



STATE OF NEW JERSEY

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

In the Matter of William Harron,
Stockton University

Classification Appeal

CSC Docket No. 2021-330

ISSUED: DECEMBER 21, 2020 (RE)

William Harron appeals the decision of the Division of Agency Services (Agency Services) that the proper classification of his position with Stockton University (Stockton) is Professional Services Specialist 4, Administrative Services. The appellant seeks a classification of Professional Services Specialist 3, Administrative Services.

The appellant filed a request for a position classification review of his permanent title as Professional Services Specialist 4, Administrative Services. The appellant is assigned to the Academic School of Natural Sciences and Mathematics, Academic Laboratories and Field Facilities at Stockton, reports to an Executive Director, a non-civil service title, and currently has no supervisory responsibilities. The appellant sought a reclassification of his position, alleging that his duties are more closely aligned with the duties of a Professional Services Specialist 3, Administrative Services. Agency Services reviewed all documentation supplied by the appellant including his 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 4, Administrative Services.

On appeal to the Civil Service Commission (Commission), the appellant states that in a determination of a prior appeal, his position was determined to be classified as Assistant Supervisor of Building Repairs, but that the appointing authority refused to promote him or reduce his responsibilities. He states that he agreed to

stay in the Professional Services Specialist 4, Administrative Services title until his functions were relocated to a new center, at which time he would be promoted. The move to the new building was in 2013, and he was not promoted although his duties and responsibilities increased, and there was another relocation in 2018 which added additional components to his responsibilities.

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 4, Administrative Services 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 job specification for Professional Services Specialist 3, Administrative Services states:

Under the direction of a Professional Services Specialist 2 or higher supervisory officer in the Administrative Services area at a State college, is responsible for independently performing professional work of greater difficulty using established policies, procedures, precedents, and guidelines; 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, Professional Services Specialist 1 and 3, Administrative Services 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: assisting in developing budgets, proposals, and procurement plans of equipment and supplies; maintaining records and files; providing cost information for budget preparation; gathering information related to facility infrastructure construction and maintenance; establishing and enforcing safety policies; facilitating the marine science field station with repairs and maintenance; and coordinating and delivering installation and maintenance of laboratory equipment. Thus, the primary focus of the position is in the Building, Institution and Facility Services field or in the Structural Work field. 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, 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

¹ Now known as “career service” titles.

² Now known as the Civil Service Commission.

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.

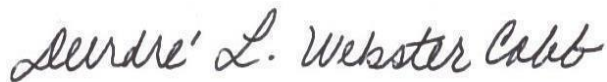
Therefore, Agency Services should re-review the classification of the appellant's position to determine if it would be more appropriately classified by a competitive title in the career service.

ORDER

Therefore, it is ordered that this appeal be denied, and that Agency Services review the classification of the position encumbered by William Harron 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 16TH DAY OF DECEMBER 2020



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