

(PCQ) to reflect the specifics of each of her required job duties. Her revised PCQ includes reference to several technical systems (TAXREG/Business Registration, Commercial Recording and Taxation) utilized in her daily duties. She states that she and her unit must update the TAXREG system by adding or adjusting information in an individual business' file on a regular basis to ensure businesses have all the necessary eligibilities and meet the requirements to do business in New Jersey. She explains that processing a business registration is not identical to processing an application, as she needs knowledge of the State rules and regulations, policies and procedures and eligibility requirements for business registrations. The addition of sales, corporate business taxes and payroll all have to meet certain criteria before she or her unit can add, adjust or update them in the TAXREG system. She states that she receives phone calls, e-mails and correspondence on a regular basis that require her to review files, monitor changes and process specific detailed actions that allow businesses to meet the State's requirements for filing taxes, annual corporate reports, and payroll. Her unit assists Taxation, Labor and Commercial Recording in monitoring and updating files in the required systems to ensure a business is following all the rules and regulations required by the State of New Jersey.

Lastly, she states that due to changes in the organization, the previous supervisor of this unit held the title of Program Technician when she replaced her more than four years ago. Therefore, during these years she has been doing the same job, but as a Technical Assistant 1. Since the beginning of this assignment, the Division has become much larger, and the unit which she supervises took on additional and much more complex responsibilities. Additionally, as employees leave the unit, they are not replaced and the unit must absorb those duties and responsibilities.

CONCLUSION

The definition section of the job specification for the title Technical Assistant 1, Treasury states:

Under the direction of a supervisory official in the Department of the Treasury, performs the technical work involved in reviewing and verifying data from forms, claims, applicants, returns, assessments, proposals, computer generated files, and error listings, to determine the completeness and accuracy of complicated and/or irregular eligibility, award and liability determinations and calculations; may recommend appropriate follow-up action, supervises the work of subordinate paraprofessional and/or clerical employees; does other related duties.

The definition section of the job specification for Program Technician states:

Under the direction of a supervisor in a State department or agency, has charge of staff assigned to a specific work program or technical unit responsible for reviewing, monitoring and processing specific actions requiring the application of rules, regulations, policies, and/or procedures; does related work.

The job specification for Program Technician has a note which indicates that this title is to be used in a major technical program outside of personnel and other program units involved in the internal administration of the agency. Based upon a thorough review of the information presented in the record, it is clear that the appellant's position is properly classified as Technical Assistant 1, Treasury. 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. 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).

Typically, classification determinations list those duties which are considered to be the *primary focus* of the appellant's duties and responsibilities that are performed on a regular, recurring basis. See *In the Matter of David Baldasari* (Commissioner of Personnel, decided August 22, 2006). In the instant matter, the appellant is the supervisor of the employees of the S Corporation, Internet Registration, Paper Registration and Electronic Funds Units within the Bureau of Registry and Collections Services. She indicated on her original PCQ that for 60% of the time she oversees these employees, performing such duties as enforcing policies and guidelines, developing procedures and providing suggestions to management on handling assignments, training, reviewing workloads and prioritizing work, reassigning work and adjusting staffing, completing performance assessment reviews, spot checking work, reporting irregularities and problems with solutions, maintaining calendars and timesheets, reviewing production quotas, providing backup supervision to the customer service call center, and accessing various systems to complete customer transactions. She stated that for 30% of her time she acts as a liaison, assists walk-in customers with business registration and other interactions, responds to correspondence and referrals, responds to inquiries, resolves escalated problems, and ensures accuracy of money remitted. For 10% of the time, she indicated that she compiles and verifies information for management reports, gathers figures and statistics, and maintains records and files.

On appeal, the appellant provided a revised PCQ which indicated that for 50% of her time, she performs daily supervision of employees, and she assigns approximately 400 business registrations a day; verifies and ensures businesses

have followed the necessary requirements to be registered as a business with the State of New Jersey; supervises and assists in the input of the registrations into the TAXREG system ensuring all necessary eligibilities are added and allowed for the type of business opened; informs businesses of discrepancies and corrects these in the system; verifies if the business is a corporation or LLC, that it has filed corporate papers with the office of Commercial Recording/Public Records, and if not, assigns them as unauthorized in the TAXREG system; informs businesses that they will need to file with Public Records in order to bring them into compliance with the State's rules and regulations; adjusts the business' status in the TAXREG system; updates, changes, adjusts or adds information to the TAXREG system; informs businesses of proper procedures, forms, and/or agencies to speak with to change the status of their business and monitors accounts to determine whether to adjust the necessary information in the accounts; adjusts payroll and/or sales eligibilities and closes old accounts; processes adjustments to ensure that businesses are properly updated and do not receive delinquency notices; assists with issues and/or problems with processing and instructs employees; ensures that businesses receive a Business Registration Certificate (BRC) and/or the required Certificate of Authority; reviews files, informs businesses of issues, and reinstates businesses in the TAXREG system.

