



**STATE OF NEW JERSEY**

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

In the Matter of Denise Bronson,  
Department of Environmental  
Protection

Classification Appeal

CSC Docket No. 2020-1620

**ISSUED: SEPTEMBER 7, 2020 (RE)**

Denise Bronson appeals the decision of the Division of Agency Services (Agency Services) which found that her position with the Department of Environmental Protection is properly classified as Secretarial Assistant 3, Non-Stenographic. She seeks an Administrative Assistant 3 job classification in this proceeding.

The appellant received a regular appointment to the title Secretarial Assistant 3, Non-Stenographic on June 2, 2014. She requested a classification review of her position as she believed that she was working out-of-title, and telephone interviews were conducted with the appellant and her supervisor. This position is located in the Department of Environmental Protection, Compliance and Enforcement, Division of Water and Land Use Enforcement, Bureau of Water Compliance and Enforcement-Southern, and does not have supervisory responsibilities. The appellant was supervised by a Manager 4, Waste Management at the time of the audit.

The classification review found that the appellant's assigned duties and responsibilities, as detailed in Agency Services' decision, were commensurate with the title of Secretarial Assistant 3, Non-Stenographic. Accordingly, Agency Services determined the proper classification of the appellant's position was Secretarial Assistant 3, Non-Stenographic, the title to which she is regularly appointed.

On appeal, the appellant argues that a Notice of Vacancy announcement for Administrative Assistant 3 in the Bureau of Air Compliance and Enforcement-Southern, described duties as:

Assist the Manager by performing and coordinating administrative support services that include: OPRA officer duties: process information requests utilizing OPRA, NJEMS, Masterfile, and NJDEP Data Miner systems; schedule appointments with requesters to review records; update OPRA data base; lead liaison with other units for travel, office maintenance, supplies/equipment; review of reports, forms and communications for completeness and accuracy; supervise phone coverage, mail activities and file/record maintenance; investigate administrative problems, making recommendations, implementing corrective actions/improvements to work systems. Update the NJEMS database: input of new work assignments and enforcement documents, hearing requests, penalty payment and enforcement action follow-up reviews; assist in the coordination of State-wide file maintenance, case follow-ups and data gathering reports for specific programs such as Idling and Fumigation.

She compares her position to this description, stating that she performs all of these tasks.

### 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 if 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 Secretarial Assistant 3, Non-Stenographic states:

May be assigned as a secretary to Assistant Division Directors, Bureau Chiefs, their organizational equivalents, or Executive Assistants 1; does other related duties.

The definition section of the job specification for Administrative Assistant 3 states:

Assists the head of a Bureau or Service in a State department, institution, or agency by performing and coordinating administrative support services; does other related work.

A review of the duties of the appellant's position indicates that they most closely match the job description for Secretarial Assistant 3, Non-Stenographic. The outcome of position classification is not to provide a career path to the incumbents, but rather is to ensure that the position is classified in the most appropriate title available within the state's classification plan. See *In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005). Further, how well or efficiently an employee does her or her job, their length of service, and their qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees, are classified. Also, 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.

Next, it is long-standing policy that upon review of a request for position classification, when it is found that the majority of an incumbent's duties and responsibilities are related to the examples of work found in a particular job specification, that title is deemed the appropriate title for the position. In this regard, it is noted that titles are categorized as professional, para-professional or non-professional. *N.J.A.C.* 4A:4-2.5(a)1 states that professional titles require at least a Bachelor's or higher level degree, with or without a clause to substitute experience. Professional work is predominantly intellectual and character, as opposed to routine mental, manual, mechanical or physical work, and it involves the consistent exercise of judgment. It is basically interpretive, 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 hypothesis, 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.

The Administrative Assistant titles are professional, requiring a Bachelor's degree, and are not a "super-clerical" or para-professional titles. The focus of the duties of an Administrative Assistant is to act as a principal assistant to a manager or executive on administrative matters, relieving the supervisor of details related to the internal operation of the unit. The Administrative Assistant serves to coordinate support services to insure the availability and efficient use of resources

needed to accomplish the goal of the unit, such as preparing the administrative aspects of the budget, coordination of fiscal and personnel procedures, and investigation of administrative or operational problems. The Administrative Assistant does not perform clerical activities such as filing and processing routine actions, or secretarial duties such as typing, maintaining calendars, or reviewing reports for accuracy. Positions that provide essential secretarial and clerical support services are not Administrative Assistant positions. *See In the Matter of Maria Marcello and Jacquetta Warren* (MSB, decided February 11, 2004).

In the instant matter, the Manager 4, Waste Management, who supervised the position, has indicated the most important functions of the position are the Communications Center, OPRA requests, and files maintenance. On her PCQ, the appellant wrote a two-page narrative describing her duties. She broke her duties into five sections, each done 20% of the time. Generally, these duties included processing daily Communication Center hotline complaints; providing support for OPRA requests by file retrieval and reviewing duties; maintaining voluminous office file records including processing mail, updating the tracking system, scanning, and maintaining Administrative Code books; coordinating office equipment maintenance and repair services, purchasing supplies, maintaining vehicle documents, front desk coverage, customer service, mail, maintaining schedules and appointments, and managing calendars; and, organizing secretarial and clerical work, including maintaining correspondence, records, files, and OPRA documents, training and supervising staff, gathering information, typing, processing reports, and being a point of contact. While some of these duties may involve performing and coordinating administrative support services, the majority are secretarial and clerical in nature. Additionally, processing daily Communication Center hotline complaints is performed 20% of the time. This duty involves performing the functions of, or carrying out the goals of a program, not providing administrative support services that ensure that the goals are met. The appellant has no involvement in budgeting and she does not compile information regarding the functioning of the Division for management's use. The duties do not rise to the level and scope of those of an Administrative Assistant 3.

Lastly, the appellant provides a description of another position and states that she does all those duties. First, a classification appeal cannot be based solely on a comparison to the duties of another position, especially if that position is misclassified. *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). Secondly, this set of duties does not reflect all of the appellant's duties, and represents a change in duties since the classification review. If her duties have changed significantly since she submitted her PCQ in May 2019, the appellant may

request another review with Agency Services. In accordance with *N.J.A.C. 4A:3-3.9(e)*, an appeal to the Commission involves an analysis of the determination below, not an opportunity to present new duties.

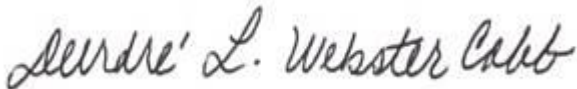
Accordingly, a thorough review of the entire record fails to establish that Denise Bronson has presented a sufficient basis to warrant an Administrative Assistant 3 classification of her position.

### ORDER

Therefore, the position of Denise Bronson is properly classified as a Secretarial Assistant 3, Non-Stenographic.

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 2<sup>ND</sup> DAY OF SEPTEMBER 2020




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