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**STATE OF NEW JERSEY**

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

In the Matter of Cynthia Mason,  
Department of the Treasury

Classification Appeal

CSC Docket No. 2014-1762

ISSUED: **OCT 22 2014** (HS)

Cynthia Mason appeals the attached decision of the Division of Classification and Personnel Management (CPM), which found that her position with the Department of the Treasury is properly classified as an Intermittent Clerk Treasury. She seeks a Senior Clerk job classification in this proceeding.

The appellant received a regular appointment to the title of Intermittent Clerk Treasury on April 12, 2004. In August 2013, the appellant requested a classification review of her position located in the Division of Revenue and Enterprise Services, Remittance Revenue Processing. CPM received the request and performed a review of all information submitted by the appellant and her immediate supervisor. CPM's review found that the appellant's primary responsibilities include the following: prepping, sorting and transporting checks and wrap sheets with the appropriate taxes to be distributed for bank deposits; calculating the total from the master; writing deposit slips for the batches in accordance with the master and ensuring that these batches are picked up by the courier; verifying interface deposits daily to laser reports and deposits accepted in the New Jersey Comprehensive Financial System; compiling and tabulating data in an orderly fashion; keeping reports organized and up to date in Excel; and completing the appropriate information needed for New Jersey Lawyer Funds to be deposited and packaging the necessary paperwork together for further processing. CPM also noted that the appellant's position is responsible for various clerical duties such as answering phone calls, filing letters and checks, stamping letters and papers and preparing packages for distribution and shipment. Based on the foregoing, CPM found that the appellant's assigned duties and responsibilities were

commensurate with the title of Intermittent Clerk Treasury, the title she currently holds.

On appeal, the appellant contends that the duties she performs are aligned with the Senior Clerk title. She notes that although she does not instruct individuals in the work of a clerical unit, she performs clerical work involving the exercise of independent judgment and containing a relatively large proportion of difficult tasks as well as other related duties as required. She states that she has served in the intermittent title for 10 years, works 50 weeks in the year, and qualifies for a "permanent" position. Additionally, she states that she would accept the Clerk title. Finally, she notes that no one called or visited her workplace to complete the audit.

In response, CPM initially states that, as a result of an administrative error, it initially issued the appellant a determination on December 10, 2013 finding her position to be properly classified as a Clerk.<sup>1</sup> CPM subsequently issued a corrected determination dated December 17, 2013. CPM argues that since the appellant is an intermittent employee and not employed on a full-time basis, there is no vehicle to allow elevation to a higher level title at this time. CPM further states that the appellant's employment status is at the discretion of the Department of the Treasury.

The appellant's history of furloughs and recalls from furlough, based on Department of the Treasury records, is indicated in the following table:

<b>Recalled</b>	<b>Furloughed</b>
January 2, 2014	
January 7, 2013	December 21, 2013
January 3, 2012	December 22, 2012
January 3, 2011	December 17, 2011
January 4, 2010	December 18, 2010
November 30, 2009	December 23, 2009
January 6, 2009	November 21, 2009
January 2, 2008	December 20, 2008
January 29, 2007	December 22, 2007
February 21, 2006	January 13, 2007
December 5, 2005	February 4, 2006
September 12, 2005	November 19, 2005
July 25, 2005	September 1, 2005
March 7, 2005	July 7, 2005
November 29, 2004	February 19, 2005
September 20, 2004	November 6, 2004
April 12, 2004	August 28, 2004

<sup>1</sup> The December 10, 2013 determination, also attached, indicated that the appellant's position would be properly classified by the Clerk title with an effective date of September 7, 2013.

## CONCLUSION

The definition section of the job specification for Intermittent Clerk Treasury states:

Under immediate supervision in a position requiring irregular work schedules either on a daily or seasonal basis which cannot meet the criteria for full-time or part-time positions, performs routine, repetitive clerical work of a varied nature as a beginner at the entrance level of employment which includes a relatively small proportion of difficult tasks; does other related duties as required.

