



STATE OF NEW JERSEY

In the Matters of Leigh Bray, *et al.*,
Department of Human Services

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

CSC Docket Nos. 2024-2532, *et al.*

Classification Appeals

ISSUED: December 12, 2024 (HS)

Leigh Bray, Angela Jones, Denise Smith, Lynn Laramore-Smith, Karen Eltringham, Nina Duran, James Rankin, Kerry Brennan, and Amy Coit appeal the determinations of the Division of Agency Services (Agency Services) that their positions with the Department of Human Services were properly classified as Principal Community Program Specialists. The appellants seek Program Support Specialist 3 Assistance Programs job classifications in these proceedings. These matters have been consolidated due to common issues presented.

The record in the present matters establishes that at the time of the requests for position reviews, the appellants were serving permanently in the title of Principal Community Program Specialist. Their positions were located in the Division of Developmental Disabilities (DDD). The appellants reported to a Supervising Community Program Specialist or Program Specialist 4 Social/Human Services and had supervisory responsibility for employees serving in the titles of Senior Community Program Specialist or Habilitation Plan Coordinator. Agency Services received the request on March 20, 2023 and reviewed the appellants' Position Classification Questionnaires (PCQs); organizational charts; Performance Assessment Review forms; their statements; and the statements of their supervisors, division director, and appointing authority. The appellants' supervisors described the most important duties of their positions as follows: "The employee is responsible for supervision and oversight of a team consisting of both intake and intensive case management staff. As such, the position requires knowledge of two distinctly

different functions that are of equal importance.” The division director noted that the appellants were “[p]erform[ing] oversight for individual client cases.”

In its December 14, 2023 determinations, Agency Services found that the primary responsibilities of the appellants’ positions included, but were not limited to, supervising staff in the development and monitoring of intensive case management and/or intake justification in compliance with both State and federal regulations to determine client’s eligibility for specified programs; monitoring compliance with eligibility criteria and division’s policies and procedures to ensure quality of information gathered from clients and maintain required federal and State standards; providing guidance and supervising field staff in their assessments and review of clinical and medical records associated with intake applications and requests for emergency services; making determinations for eligibility in accordance with established criteria; initiating waiver enrollments; reviewing health and safety concerns identified by staff and referring them to the appropriate support unit; acting as a liaison between the division and other State agencies and public and/or private organizations; keeping abreast of procedures and federal and/or State regulations; and supervising and preparing performance evaluations on employees assigned. Agency Services determined that the assigned duties and responsibilities of the appellants’ positions were properly classified by the title Program Support Specialist 3 Assistance Programs, effective April 8, 2023.

Subsequently, Agency Services issued corrected May 17, 2024 determinations. There were no changes to the findings as to the primary responsibilities of the appellants’ positions. However, Agency Services indicated that in reconsidering its earlier decision, it conducted a review of the origin of the Principal Community Program Specialist title. Specifically, the title was created in 1984 specifically for use in the DDD. Agency Services emphasized that as evidenced in the current definition, the Principal Community Program Specialist is intended to supervise a unit that provides support services to individuals with *developmental disabilities*. Examples of duties that are typically performed by incumbents in the title series include planning, assessing, developing, implementing, and evaluating; sponsoring people with developmental disabilities and programs and agencies providing services to people with disabilities; investigating eligibility of potential sponsors and providing assistance and services to people with developmental disabilities in the intake process; and working as a member of the community services team in developing programs and services, assessing the needs of people with developmental disabilities, discussing observations, and documenting program changes. Accordingly, Agency Services observed that the Community Program Specialist title series has long been used in the DDD to support those with developmental disabilities that the division serves. Agency Services further found that while the Program Support Specialist 3 Assistance Programs job specification also contained duties related to assistance programs that could tangentially correspond to the appellants’ area of assignment, the definition of the Principal Community Program Specialist directly aligned with

the appellants' division and encompassed the primary foci of their positions. It noted that in making classification determinations, emphasis is placed on the definition section of the titles under consideration to differentiate one class of positions from another. Agency Services thus determined that the assigned duties and responsibilities of the appellants' positions were properly classified by the title Principal Community Program Specialist.

On appeal, the appellants argue that Agency Services minimized their roles in that its determination did not recognize their volume of work and that they supervise intensive case managers when they are performing intensive case manager functions and when they are performing the role of a Support Coordinator. The appellants note that, additionally, they supervise intake workers. They contend that Agency Services' determination did not take into account that they were supervising two very different units. The appellants proffer that the responsibilities of a Principal Community Program Specialist in the Intake and Intensive Case Management Unit has changed significantly over the last 40 years. They also highlight the following statement that was included on their PCQs:

[T]he landscape of our division has changed significantly over the past 15 years. With the transition to our current Fee-For-Service model the Intensive and Intake Units have shifted from direct service coordination and care to a monitoring, quality assurance, risk management posture. Consequently our roles and responsibilities also needed to shift in order to meet the demands of this new version of DDD. An Intake worker does far more than just establish eligibility these days. They are options counselors, care coordinators, and clinical assessors. Intensive Case Managers are also support coordinators, clinical assessors, QA monitors, and mentors. As supervisors of both Intake and [Intensive Case Management] workers our [Principal Community Program Specialist] staff have to be able to support their staff in all aspects of the job so they too are options counselors, QA monitors, mentors, and support coordination supervisors on top of their management duties.

