

N.J.A.C. 4A:4-2.6(a)2 states that applicants for promotional examinations must meet all requirements by the announced closing date. *N.J.A.C.* 4A:4-6.6(a)1 states that an appeal shall be filed within 20 days of notice of the action, decision or situation being appealed.

CONCLUSION

In the present matter, DSS determined that the petitioner was ineligible on February 3, 2014. Ms. Sermon appealed this issue on April 23, 2014, stating that she was delayed in responding due to two illnesses and a car accident. She provided no other details or evidence regarding those circumstances and as such, the petitioner's appeal is untimely in accordance with *N.J.A.C.* 4A:4-6.6(a)1.

Nonetheless, a review of the record indicates that the petitioner does not meet the experience requirements, per the substitution clause for education. Ms. Sermon listed experience in the titles Management Assistant with the Department of Environmental Protection, and Administrative/Data Analyst with Trenton Community Charter School and Granville Academy Charter School. Official records indicate that the petitioner's position underwent a classification review and, in a determination dated June 8, 2010, the Division of Classification and Personnel Management (CPM) found that the position should be reclassified from Principal Clerk Typist to Management Assistant. That determination has been attached hereto and incorporated herein. A review of the materials that the petitioner provided to DSS regarding her Management Assistant position indicates that the petitioner more fully elaborated on her duties which included a focus on data processing. Regardless, the focus of the duties listed is not review, analysis and evaluation of organization and administrative practices to determine the need for revision or implementation of data processing systems. Rather, the focus of the duties appears to be review, analysis and evaluation of administrative practices and databases to provide quality control input and output, and for precise reporting purposes. The appellant also uses databases to determine inefficiencies in practices, such as those that produce backlogs. The petitioner may perform some duties regarding the revision of data processing systems, but that is not the primary focus of the position. If the petitioner believes that the duties of her position have changed significantly since the June 2010 classification review of her position, she can request another review pursuant to *N.J.A.C.* 4A:3-3.9.

A review of the duties that the petitioner provided on appeal regarding her Administrative/Data Analyst position with a Charter School (part-time, 25 hours per week), indicates that she supervised administrative and data processing staff; performed personnel functions; resolved word processing issues; researched and analyzed special projects and prepared reports; determined and implemented programs to use for maintaining records, schedules and other files; prepared

correspondence; maintained the integrity of software and hardware; analyzed administrative practices to detect problems; assisted in developing and modifying manuals, guidelines and policy; consolidated and simplified documents and other paperwork and forms; assisted with computer file modifications and ensured software was appropriate; converted databases and processing programs; established new database files; prepared budget appropriations and forecasting for tracking budget expenditures; conducted training; maintained an inventory of equipment; attended meetings; and responded to quality assurance concerns and issues to resolve complaints and provide information. Aside from the fact that this employer is not a large business or government agency, this description has administrative duties as the primary focus of the position. The petitioner's primary duty was not evaluating the organization and administrative practices in order to improve the data processing system, but involved extensive work in administrative assistance. As such, this experience was not qualifying. This position and the Management Assistant position were the only positions provided to DSS for consideration.

On appeal, Ms. Sermon adds additional positions as a Principal Clerk Typist, Technical Assistant, Management Information Systems, Principal Clerk Typist, and Senior Clerk Typist. Although this information was not submitted to DSS for review, work in these titles is considered to be technical and clerical level work, which is not at the level and scope of professional level work. As such, these positions are inapplicable.

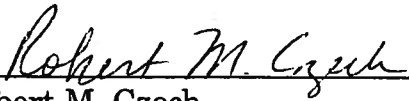
An independent review of all material presented indicates that the decision of the DSS, that the petitioner did not meet the announced requirements for eligibility, is amply supported by the record. The petitioner provides no basis to disturb this decision. Thus, the petitioner has failed to support her burden of proof in this matter.

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 16th DAY OF JULY, 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
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Lisa Sermon
Deni Gaskill
Kenneth Connolly
Dan Hill
Joseph Gambino



Chris Christie
Governor
Kim Guadagno
Lt. Governor

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

Robert M. Czech
Chair/Chief Executive Officer

June 8, 2010

Ms. Debbie Ewalt
Department of Environmental Protection
Office of Human Resources
401 E. State Street
Trenton, New Jersey 08625

Re: Classification Review: Principal Clerk Typist Position # 647341 SLO# 09090183 Employee ID 000375981

Dear Ms. Ewalt:

This is to inform you of my determination concerning Lisa Sermon's classification review. The determination has been made based upon a thorough review and analysis of the submitted Position Classification Questionnaire and the job audit conducted on December 8, 2009, with Ms. Sermon and with her immediate supervisor, Greg Toffoli, Section Chief, Environmental Protection.

Issue:

The Department of Environmental Protection, Division of Human Resources, submitted a freeze exemption request to the Civil Service Commission Office of the Chair/ Chief Executive Officer on September 17, 2009. The request was submitted because DEP believed that Lisa Sermon has been performing out-of-title work and should be promoted to Management Assistant. The Civil Service Commission Chair requested that State and Local Operations perform an audit of the position.

