

B-19



STATE OF NEW JERSEY

In the Matter of Dawn Graeme,  
Department of Military and Veterans  
Affairs

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

Administrative Appeal

CSC Docket No. 2014-2641

ISSUED: OCT 24 2014 (JET)

Dawn Graeme requests enforcement of the attached determination of the Division of Classification and Personnel Management (CPM) which found that her position with the Department of Military and Veterans Affairs is properly classified as Manager 1, Human Resources effective October 5, 2013.

By way of background, when the appellant submitted her request for a classification review, her permanent title was Personnel Assistant 1. The appellant's position is located in the New Jersey Veterans Memorial Home at Menlo Park. The appellant sought a reclassification of her position to Manager 1, Human Resources. In support of her request, the appellant completed a position classification questionnaire (PCQ) detailing the different duties she performed as a Personnel Assistant 1. CPM reviewed and analyzed the PCQ submitted by the appellant and in its March 14, 2014 determination found that the appellant's position should be reclassified as Manager 1, Human Resources effective October 5, 2013. However, the appellant was not provisionally appointed as a Manager 1, Human Resources until May 31, 2014 and there is no evidence that the appointing authority removed the appellant's higher level duties between October 5, 2013 and May 31, 2014.<sup>1</sup>

Additionally, the appellant's experience was reviewed by the Division of Selection Services (Selection Services) as part of a pre-appointment evaluation to

<sup>1</sup> In an April 2, 2014 e-mail, Robert J. Hoyd, Director of Human Resources, indicated that the appellant's duties as a Manager 1, Human Resources, could not be removed.

determine if she possessed the necessary qualifications for Manager 1, Human Resources. It is noted that the requirements for Manager 1, Human Resources are graduation from an accredited college or university with a Bachelor's degree and six years of professional experience in a personnel or human resource management program, three years of which shall have been in a supervisory capacity. It is noted that a Master's degree in Public Administration, Business Administration, Social Work Administration, Personnel Administration, Psychology, or Guidance Counseling can be substituted for one year of non-supervisory experience. Individuals who do not meet the educational requirement are permitted to substitute four years of additional experience as indicated on a year-for-year basis. Since the appellant does not possess a Bachelor's degree, the appellant is required to possess ten years of applicable experience per the substitution clause of experience for education, three years of which in a supervisory capacity. In its determination, Selection Services found that the appellant lacked two months of the required supervisory experience but had three years and three months of out-of-title experience based on her service as a Personnel Assistant 3. Additionally, Selection Services noted that even though the appellant has out-of-title experience, she would meet the requirements for the position as of June 2014.

On appeal, the appellant asserts that the March 14, 2014 classification determination established that the proper classification of her position is Manager 1, Human Resources, with an effective date of October 5, 2013. The appellant adds that while the appointing authority was advised of the proper effective date, she was not appointed as a Manager 1, Human Resources until May 31, 2014. Thus, the appellant requests a retroactive appointment date to October 5, 2013 and to be compensated for the duties she performed as a Manager 1, Human Resources from October 5, 2013 through May 31, 2014. Moreover, the appellant asserts that she would have been found eligible for the Manager 1, Human Resources examination had the appointing authority implemented the proper effective date and she requests acceptance of her out-of-title work as a Personnel Assistant 3 to qualify her for an upcoming examination. In support, she provides documentation from her prior appointing authority, the Department of Corrections, indicating that she performed the required out-of-title duties as a Personnel Assistant 3.

Despite being provided with the opportunity, the appointing authority did not provide a response.

### CONCLUSION

*N.J.A.C.* 4A:3-3.9(f)1 states, in pertinent part, that in State service, when a classification appeal is upheld, the effective date of implementation shall be the pay period immediately after 14 days from the date this agency received the appeal or reclassification request, or at such earlier date as directed by this agency. *N.J.A.C.* 4A:3-3.5(c)1 states that within 30 days of receipt of the classification determination,

the appointing authority shall either effect the required change in the classification of an employee's position, assign duties and responsibilities commensurate with the employee's current title, or reassign the employee duties and responsibilities to which the employee has permanent rights.

