who meet with the SCRB are not automatically going to be released, a disputed task not specifically addressed in a job specification may be considered acceptable related work based on nature and frequency, so long as there is a nexus between the disputed task and the primary focus of the job specification. *See In the Matter of Mary Ann Unger, Department of Labor* (Commissioner of Personnel, decided October 1, 1991). In this case, as the SCRB meeting is a step for a potential release, there is a nexus between the disputed task and the primary focus of the job specification. 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. Here, the appellant has not argued, nor has any evidence been presented, that her duties as the SCRB Coordinator involve higher or specialized duties that are outside the scope of the capabilities of a SCO.

Therefore, it would appear the appellant's main objection to performing the SCRB Coordinator duties is the increase in volume in her responsibilities. Initially, it is noted that while the record is unclear as to how much time the appellant spends performing such duties, it is clear that these duties are not a full-time responsibility. Specifically, the determination letter indicates that the appellant's Coordinator duties are one of seven primary duties. On appeal, the appellant lists two other duties that she presents as additional primary duties. Further, a review of the PCQ reveals that the appointing authority disagreed with the amount of time that the appellant indicated that she spent on SCRB duties and noted that there are two staff members who are assigned to the SCRB who perform most of the SCRB duties which the appellant oversees. Moreover, it maintained that neither the appellant's duties for the release unit nor the SCRB, alone, would fill a 35-hour work week. Regardless, volume of work has no effect on the classification of a position currently occupied. *See In the Matter of Debra DiCello* (CSC, decided June 24, 2009).

Referring to the appellant's retaliation and favoritism claims, other than mere speculation, the appellant has not presented any evidence to support such claims. Additionally, even if the SCRB duties were previously assigned to a separate department and under the supervision of prior Executive Assistants, this has no relevance as to whether her SCRB duties are considered appropriate in-title duties to be assigned to a SCO. Moreover, an appointing authority has discretion regarding its organization and assignments, and there is no requirement under Civil Service law and rules which would prevent an appointing authority from changing its assignments. Similarly, referring to the appellant's alternative request that the

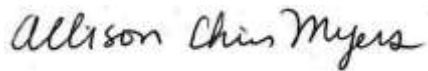
SCRB Coordinator duties be reassigned to a different SCO, this decision is completely within the appointing authority's discretion.

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 27TH DAY OF AUGUST, 2025



Allison Chris Myers
Chair/Chief Executive Officer
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Stacey Boston
Jennifer Caignon
Division of Agency Services
Records Center