The definition section of the job specification for Clerk states:

Under immediate supervision, performs routine, repetitive clerical work of a varied nature as a beginner at the entrance level of employment which includes a relatively small proportion of difficult tasks; does other related duties as required.

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

Under direction of a supervisory official, does clerical work involving the exercise of independent judgment and containing a relatively large proportion of difficult tasks, and/or instructs individuals in the work of a clerical unit; does other related duties as required.

*N.J.A.C. 4A:3-3.8(a)* provides, in pertinent part, that in State service, the designation "intermittent" shall be used for those titles in the career service where work responsibilities are characterized by unpredictable work schedules and which do not meet the normal criteria for regular, year-round, full-time or part-time assignments. State employees who hold full-time primary employment in State service are not eligible to serve in an intermittent title. *N.J.A.C. 4A:3-3.8(b)* provides that in State service, employees may be subject to furlough when due to managerial needs, the employee cannot be scheduled for work within the next week. *N.J.A.C. 4A:3-3.8(b)3* provides for the manner in which recall from furlough shall be made and provides that employees who hold full-time primary employment in State service are exempt from the recall provision.

*N.J.A.C. 4A:3-3.8(c)* provides that records for intermittent employees, including hours worked, recall lists, telephone contact lists and benefit time accumulation, shall be maintained by the appointing authority in a manner acceptable to, and subject to audit by, this agency. If this agency's audit of a title demonstrates that the intermittent designation is inappropriate, this agency shall convert the title to a regular, year-round, full-time or part-time career service title. An incumbent in the converted title shall receive a provisional appointment to the title, subject to competitive testing and certification procedures. See *N.J.A.C. 4A:4*.

In the instant matter, the record evidences that an "intermittent" designation for the appellant's position is inappropriate. In this regard, the appellant's work history indicates that the appellant, since she was hired, has worked for most of each year of her employment. None of the appellant's furloughs lasted more than three weeks and most lasted two weeks. In each year since 2010, the appellant has been furloughed at approximately the same time in late December and has then been recalled at approximately the same time in early January of the following year. Given the amount of time the appellant works in the year and the apparent predictability of the timing and length of her furloughs, her position does not fit the definition of an "intermittent" title.

Regarding her duties, the appellant argues on appeal that she performs clerical work involving the exercise of independent judgment and containing a relatively large proportion of difficult tasks. Nevertheless, this description merely repeats language from the definition section of the job specification for Senior Clerk and is thus insufficient to dispute CPM's findings regarding the appellant's actual duties. A review of these duties does not indicate that they contain a relatively large proportion of difficult tasks. Rather, the duties appear to be clerical duties of a routine nature that would be properly performed by an incumbent in the Clerk title, and the appellant has not shown otherwise.

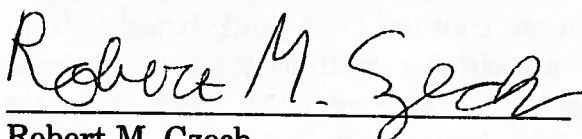
Accordingly, since the record establishes that the appellant's position performs duties consistent with the Clerk title and that an "intermittent" designation is inappropriate, a sufficient basis exists to warrant a Clerk classification of the appellant's position.

### ORDER

Therefore, it is ordered that the position of Cynthia Mason be reclassified to Clerk with an effective date of September 7, 2013, the effective date indicated in CPM's determination issued December 10, 2013.

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 and  
Regulatory Affairs  
Written Record Appeals Unit  
Civil Service Commission  
P.O. Box 312  
Trenton, NJ 08625-0312**

**Attachments**

- c. Cynthia Mason  
Douglas Ianni  
Kenneth Connolly  
Joseph Gambino**



Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
DIVISION OF CLASSIFICATION AND PERSONNEL MANAGEMENT  
P. O. Box 314  
Trenton, New Jersey 08625-0314

Robert M. Czech  
Chair/Chief Executive Officer

December 17, 2013

**"CORRECTED LETTER"**

Ms. Cynthia Mason  
Department of Treasury  
Division of Revenue and Enterprise Services  
160 South Broad  
Trenton, New Jersey 08646-0303

