



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Tina Santos,
Department of Law and Public Safety

CSC Docket No. 2015-2504

Classification Appeal

ISSUED: **NOV 19 2015** (RE)

Tina Santos appeals the attached decision of the Division of Agency Services (DAS) which found that her position with the Department of Law and Public Safety is properly classified as Senior Clerk Typist. She seeks an Agency Services Representative 4 job classification in this proceeding.

Ms. Santos received a regular appointment to the title Agency Services Representative 1 on July 27, 2013. She requested a classification review indicating that her title was not consistent with her duties and responsibilities. DAS conducted a thorough review of Ms. Santos' Position Classification Questionnaire (PCQ), and other documentation, and determined that Ms. Santos' position was properly classified as Senior Clerk Typist. Her position is assigned to the Team 6 Board of Master Plumbers, Division of Consumer Affairs, Department of Law and Public Safety, is supervised by a Government Representative 2, and has no supervisory responsibility.

On appeal, Ms. Santos states that, under the direction of an Acting Director for the Board of Master Plumbers and the Board of Heating, Ventilating, Air Conditioning and Refrigeration, she provides all customer and support services, involving the review, processing, and issuance of Board documents; provides varied information to customers regarding Board services; handles the most complex and sensitive customer issues, requests, and complaints; prepares monthly Board meeting Agendas; functions in a lead worker capacity; in the absence of the Acting Executive Director, answers questions, and provides guidance, advice, and instructions to consumers, inspectors, etc.; and performs other related work as

required. She also provides more details regarding these duties, and contends that her responsibilities are consistent with the title Agency Services Representative 4. She submits a Performance Assessment Review in support. In a supplement to her appeal, she states that she filed her PCQ over two years ago and never had a desk audit.

CONCLUSION

The definition section of the job specification for Senior Clerk Typist states:

Under supervision, performs typing and other related clerical work requiring exercise of independent judgment and working knowledge of department rules, regulations, and policies, and/or has charge of the work of a small group of clerk typists, and/or has charge of the designated phase of the typing work of the department; does other related duties as required.

The definition section of the job specification for Agency Services Representative 4 states:

Under the direction of a supervisory official in a State department or agency or institution, provides front-line and behind the scenes customer and other support services involving the review, processing and issuance of agency documents; provides varied information to customers regarding department/agency programs and services; handles the most complex and/or sensitive customer issues, requests and complaints; functions in a lead worker capacity; does other related work as required.

A Senior Clerk Typist classification is used to classify those positions where the incumbent is required to perform clerical work involving the exercise of independent judgment and containing a relatively large proportion of difficult tasks. Senior Clerks perform such duties as reviewing, checking, and certifying reports, applications, and other documents for corrections; checking and verifying bills, vouchers, and statements; data entry; and composing answers to routine letters and preparing letters. The major focus of positions classified as Agency Services Representatives is public contact. Incumbents spend a majority of their work time responding to questions and soliciting information, orally and in writing, from members of the general public, co-workers, and others for the purpose of processing agency documents. Other clerical support functions may be assigned from time to time, but should not be the primary emphasis of the position. In addition, the Agency Services Representative 4 is a lead worker, and the "go-to" person in the absence of a supervisor. They are expected to assist lower level staff by answering questions and providing guidance, advice, instruction, and training to enable them

to learn the duties and responsibilities of the position. Also, incumbents at this level are expected to be knowledgeable regarding all relevant programs and services under the agency's jurisdiction, have a clear understanding of how they relate to each other, and suggest resolutions on matters where clear precedent does not exist.

Ms. Santos argues that she filed a classification review request two years ago. However, the file is unclear regarding this issue. Two PCQs were submitted, and one was undated by the appellant or her supervisor, although it was signed by the appointing authority in March 2014. The other was signed by the appellant in November of 2014. Regardless, classification of the position is predicated upon current duties performed by the incumbent, and duties performed in the past have no bearing on the determination. Further, while the appellant contends that she never received a "desk audit," DAS' review of her position was based on her PCQ and other documentation submitted by her, her supervisor and the appointing authority.