Organization and Structure:

The position (647341) is located in the Department of Environmental Protection, Division of Site Remediation, Office of Data Quality. The position reports directly to Greg Toffoli, Section Chief, Environmental Protection (S30 – 59985). Ms. Sermon's position does not supervise.

Finding of Facts:

The review revealed that the primary responsibilities of her position include, but are not limited to the following:

- Performs a preliminary and cursory review of all incoming and outgoing data packages which contain information about laboratory samples such as the results of testing, date and address of sampling, and type of sampling. Ensures that the chain of possession of the data package is followed. Researches NJEMS and SADAT databases for duplicate data, prior tests, and information pertaining to the company's ID. Enters data from package into the SADAT/ODQ and NJEMS information systems.
- Reviews contract and invoices for lab services and verifies that appropriate activity codes were used. Works with Financial Services Office to ensure that invoices for lab tests are not duplicates and to ensure that tests are paid expeditiously. Obtains management approval and submits invoices to the Site Remediation Program Financial Services Office. Enters information from invoice into Site Remediation Program/ Office of Data Quality (SRP/ODQ) Air Contract Tracking Spreadsheet using information from SADAT. Prepares cover letter for each invoice. Archives information to CD.
- Enters data into SADAT according to NJDEP and USEPA rules and regulations affecting specific case sites which includes sample ID, analytical methods, laboratory information, start and end date, and time spent on validation functions.
- Prepares reports:
 - Bi-weekly report is generated from SADAT to show the number of cases, package type, site name, receipt of package, and number of samples.
 - Staff Productivity Report generated from SADAT which is information broken down by staff members, and bureaus, and indicates the result of the analytical test which reports on the chemicals present in the sample and completion time. This is used to determine whether staff members are

conforming to established completion time standards. Generates Ad Hoc reports from SADAT.

- Prepares Individual Staff Performance report which indicates actual, average, and targeted number of units, and the number of data packages reviewed by staff per quarter.
- Assists the Section Chief in the preparation of standard operating procedures to be used by staff and regulated community by compiling information obtained from meetings held with staff members to discuss current and future operating procedures.
- As needed, assists the Section Chief by attending to administrative matters that affect the office operations such as arranging office moves and ensuring that office equipment such as personal computers, telephones, and offices are placed in the appropriate spaces; and by ensuring that telephones are covered and call-in procedures are followed.
- Assists the Section Chief by ensuring that office equipment is working properly and repaired when it malfunctions and oversees the ordering of office supplies and the processing, and tracking of invoices and purchase orders for office equipment and supplies.
- Acts as liaison for the Section Chief in personnel matters such as personnel transactions, DPF 44s. Keeps abreast of pertinent rules and regulations that affect programs such as Alternate Work Week Program.
- Acts as liaison with the Office of Information Systems to notify them of problems with the computer systems and equipment.
- Coordinates training for staff.
- Coordinates travel for the Section Chief.
- Assists in the preparation of forms used by staff and regulated community using WORD.
- Maintains files.

Review and Analysis:

The NJ Department of Environmental Protection, Division of Site Remediation, Office of Data Quality is part of the Division of Site Remediation which oversees private and public sites that may be contaminated. Professional staff members test the environmental matrices to determine the extent of contamination affecting

potable water, air quality, and soil sediment. The sample collection and lab tests procedures, and the data criteria establishing the level of contamination must comply with the standard operating procedures established by the Office of Data Quality. These standards ensure that all work units in DEP are using the same collection and measurement standards to determine the reliability and validity of the tests and the same criteria to identify the type and extent of contamination. As such, this Office develops and maintains the standard operating procedures and maintains a database in a sample data tracking system (SADAT) which is used to track tests, laboratory vendors and testing procedures, date of sampling, time devoted to collection and testing, type of sampling, lab fees and billing standards, case status and lab results all of which is contained in data packages. Information from the data packages is also entered into NJEMS so that information can be shared with other work units in the Department.

Ms. Sermon is responsible for reviewing each data package to extract specific information which is recorded in an EXCEL spreadsheet, SADAT and NJEMS. These applications are used to generate programmed and ad hoc reports for management so that they can keep abreast of staff productivity, testing costs, case statuses, and data results. They are used to set priorities for completing cases according to need and to ensure program efficiency and cost effectiveness. These reports include a bi-weekly report which is used to track and prioritize cases; a staff productivity report which is used to measure and compare staff production and time spent on each case to other staff members; and a report that calculates the average cost of each test for various samples which is used as a guide/standard for billing charges. The staff productivity report is also used to estimate the length of time generally spent on a specific type of test and to determine work load. The data entry and report generation is complex and requires a greater understanding of the technical information contained in the data packages which is needed to identify subtle differences between tests, testing methods, test results, lab costs, and time needed to complete a case. In order to accomplish this, she must pay close attention to these factors to ensure that data is properly entered and reported.