**RE: Classification Appeal – Intermittent Clerk, Treasury  
CPM Log# 08130250, EIN# [REDACTED] Position# 637313**

Dear Ms. Mason:

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 by you and your immediate supervisor, Shirley Williams on August 19, 2013

**ISSUE:**

You are appealing your title of Intermittent Clerk, Treasury (A04-20046C) is not consistent with your current assigned duties and responsibilities. You contend that the title Senior Clerk (A08-20043) is consistent with the duties that you currently perform

**ORGANIZATION AND STRUCTURE:**

According to the organizational chart that was submitted, you are assigned to the Division of Revenue and Enterprise Services, Remittance Revenue Processing. You currently report directly to Shirley William, Supervisor Information Record and Control (S25). Your position does not contain supervisory duties.

**FINDINGS OF FACT:**

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

- Prep, sort, transport checks and wrap sheets with the appropriate taxes to be distributed for bank deposits.
- Calculate the total from the master; write deposit slips for the batches in accordance with the master. Ensure that these batches are picked up by the courier.
- Verify interface deposit daily to laser report and deposits accepted in NJCFS.
- Compile and tabulate data in an orderly fashion, keep reports organized and up to date in Excel spreadsheet
- Complete the appropriate information needed for NJ Lawyer Funds to be deposited, as well as package the necessary paperwork together for further processing

**REVIEW AND ANALYSIS:**

Your position is currently classified by the title of Intermittent Clerk, Treasury (A04-20046C). The definition section of the job specification definition states:

“Under immediate supervision in a position requiring irregular work schedules either on a daily or seasonal basis which cannot meet the criteria for full-time or part-time positions, performs routine, repetitive clerical work of a varied nature as a beginner at the entrance level of employment which includes a relatively small proportion of difficult tasks; does other related duties as required.”

An Intermittent Clerk, Treasury is responsible for reviewing and checking reports for completeness at the basic level. This position is tasked with performing various clerical duties such as, answering phone calls, filing letters and checks, stamping letters and papers as well prepare packages ready for distribution and shipment containing a relatively small proportion of difficult tasks. Additionally, this position is responsible for locating and compiling data needed for reports.

Cynthia Mason  
December 17, 2013  
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You contend that the title of Senior Clerk (A08-20043) is an appropriate title for your position. The definition section of the job specification definition for this title states:

“Under direction of a supervisory official, does clerical work involving the exercise of independent judgment and containing a relatively large proportion of difficult tasks, and/or instructs individuals in the work of a clerical unit; does other related duties as required.”

An employee properly classified in the title of Senior Clerk is responsible performing clerical work containing a relatively large proportion of difficult tasks. Incumbents typically perform duties such as preparing schedules and requisitions, reviewing documents for completeness, and composing answers to routine letters involving the exercise of independent judgment.

The preponderance of assigned duties and responsibilities of your position significantly descriptive of the tasks assigned to the title of Intermittent Clerk, Treasury (A04-20046C).

**DETERMINATION:**

Based upon the findings of fact above, it is my determination that the assigned duties and responsibilities of your position would be properly classified by the title Intermittent Clerk, Treasury (A04-20046C). Therefore, the classification of this position will remain unchanged.

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 Commissioner 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 application rules.

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, 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



Cynthia Mason  
December 17, 2013  
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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

do

C: Laura Budzinski, Treasury Human Resources



Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
DIVISION OF CLASSIFICATION AND PERSONNEL MANAGEMENT  
P. O. Box 314  
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Robert M. Czech  
Chair/Chief Executive Officer

December 10, 2013

Ms. Cynthia Mason  
Department of Treasury  
Division of Revenue and Enterprise Services  
160 South Broad  
Trenton, New Jersey 08646-0303

**RE: Classification Appeal – Intermittent Clerk, Treasury  
CPM Log# 08130250, EIN# [REDACTED], Position# 637313**

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**ISSUE:**

You are appealing your title of Intermittent Clerk, Treasury (A04-20046C) is not consistent with your current assigned duties and responsibilities. You contend that the title Senior Clerk (A08-20043) is consistent with the duties that you currently perform

**ORGANIZATION AND STRUCTURE:**

According to the organizational chart that was submitted, you are assigned to the Division of Revenue and Enterprise Services, Remittance Revenue Processing. You currently report directly to Shirley William, Supervisor Information Record and Control (S25). Your position does not contain supervisory duties.