The appellant's PAR indicates that the major goals of the position are to provide administrative support to boards and committees by ensuring that complaints are entered and processed in a timely manner and compliance with disciplinary action is actively monitored and reviewed, and to respond to requests for information. On her PCQ, the appellant indicates that she spends 10% of her time on each of the following: data entry; preparing and mailing routine correspondence; compiling information for the agenda; answering phone calls regarding complaints; and assisting walk-in individuals. Additionally, she spends 5% of her time on each of the following: organizing and presenting file material; tracking and reviewing files; tracking payments; making postings on the website; attending the disciplinary portion of the Board meeting; placing copies of minutes in folders and minute books; scheduling investigative inquiries; processing invoices; and opening and distributing mail. The remaining 5% of her time is spent assisting others and assisting with special projects.

Based upon a thorough review of the information presented in the record, it is clear that the duties of Ms. Santos' position do not match, as a primary focus, the definition for Agency Services Representative 4. 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. 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. On the other hand, the "examples of work" portion of a job specification provides typical work

assignments which are descriptive and illustrative and are not meant to be restrictive or inclusive. See *In the Matter of Darlene M. O'Connell* (Commissioner of Personnel, decided April 10, 1992).

The Agency Services Representative 4 is focused on public contact, or supportive processing of agency documents. While the appellant performs some of these functions, she does so less than 50% of the time. She does not spend the majority of her time processing applications and issuing licenses, and dealing with the public. Instead, the majority of work is typing and other related clerical work requiring exercise of independent judgment and working knowledge of department rules, regulations, and policies. Moreover, contrary to the appellant's assertion, none of the appellant's duties are lead-worker duties. In this regard, the definition of lead worker does not include assisting staff from other units or agencies, or being responsible for or being the sole expert in an area, or dispensing recommendations, advice and information to others. In *In the Matter of Elizabeth Dowd, et al.* (MSB, decided February 9, 2005), it was noted that lead worker duties are akin to those of a supervisor in many respects, absent the responsibility for formal performance evaluations that can lead to the effective hiring, firing, or demotion of a subordinate. Intermittently taking charge in the absence of the regular supervisor, instructing staff, training, and ensuring performance of assigned tasks, without the responsibility for employee performance evaluations would be considered duties of a lead worker. See also, *In the Matter of Diane Epps and Lisa Sallad* (MSB, decided May 15, 2002) and *In the Matter of Martha Grimm* (MSB, decided August 14, 2001). It also includes assigning and reviewing the work of others, and guiding people, specifically, coworkers involved in the same type of work. The appellant does not identify any co-worker who she leads. In sum, she is not performing the duties of an Agency Services Representative 4.

Accordingly, a thorough review of the entire record fails to establish that the appellant has presented a sufficient basis to warrant an Agency Services Representative 4 classification of her position.

ORDER

Therefore, the position of Tina Santos is properly classified as Senior Clerk Typist.

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 18th DAY OF NOVEMBER, 2015

Robert M. Czech

Robert M. Czech
Chairperson
Civil Service Commission

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and
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Enclosure

c: Tina Santos
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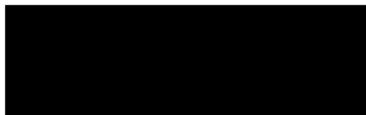
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Chris Christie
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Robert M. Czech
Chair/Chief Executive Officer

February 11, 2015

Tina Santos



**Re: Classification Appeal – Agency Services Representative 1 (A08), Position #095530,
HRM Log # [REDACTED], EID # [REDACTED]**

Dear Ms. Santos:

This is to inform you of our determination concerning the classification appeal referenced above. The determination is based upon a thorough review and analysis of the Position Classification Questionnaire submitted and the information and documentation submitted by you, your supervisor, David Freed, and your Appointing Authority during the review process.

Issue:

You are serving permanently in the title, Agency Services Representative 1 (09, A08, 56352) and contend you are performing duties and responsibilities commensurate with the title, Administrative Assistant 3 (19, P18, 59903).

Organization:

Your position is assigned to the Team 6-Board of Master Plumbers, Division of Consumer Affairs of the Department of Law and Public Safety. You report to David Freed, Government Representative 2 (98, X98, 55013). Your position is assigned no supervisory responsibilities.

Findings of Fact:

The primary function of your position is to perform various clerical duties including typing.