For 20% of her time, the appellant acts as liaison to add, adjust or update payroll and other information in a business' file in the TAXREG system: interacts with various programs on the mainframe menu in the TAXREG system to make adjustments to information; assists walk-in customers with business registration and other interactions: utilizes Microsoft Offices, facsimile machines, adding machines, copiers, etc.; prepares correspondence, call center referrals and customer inquiries for the Bureau Chief's signature; responds to inquiries received and assists business owners via e-mail or phone on all business registration issues and updating the business' file; and ensures businesses submit the proper information. For 10% of her time, the appellant states that she receives e-mail and phone calls to adjust or add eligibilities to the registration file within the TAXREG system and ensures that these are processed, and adjusts the TAXREG file to match the Commercial Recording files. For another 10% of the time, she requires a daily production report from each employee; completes or ensures completion of technical information from these reports are added to the Business Registration folder for management's use; gathers figures and statistics from various reports and resources; maintains records and files; completes spot checks of employees' work; and reviews workloads, prioritizes and reassigns work, and adjusts staffing to meet production goals; keeps backlogs at a minimum; and trains staff. For 5% of her time, the appellant ensures policies and guidelines are followed; gathers current information, provides updates, additions, deletions and changes to staff members; assists with and develops procedures or provides suggestions to management on the handling of assignments; reports irregularities, problems and solutions; maintains attendance, calendars and the eCATS program; ensures staffing levels are

adequate; completes assessment reviews and reviews production quotas and expectations with staff. For the remaining 5% of the time, she provides back-up supervision to the Customer Service Call Center, and accesses various systems (TAXREG, Commercial Recording, Taxation) to complete the customer transactions.

The appellant's revised PCQ is not dissimilar to her first PCQ, although it adds a level of detail regarding her use of data processing systems and reallocates the amount of time spent on each duty. The changes that the appellant provides on her revised PCQ clarify her duties, but do not describe substantive changes which justify a reclassification of the position to Program Technician. The appellant's duties compare favorably with the duties of a Technical Assistant 1, Treasury, namely, that she performs the technical work involved in reviewing and verifying data from forms, claims, applicants, returns, assessments, proposals, computer generated files, and error listings, to determine the completeness and accuracy of complicated and/or irregular determinations and calculations; recommends appropriate follow-up action, and supervises the work of subordinate paraprofessional and/or clerical employees. A Program Technician works in a specific program or technical unit which is responsible for reviewing, monitoring and processing specific actions. While the two sound similar, there are differences which merit the existence of each title. The Program Technician was developed for employees assigned to a specific program or technical unit, such as a program fulfilling the requirements of the Open Public Records Act, or one requiring monitoring and processing of specific actions requiring the application of rules, regulations, policies or procedures. A program in State government is generally considered to involve a unit responsible for performing projects and activities which are necessary to carry out a purpose or goal set forth in regulations or by law, focusing on a definite activity, providing a service to a specific third party, and generally requiring allocated funding. The appellant's work is within the Bureau of Registry and Collection Services, which provides services to the business community, taxpayers and State government, regarding return and payment processing, revenue recording, business registration and commercial information access, non-tax debt collection, electronic government, and electronic imaging and storage. This is a broad function of government, which cannot be considered to be a specific program or technical unit.

In addition, the appellant's work with business registrations and files is better described by the definition of Technical Assistant 1, Treasury. Moreover, the examples of work in the Technical Assistant 1, Treasury job specification more closely match the duties of the position than those in the Program Technician job specification, and are specific to the forms and documents used in the Department of Treasury. Based on a review of all materials in the record, including the PCQ and the materials submitted on appeal, it is evident that the duties of the appellant's position are best described by the Technical Assistant 1, Treasury title.

As to the type of classification review, classification reviews are typically conducted either by a paper review, based on the duties questionnaire completed by the employee and supervisor; an on-site audit with the employee and supervisor; or a formal telephone audit to obtain clarifying information. See *In the Matter of Richard Cook* (Commissioner of Personnel, decided August 22, 2006). The chosen method in this case was a paper review, which is a valid method of collecting information about a position and is not by any means considered to be inadequate or improper. The appellant's dissatisfaction with the method of classification review is not a reason to conclude that the audit results were inaccurate.

With regard to appellant's statement that the prior incumbent of the position had the Program Technician title, it is noted that 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); *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). Further, it cannot be substantiated that that individual performed the same duties as the appellant. In this regard, the classification of a position is determined based on the duties and responsibilities currently assigned to a position. Duties performed in the past, or expected to be performed in the future are not considered. Also, volume of work has 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).