**FINDINGS OF FACT:**

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

- Prep, sort, transport checks and wrap sheets with the appropriate taxes to be distributed for bank deposits.
- Calculate the total from the master; write deposit slips for the batches in accordance with the master. Ensure that these batches are picked up by the courier.
- Verify interface deposit daily to laser report and deposits accepted in NJCFS.
- Compile and tabulate data in an orderly fashion, keep reports organized and up to date in Excel spreadsheet
- Complete the appropriate information needed for NJ Lawyer Funds to be deposited, as well as package the necessary paperwork together for further processing

**REVIEW AND ANALYSIS:**

Your position is currently classified by the title of Intermittent Clerk, Treasury (A04-20046C). The definition section of the job specification definition states:

“Under immediate supervision in a position requiring irregular work schedules either on a daily or seasonal basis which cannot meet the criteria for full-time or part-time positions, performs routine, repetitive clerical work of a varied nature as a beginner at the entrance level of employment which includes a relatively small proportion of difficult tasks; does other related duties as required.”

An Intermittent Clerk, Treasury is responsible for reviewing and checking reports for completeness at the basic level. This position is tasked with performing various clerical duties such as, answering phone calls, filing letters and checks, stamping letters and papers as well prepare packages ready for distribution and shipment containing a relatively small proportion of difficult tasks. Additionally, this position is responsible for locating and compiling data needed for reports.

Cynthia Mason  
December 10, 2013  
Page 3

You contend that the title of Senior Clerk (A08-20043) is an appropriate title for your position. The definition section of the job specification definition for this title states:

“Under direction of a supervisory official, does clerical work involving the exercise of independent judgment and containing a relatively large proportion of difficult tasks, and/or instructs individuals in the work of a clerical unit; does other related duties as required.”

An employee properly classified in the title of Senior Clerk is responsible performing clerical work containing a relatively large proportion of difficult tasks. Incumbents typically perform duties such as preparing schedules and requisitions, reviewing documents for completeness, and composing answers to routine letters involving the exercise of independent judgment.

The job specification definition of the title, Clerk (A05-20042) states:

“Under immediate supervision, performs routine, repetitive clerical work of a varied nature as a beginner at the entrance level of employment which includes a relatively small proportion of difficult tasks; does other related duties as required.”

Incumbents classified in the title of Clerk are responsible for various clerical tasks including compiling, sorting, filing, and preparing checks and/or documents containing a relatively small portion of difficult tasks. A review of the job duties and responsibilities finds that this position is responsible for general clerical duties including preparing batches are packaged for pickup. This position also requires the compiling of forms and data and the maintenance of mailing records and files.

The preponderance of assigned duties and responsibilities of your position significantly descriptive of the tasks assigned to the title of Clerk (A05-20042).

**DETERMINATION:**

Based upon the findings of fact above, it is my determination that the assigned duties and responsibilities of your position would be properly classified by the title Clerk (A05-20042) effective September 7, 2013.

The Civil Service Commission will work with the Department of the Treasury to effectuate this transaction.

Cynthia Mason  
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Please be aware that an incumbent's eligibility in meeting specification requirements is not the same as properly classifying the duties of a position. It is the responsibility of the Appointing Authority to ensure an incumbent meets the eligibility requirements prior to any appointment to the title.

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 Commissioner 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 application rules.

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, 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,

Joseph Ridolfi, Team Leader  
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C: Laura Budzinski, Treasury Human Resources  
PMIS Unit, CSC