You perform the following assigned duties and responsibilities:

- Prepare various correspondence and paperwork including verification and penalty letters addressed to plumbers practicing in the state of New Jersey.

- Prepare hearing letters and agenda for the monthly board meeting. Make copies and mail packages to attendees prior to the board meeting. Responsible for scheduling the court reporter, ordering lunches, and entering time sheets in order for board members to be paid.
- Enter complaints into the L2K tracking system. Track and review files to ensure the 120-day complaint resolution law is adhered to.
- Using the ACCESS NJ electronic system, compile information regarding complaints and any additional information needed to be reviewed for board meeting agenda.
- Answer phone calls regarding complaints, licensing, and general inquires. Responsible for opening and distributing mail, making copies, and maintaining files.

Review and Analysis:

A comparative review of the job specifications for various titles was conducted to determine the appropriate classification of your position.

Currently your position is classified in the title, Agency Services Representative 1 (09, A08, 56352). The definition section of the job specification for the title, Agency Services Representative 1, states:

“Under the close supervision of a supervisory official in a state department, agency, or institution, provides basic and/or repetitive front-line and behind the scenes customer and other support services involving the review, processing and issuance of agency documents; provides information to customers regarding department/agency programs and services; does other related work as required.”

An incumbent properly classified in this title performs duties and responsibilities primarily focused on public contact in responding to questions and soliciting information for the purpose of issuing documents. The review of the information obtained during the classification process does not support the contention this position performs tasks commensurate with the title, Agency Services Representative 1.

The definition section of the job specification for the title, Administrative Assistant 3 (19, P18, 59903), 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.”

An Administrative Assistant 3 works as a principal assistant on administrative matters. An incumbent may coordinate the collection of data and preparation of administrative and informative reports. An incumbent, in this title, may act as a liaison, assist in budget preparation and initiate personnel actions. The review of the information obtained during the classification process does not support the contention this position performs tasks commensurate with the title, Administrative Assistant 3.

The definition section of the job specification for the title, Senior Clerk Typist (09, A08, 23233), states:

“Under supervision, performs typing and other related clerical work requiring the exercise of independent judgment and a working knowledge of department rules, regulations, and policies, and/or has charge of the work of a small group of clerk typists,

and/or has charge of the designated phase of the typing work of the department; does related work as required."

An incumbent properly classified in this title performs duties and responsibilities primarily focused on clerical work including typing. A review of the job duties and responsibilities revealed your position prepares various letters and notices. Your position is tasked with preparing hearing letters and the agenda for the monthly board meeting. In addition, your position is responsible for entering data into a tracking system, compiling information, and answering routine questions. The duties and responsibilities assigned to your position are consistent with those assigned to the title, Senior Clerk Typist.

Determination:

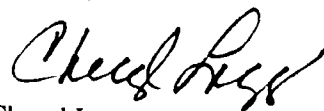
Based upon the findings of fact cited above, it is my determination that the assigned duties and responsibilities performed by this position are consistent with the title, **Senior Clerk Typist (09, A08, 23233)**.

Within thirty days, we will initiate classification procedures to reclassify this position to the title, Senior Clerk Typist, with an effective date of April 19, 2014, unless the Appointing Authority assigns duties commensurate with your permanent title, Agency Services Representative 1. If duties are reassigned and you return to your permanent title, then the Appointing Authority must provide a Position Classification Questionnaire (DPF-44s) and an organization chart documenting the changes.

In addition, in accordance with New Jersey Administrative Code 4A:4-1.5(a)2, the appointing authority must insure that any incumbent appointed to this position meets the requirements established for the title, as indicated in the New Jersey Civil Service Commission job specification in existence at the time of the appointment.

Please be advised that in accordance with *N.J.A.C.* 4A:3-3.9, you may appeal this decision within twenty (20) days of receipt of this letter. This appeal should be addressed to: Written Record Appeals Unit, Division of Appeals and Regulatory Affairs, P.O. Box 312, Trenton, New Jersey 08625-0312. Please note that the submission of an appeal must include a copy of the determination being appealed as well as written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,



Cheryl Legg, Human Resource Consultant
Division of Agency Services

CL/slr
Cc: Mirella Bednar