In this matter, CPM found that the appellant's position would be properly classified as Manager 1, Human Resources effective October 5, 2013. However, the appointing authority did not provisionally appoint the appellant to Manager 1, Human Resources until May 31, 2014. Moreover, there is no evidence that the appointing authority removed the duties the appellant was performing as a Manager 1, Human Resources after it received CPM's determination. Therefore, the appellant should be provisionally appointed as Manager 1, Human Resources effective October 5, 2013. *See N.J.A.C. 4A:3-3.9(f)1.* Additionally, the appellant is entitled to differential back pay from October 5, 2013 through May 31, 2014.

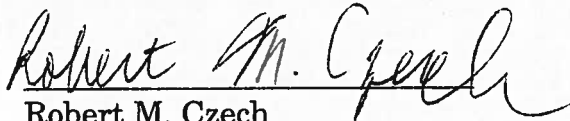
With respect to her request to accept her out-of-title supervisory experience as a Personnel Assistant 3, Selection Services indicated in its determination that she would meet the requirements for Manager 1, Human Resources in June 2014. Therefore, this issue is moot as a promotional examination has not yet been announced for the position and it appears that she would now be admitted to a future promotional examination based on her in-title experience.

### ORDER

Therefore, it is ordered that this appeal be granted in part and Dawn Graeme be provisionally appointed pending promotional examination procedures as Manager 1, Human Resources effective October 5, 2013 and she be awarded differential back pay.

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 22<sup>nd</sup> DAY OF OCTOBER, 2014



Robert M. Czech  
Chairperson  
Civil Service Commission

**Inquiries  
and  
Correspondence**

**Henry Maurer  
Director  
Division of Appeals  
& Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312**

**Attachment**

**c: Dawn Graeme  
Robert J. Hoyd  
Kenneth Connolly  
Joseph Gambino**



Case # H01K 21 6014

STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
DIVISION OF CLASSIFICATION AND PERSONNEL MANAGEMENT  
P. O. Box 313  
Trenton, New Jersey 08625-0313

Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

Robert M. Czech  
Chair/Chief Executive Officer

March 14, 2014

Ms. Dawn Graeme  
Department of Military and Veterans Affairs  
New Jersey Veterans Memorial Home at Menlo Park  
P.O. Box 3013  
132 Evergreen Road  
Edison, New Jersey 08818-3013

**Re: Classification Appeal, Personnel Assistant 1  
Position # 024617, CPM Log #09130088, EID# 000323973**

Dear Ms. Graeme:

This is in response to the classification appeal dated September 11, 2013, submitted to this office on your behalf by Cindy L. Leese, Human Resources Manager. The package indicates that you are appealing your current permanent title of Personnel Assistant 1 (Y28-63255) and that you believe the appropriate classification of your position is the title, Manager 1, Human Resources (V30-56863). Your position is located in the New Jersey Veterans Memorial Home at Menlo Park.

This office has conducted a review of the submitted information, including the Position Classification Questionnaire (DPF-44S); organization chart; your statements; and the statements of your immediate supervisor, Program Manager or Division Director. Based on the written record and that the aforementioned parties are in agreement with the stated duties, it is our determination that the appropriate classification of your position is Manager 1, Human Resources (V30-56863). This action shall be effective October 5, 2013.

This classification determination does not imply that you will meet the eligibility requirements of the title. It is the responsibility of the appointing authority to ensure that an incumbent meets the eligibility requirements prior to any appointment.

The New Jersey Administrative Code 4A:3-3.5(c)1 states that "within 30 days of receipt of the reclassification determination, unless extended by the [Commission]

Ms. Dawn Graeme

March 14, 2014

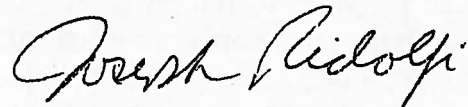
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in a particular case for good cause, the appointing authority shall either effect the required change in the classification of an employee's position; assign duties and responsibilities commensurate with the employee's current title; or reassign the employee to the duties and responsibilities to which the employee has permanent rights. Any change in the classification of a permanent employee's position, whether promotional, demotional or lateral, shall be effected in accordance with all applicable rules."

Within 30 days of receipt of this letter, we will implement reclassification procedures to reclassify this position to the title Manager 1, Human Resources (56863-V30) unless we are advised by the appointing authority that out of title duties and responsibilities commensurate with your current title will be reassigned.

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. The appeal should be addressed to the Written Records 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 of 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,



Joseph Ridolfi, Team Leader  
Classification and Personnel Management

JR/ts

c: Mr. Robert Hoyd  
PMIS Unit, CSC