The standards for the amount of time it takes to test various environmental matrices and contaminants is used to track laboratory costs based on the average cost for each test. The charges are compared to current invoices submitted by the vendors in order to identify overcharging by the laboratories. SADAT is also used to track invoices to ensure that bills for tests of environmental matrices existing on

unrepresented properties are paid promptly to avoid the two percent penalty charge incurred for late payments.

In addition, Ms. Sermon is responsible for assisting her supervisor in developing the standards and procedures manual for the collection, sampling, testing, and methods of analysis used by her Office which serves as a guide to other State offices of data quality. As such, she is responsible for discussing current standards and procedures with staff to receive comments on any shortcomings in USEPA changes in procedures and to ensure that policies and procedures are in keeping with changes in state and federal rules and regulations and scientific advancement. She may attend the meetings to record responses which are used by her supervisor to rewrite the policies and procedures. The information is published for use by staff and other organizations. This function is on-going and plays a significant role in the Office's mission.

The definition section of the classification specification for the title, Principal Clerk Typist (R12-23234) states:

“Under direction of a supervisory official, does clerical work including typing of a complex and/or technical nature requiring knowledge of department laws, regulations, policies, and procedures as well as the frequent exercise of independent judgment, and/or has charge of the work of a large clerical unit; does related work as required. ”

The functions of a Principal Clerk Typist are generally considered to be supportive to operations. Clerical works include typing, filing, answering telephones, providing information to various parties, and the distributing of mail and other office communiqué. Although the Principal Clerk Typist title is used to classify positions which require knowledge of laws, rules, regulations, policies, and procedures, the depth of knowledge is basic and less complex than what has been expected by Ms. Sermon to perform her duties. She must have a deeper understanding of testing and knowledge of procedures to follow and the standard charges for sampling and testing. This data is complex and requires a greater knowledge and ability to distinguish between the appropriate test and sampling procedures for a specific chemical composition.

In addition, Ms. Sermon is expected to attend meetings with professional staff members. She must possess a greater degree of technical understanding of chemical testing procedures to convey meeting content to her supervisor and commit to a written documentation.

Further, Ms. Sermon creates forms, using WORD, which reflect changes in reporting requirements that have been changed by the Federal and State governments. This activity is ongoing and requires her to keep abreast of changes in rules and regulations that prescribe what required information must be reported in the Department's information systems.

Ms. Sermon performs other administrative duties which include the monitoring of the Alternate Work Week Program, scheduling training and meetings, and overseeing physical changes in the work area. These duties cannot be classified by the Principal Clerk Typist title.

The definition section of the classification specification for the requested title Management Assistant (P18-56492) states:

“Under direction of a supervisory official in a state department, institution, or agency or within a local government jurisdiction, assists in the coordination of management or administrative activities of an assigned unit or work area; does other related duties. “

Ms. Sermon is responsible for assisting the Section Chief with the development of program policies and procedures. She coordinates the receipt, recording, and distribution of data packages and tracks each of the package's progress in staff processing. This is required to ensure timely and cost efficient completion of the packages. She also ensures that laboratory bills are paid promptly which prevents paying costly late fees for delinquent payment. As such, she coordinates the recording and tracking of bills including the processing of them through to the Department's financial office which is responsible for bill payment.

Further, Ms. Sermon is expected to prepare various reports from the data she inputs into program and Department databases which provides information on staff productivity. This is used to assist her supervisor in ascertaining case progress and staff performance. These reports are also used to complete various federal and state reports about hazardous sites and the identification of hazardous materials found at the sites.

Other administrative duties she performs include overseeing office moves and space assignments and keeping her supervisor informed of problems associated with work activities and staffing. She also works with human resources in completing various personnel transactions as needed.

Ms. Sermon's responsibilities are more complex than those assigned to a Principal Clerk Typist. In addition, she acts as an assistant to her supervisor in matters that

are administrative in nature and are beyond the responsibilities generally performed by a Principal Clerk Typist. As such, her position warrants a reclassification.

Determination:

Based on the position audit and documentation submitted, the most appropriate classification for this position is Management Assistant (P18-56492). We will work with your Office to implement this reclassification, effective as of October 10, 2009.

The Management Assistant (P18-56492) 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.

Please note that this classification determination does not imply that she will meet the eligibility requirements of the title. It is the responsibility of the Appointing Authority to ensure an incumbent meets the eligibility requirements prior to any appointment.

If Ms. Sermon wishes to appeal this decision, she may do so within twenty days of receipt of this letter. Since an appeal will be subject to final administrative review, all arguments that she wishes considered should be submitted within the specified timeframe. Appeals should be addressed to the Written Records Appeal Unit, Merit Systems Practices and Labor Relations, NJ Civil Service Commission, PO 312, Trenton, New Jersey 08625-0312.

Sincerely,

Nora Koch, Assistant Director
Division of State and Local Operations

C: Lisa Sermon

NK/MB/br