The appellants emphasize that Agency Services had already issued a determination that Program Support Specialist 3 Assistance Programs was the appropriate classification for their positions. They also state that they are "not concerned so much with changing [their] title as much as being compensated for the level of responsibility that [they] have in [their] current title."

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 Principal Community Program Specialist states:

Under the general supervision of the Supervising Community Program Specialist or other higher-level supervisory official in the Department of Human Services, plans, supervises and coordinates the activities and staff involved in the development, implementation, and/or evaluation of social services, education and/or training programs and support services for people with developmental disabilities. Supervises staff and work activities, prepares and signs official performance evaluations for subordinate staff; does other related work as required.

The definition section of the job specification for Program Support Specialist 3 Assistance Programs states:

Under the general supervision of a Supervising Program Support Specialist or other supervisory official in a State department or agency, or in a community or institutional setting, supervises the work of a professional unit responsible for performing activities to maintain, monitor and/or implement client services/assistance programs OR maintains, monitors and/or implements a complex client services/assistance program; acts as a liaison between the agency and other public and/or private organizations; supervises staff and work activities; prepares and signs official performance evaluations for subordinate staff; does other related work as required.

At the outset, 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. Classification reviews are thus based on a current review of assigned duties, and any remedy derived therefrom is prospective in nature since duties that may have been performed in the past cannot be reviewed or verified. Given the evolving nature of duties and assignments, it is simply not possible to accurately review the duties an employee may have performed six months ago or a year ago or several years ago. This agency's established classification review procedures in this regard have been affirmed following formal Civil Service Commission 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 Matter of Theresa Cortina* (Commissioner of Personnel, decided May 19, 1993).

As Agency Services correctly noted, in making classification determinations, emphasis is placed on the definition section to distinguish one class of positions from another. The definition portion of a job specification is a brief statement of the kind and level of work being performed in a title series and is relied on to distinguish one class from another. *See In the Matter of Darlene M. O'Connell* (Commissioner of Personnel, decided April 10, 1992). In the instant matters, a review of the primary duties of the appellants' positions indicates that they fell squarely within the definition of Principal Community Program Specialist. Agency Services did not, as the appellants contend, minimize their positions by not accounting for their supervision of both intensive case managers and intake workers. In this regard, Agency Services found that the primary duties of the appellants' positions included supervising staff in the development and monitoring of *intensive case management* and/or *intake* justification in compliance with both State and federal regulations to determine client's eligibility for specified programs and providing guidance and supervising field staff in their assessments and review of clinical and medical records associated with *intake* applications and requests for emergency services. Rather, Agency Services effectively – and appropriately – determined that supervision over both intensive case managers and intake workers did not evidence a misclassification since these duties remain within the scope of the job specification for Principal Community Program Specialist. Similarly, given the totality of the record before Agency Services, nothing in the statement on the PCQs that discussed how “the landscape of [the] division [had] changed significantly” over the years evidences a misclassification. Further, factors such as volume of work 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).

While the appellants emphasize that Agency Services had already issued determinations that Program Support Specialist 3 Assistance Programs was the appropriate classification for their positions, Agency Services had the right to reconsider those earlier determinations and issue corrected determinations. *See Burlington Cty. Evergreen Park Mental Hosp. v. Cooper*, 56 N.J. 579, 600 (1970) (administrative agencies generally have inherent power to reopen or to modify and to rehear orders that have been entered). No vested or other rights are accorded by an administrative error. *See Cipriano v. Department of Civil Service*, 151 N.J. Super. 86 (App. Div. 1977); *O'Malley v. Department of Energy*, 109 N.J. 309 (1987); *HIP of New Jersey v. New Jersey Department of Banking and Insurance*, 309 N.J. Super. 538 (App. Div. 1998).

Finally, if the appellants are in fact “not concerned so much with changing [their] title as much as being compensated for the level of responsibility that [they] have in [their] current title,” a position review is not the appropriate mechanism to pursue that type of claim. Rather, the claim should be pursued through a job reevaluation request or appeal. *See N.J.A.C. 4A:3-4.3.*

Accordingly, a thorough review of the entire record fails to establish that the appellants have presented a sufficient basis to warrant a Program Support Specialist 3 Assistance Programs classification of their positions.

ORDER

Therefore, the positions of Leigh Bray, Angela Jones, Denise Smith, Lynn Laramore-Smith, Karen Eltringham, Nina Duran, James Rankin, Kerry Brennan, and Amy Coit were properly classified by the title Principal Community Program Specialist.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

DECISION RENDERED ON
THE 10TH DAY OF DECEMBER, 2024



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