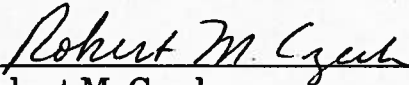
A thorough review of the information presented in the record establishes that Janet Malkin's position is properly classified as Technical Assistant 1, Treasury and she has not presented a sufficient basis to establish that her position is improperly classified.

ORDER

Therefore, it is ordered that this appeal be denied.

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 22nd DAY OF OCTOBER, 2014**


Robert M. Czech
Chairperson
Civil Service Commission

**Inquiries
and
Correspondence**

**Henry Maurer
Director
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Attachment

**c: Janet Malkin
Douglas Ianni
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Joseph Gambino**



Chris Christie
Governor
Kim Guadagno
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Robert M. Czech
Chair/Chief Executive Officer

June 26, 2014

Ms. Janet Malkin
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PO Box 628
Trenton, New Jersey 08625-0628

**RE: Classification Appeal – Technical Assistant 1, Treasury
CPM Log #02140403, EIN #000319178, Position #058674**

Dear Ms. Malkin:

This is to inform you, and the Department of the Treasury, of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information and documentation submitted.

Issue:

You are appealing that your title of Technical Assistant 1, Treasury (R17) is not consistent your current assigned duties and responsibilities. You contend that the title Program Technician (R20) is consistent with the duties that you currently perform.

Organization:

According to the organizational chart that was submitted, your position is located in the Division of Revenue and Enterprise Services Administration. You report directly to Olympia Esposito, Supervisor Information Recording & Control Treasury (S25), and have supervisory responsibility for the following: six (6) positions of Technical Assistant 2, Treasury, five (5) positions of Technical Assistant 3 and one (1) position of Intermittent Technical Assistant 3.

Finding of Fact:

The primary responsibilities of your position include, but are not limited to the following:

- Supervising staff of the S-Corporation, Internet Registration, and Paper Registration component within Registry and Collection Services.
- Responding to inquiries (via e-mail; written correspondence; phone calls, etc.) received from customers, Salesforce, and/or other agencies.
- Training and assisting subordinates in core services and/or functions performed by the S-Corporation, Internet Registration, and Paper Registration component.
- Ensuring the accuracy of money sent in by taxpayers regarding the company's retro S-Corp election and/or determining eligibility.
- Assisting walk-in customers with business registration and/or other interactions between the public and the State.
- Preparing monthly and/or special reports.

Review and Analysis:

In reviewing your request, various titles were examined in relation to the overall duties being performed by your position to determine the appropriate classification for the tasks described by you and your supervisor.

Your position is currently classified by the title Technical Assistant 1, Treasury (R17-51634). The definition section of the job specification for this title states:

“Under the direction of a supervisory official in the Department of the Treasury, performs the technical work involved in reviewing and verifying data from forms, claims, applications, returns, assessments, proposals, computer generated files, and error listings, to determine the completeness and accuracy of complicated and/or irregular eligibility, award, and liability determinations and calculations; may recommend appropriate follow-up action, supervises the work of subordinate para-professional and/or clerical employees; does other related duties.”

You contend that the title Program Technician (R20-10258) is an appropriate title for your position. The definition section of the job specification for Program Technician (R20-10258) states:

“Under the direction of a supervisor in a state department or agency, has charge of staff assigned to a specific work program or technical unit responsible for reviewing, monitoring and processing specific

Ms. Janet Malkin

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actions requiring the application of rules, regulations, policies, and/or procedures; does related work."

A review of your primary job duties and responsibilities finds that this position is primarily responsible for: supervising staff of the S-Corporation, Internet Registration, and Paper Registration component within Registry and Collection Services; responding to inquiries (via e-mail; written correspondence; phone calls, etc.) received from customers, Salesforce, and/or other agencies; and ensuring the accuracy of money sent in by taxpayers regarding the company's retro S-Corp election and/or determining eligibility.

The Program Technician is used to classify those having responsibility for a staff assigned to a specific work program or technical unit responsible for reviewing, monitoring and processing specific actions requiring the application of rules, regulations, polices, and/or procedures. This title is intended to be used in program units involved in the internal administration of the agency.


The assigned duties and responsibilities that you perform are consistent with established standards for incumbents functioning in the title Technical Assistant 1, Treasury (R17-51634).

Determination:

Based upon the findings of fact above, it is my determination that the assigned duties and responsibilities of your position are properly classified by your permanent title Technical Assistant 1, Treasury (R17-51634).

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 Records Appeals Unit, Division of Appeals and Regulatory Affairs, PO 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 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/rmd

c: Ms. Laura Budzinski, Department of the Treasury