



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Joseph Harrington,
Department of Labor and Workforce
Development

CSC Docket No. 2014-959

Classification Appeal

ISSUED: **SEP 19 2014** (CAG)

Joseph Harrington appeals the attached decision of the Division of Classification and Personnel Management (CPM) that the proper classification of his position with the Department of Labor and Workforce Development was Field Representative, Wage and Hour Compliance.¹ The appellant sought a Senior Field Representative, Wage and Hour Compliance, classification.

The record in the present matter establishes that at the time the appellant requested a classification review, his permanent title was Field Representative, Wage and Hour Compliance. The appellant's position was assigned to the Division of Wage and Hour Compliance, and he reported to Joseph Sgro, a District Supervisor, Wage and Hour Compliance. The appellant did not supervise any staff members. The appellant sought a reclassification of his position, contending that he was performing the duties of a Senior Field Representative, Wage and Hour Compliance. In support of his request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties he performed as a Field Representative, Wage and Hour Compliance. As a result, CPM performed a classification review including an analysis of the submitted PCQ and related documents. The audit review found that Mr. Harrington's assigned duties and responsibilities, as detailed in CPM's attached decision, were commensurate with

¹ A promotional examination was announced for the title of Senior Field Representative, Wage and Hour Compliance (PS9858N), with a closing date of April 21, 2012. There were 11 appointments made effective July 13, 2013 from the first certification issued on April 24, 2013. Mr. Harrington ranked number 14 of the 17 eligibles on the eligible list and was permanently appointed to the subject title effective April 19, 2014, when five appointments were made from the second certification issued on February 19, 2014.

the title of Field Representative, Wage and Hour Compliance, the title that he held at the time of the classification review.

On appeal, the appellant argues that he was promoted [provisionally] to the title of Senior Field Representative, Wage and Hour Compliance, effective April 9, 2011 based on the same criteria that is presently in place. He states that he held the Senior Field Representative, Wage and Hour Compliance, title until about August, 2013,² for over two years. He also argues that, prior to that time and at the time of the classification audit, he performed the duties and responsibilities of a Senior Field Representative, Wage and Hour Compliance. Specifically, he argues that he took over the lead during the surveillance of establishments and jobsites, completed complex/priority assignments, and trained and mentored other staff members. In addition, he argues that, "[T]he Management Team in my 'Misclassification Unit' made sure, during the (over) the [sic] past years, that I did fulfilled (sic) all the duties and responsibilities required of a Senior Field Representative Wage & Hour Compliance. The above information can corroborate [sic] or refuted by the "Management Team" including Director Gaines, Chief Hickey and Supervisor Sgro." The appellant requests that his appeal be considered and that he be reinstated to his former position of Senior Field Representative, Wage and Hour Compliance.

CONCLUSION

The definition section of the job specification for Field Representative, Wage and Hour Compliance states:

Under supervision of a Senior Field Representative, Wage and Hour Compliance or a District Supervisor, Office of Wage and Hour Compliance, in the Division of Workplace Standards, Department of Labor and Workforce Development, does the field and office work involved to conduct investigations and prepares reports in connection with administration of the sections of the public statutes for which the bureau is responsible; does other related duties.

The definition section of the job specification for Senior Field Representative, Wage and Hour Compliance states:

Under the supervision of a District Supervisor or other supervisory officer, Division of Wage and Hour Compliance, Department of Labor and Workforce Development, does the field and office work involved in making the more complex and difficult investigations and preparing

² Mr. Harrington was provisionally appointed to the subject title effective April 9, 2011. He was returned to his permanent title effective July 13, 2013, when 11 appointments were made from the first certification for Senior Field Representative, Wage and Hour Compliance (PS9858N).

legal and other reports concerned with observance and administration of those parts of the public law for which the office is responsible; represents the office in legal matters involving the enforcement of the applicable laws; does related work as required.

Based on the information presented in the record, it is clear that the appellant's position was properly classified as a Field Representative, Wage and Hour Compliance. Although appellant argues that, at the time of the classification audit, he performed the duties and responsibilities of a Senior Field Representative, Wage and Hour Compliance, CPM's determination was based on the PCQ and related documents submitted. Additionally, although the appellant may have performed some of the duties included in the job specification for Senior Field Representative, Wage and Hour Compliance, 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. For purposes of determining the appropriate level within a given class, and for overall job specification purposes, the definition portion of the job specification is appropriately utilized. Therefore, the appellant's position was properly classified as Field Representative, Wage and Hour Compliance.

ORDER

Therefore, the Civil Service Commission concludes that the position of Joseph Harrington was properly classified as a Field Representative, Wage and Hour Compliance.

This is the final administrative determination in this matter. Any further review is to be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 17TH DAY OF SEPTEMBER 2014


Robert M. Czech
Chairperson
Civil Service Commission

**Inquiries
and
Correspondence**

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

Attachment

**c: Joseph Harrington
Mary Fitzgerald
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 313
Trenton, New Jersey 08625-0313

Robert M. Czech
Chair/Chief Executive Officer

September 9, 2013

Joseph Harrington
N.J. Department of Labor and Workforce Development
Division of Wage & Hour Compliance
P.O. Box 389
Trenton, N.J. 08625-0389

Dear Mr. Harrington::

Re: Classification Appeal – Field Representative Wage & Hour Compliance (P19) Position # 010437 CPM Log # 08130312 EID # [REDACTED]

ISSUE:

You are serving permanently (RAT) in the title, Field Representative Wage & Hour Compliance (P19 – 55982), and contend you are performing duties and responsibilities commensurate with the title, Senior Field Representative Wage & Hour Compliance (P22 – 55983).

ORGANIZATION AND STRUCTURE:

Your position is assigned to Division of Wage & Hour Compliance, New Jersey Department of Labor and Workforce Development. You report directly to Joseph Sgro, District Supervisor Wage & Hour Compliance (R25). You have no supervisory responsibilities.

FINDINGS OF FACT:

You perform the following assigned duties and responsibilities:

- Visit places of employment to investigate alleged time and payroll violations of the Wage & Hour law and prepare reports from the wage and salary data obtained.
- Make visits to jobsites to identify possible wage & hour and safety issues and prepare detailed reports on the findings and conclusion.

- Conduct theatrical inspections to ensure compliance with child labor laws and safety standards; also prepare detailed inspection reports.
- Perform inspections to determine if mechanical, sanitary, and structural conditions meet legal requirements.
- Assist other field representatives at various on-site inspections and in the completion of inspection reports, such as time and payroll, and jobsite.

REVIEW AND ANALYSIS:

The definition section of the job specification for the current title, Field Representative Wage & Hour Compliance, states:

Under supervision of a Senior Field Representative, Wage and Hour Compliance or a District Supervisor, Office of Wage and Hour Compliance, in the Division of Workplace Standards, Department of Labor and Workforce Development, does the field and office work involved to conduct investigations and prepares reports in connection with administration of the sections of the public statutes for which the bureau is responsible; does other related duties.

The incumbent in this title would assemble materials and assist in preparing data for bureau reports concerning wages and salaries paid by individual firms. He/she would also inspect establishments requiring licenses and visit licensed establishments to determine whether they are maintained in conformity with the law, and visit places of employment and examine employment and other records as provided by law. In addition, he/she would interpret basic laws and regulations to employers, and prepare reports at varying kinds of employment sites.

The definition section of the job specification for the requested title, Senior Field Representative Wage & Hour Compliance, states:

Under the supervision of a District Supervisor or other supervisory officer, Division of Wage and Hour Compliance, Department of Labor and Workforce Development, does the field and office work involved in making the more complex and difficult investigations and preparing legal and other reports concerned with observance and administration of those parts of the public law for which the office is responsible; represents the office in legal matters involving the enforcement of the applicable laws; does related work as required.

An incumbent in this title would review reports prepared by field representatives, affidavits taken, and evidence collected to ensure completeness. He/she would also take the lead in the surveillance of establishments, individuals and motor vehicles to identify violations of regulations relating to the employment of minors, and consult with employers and accountants who request assistance in developing a system of record keeping to comply with laws and regulations administered by the Office of Wage and Hour Compliance. In addition, he/she would perform the more complex work in re-computing amounts due employees using

information from various employer records which may include an automated record-keeping system.

You do not take the lead over the surveillance of establishments, individuals, and motor vehicles to identify violations of regulation relating to the employment of minors. Also, you do not review reports from other field representatives, affidavits taken, and evidence collected to ensure completeness, nor do you examine a variety of employer's financial records to identify methods of payment to employees differing from traditionally paid wages, as by hour, day, or week.. In addition, you do not consult employers and bookkeepers to help develop a system of record-keeping compliant with the Wage & Hour Statutes.

Your assignments do not appear to be more complex in nature as would be required of the Senior Representative Wage & Hour Compliance.

DETERMINATION:

Based on a review of the current job duties and responsibilities, we have determined that the current work duties performed are consistent with those assigned to the title, Field Representative Wage & Hour Compliance. You are considered to be presently and properly classified in the title, Field Representative Wage & Hour Compliance.

The job specification for Field Representative Wage & Hour Compliance. is descriptive of the general nature and scope of the functions that may be performed by the incumbent in this position. However, the examples of work are for illustrative purposes and are not intended to restrict or limit performance of the related tasks not specifically listed. The relevancy of such specific tasks is determined by an overall evaluation of their relationship to the general classification factors listed in the specification.

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

Sincerely,



Nora Koch, Assistant Director
Classification and Personnel Management

NK/at

Cc: Mary Fitzgerald
Director, Human Resources and Labor Relations
CPM Log # 08130312

