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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Marleny Lambert,
Department of Human Services

Classification Appeal

CSC Docket No. 2014-914

ISSUED: FEB - 9 2015 (LDH)

Marleny Lambert appeals the attached decision of the Division of Classification and Personnel Management (CPM) which determined the proper classification of her position with the Department of Human Services is Social Worker 1, Bilingual in Spanish and English. Lambert seeks a Program Specialist 2, Bilingual in Spanish and English¹ classification.

The record in the present matter establishes that Lambert is currently serving provisionally, pending a promotional examination, in the title of Program Specialist 2, Bilingual in Spanish and English. This position is located in the Division of Mental Health and Addiction Services, Department of Human Services. CPM reviewed the Position Classification Questionnaire; the Table of Organization; and statements of the immediate supervisor, program manager or division director. CPM found that Lambert's position was inappropriately classified by the title Program Specialist 2, Bilingual in Spanish and English. CPM found the primary duties and responsibilities of Lambert's position entail implementing and providing language translation and interpretation services for patients, families, and staff to ensure patient clinical care programming is in compliance with regulations; conducting case management assessment surveys for patient needs; performing outreach activities to acclimate patients to available community services; collecting and reviewing data on current hospital patient demographics to ensure that the

¹ CPM incorrectly indicated that the title was Program Development Specialist 2, Bilingual in Spanish and English. The title had changed to Program Specialist 2, Bilingual in Spanish and English, effective February 9, 2013.

linguistic competency services provided are sufficient for assigned caseloads; and assisting and providing guidance to the hospital's linguistic staff as requested. In CPM's decision, it determined that the duties performed by the appellant were consistent with the definition and examples of work included in the job specification for Social Worker 1, Bilingual in Spanish and English. Thus, CPM determined Lambert's position was to be reclassified to the title of Social Worker 1, Bilingual in Spanish and English, effective September 30, 2013.

On appeal to the Civil Service Commission (Commission), the appellant argues that her duties and responsibilities are more consistent with Program Specialist 2, Bilingual in Spanish and English. In support, she submits an updated resume with a detailed description of her qualifications for the position of Program Specialist 2, Bilingual in Spanish/English.

CONCLUSION

The definition section of the job specification for Program Specialist 2 states:

Under the limited supervision of a Program Specialist 3 or 4, or other supervisory official in a state department, institution or agency, or in a local jurisdiction, takes the lead over professional and/or technical staff engaged in program activities; performs professional, administrative and analytical work to promote the planning, operation, implementation, monitoring and evaluation of various programs and services administered by the Department of assignment; conducts the research and field work necessary to meet the needs of the appropriate state and/or local public or private agencies; does other related work.

The definition section of the job specification for Social Worker 1 states:

Under direction of a supervisory official in a state department, hospital, training school, research unit, or agency, is responsible for the more difficult and complex field and office work involved in conducting varied types of social investigations involving the collection, analysis, and recording of significant social facts, drawing sound conclusions therefrom, and basing appropriate action thereon; does other related duties as required.

A review of the duties of Lambert's position indicates they are sufficiently similar to the job description for Social Worker 1, Bilingual in Spanish and English. Specifically, CPM concluded Lambert's duties were in accord with the duties for the title of Social Worker 1, Bilingual in Spanish and English since her duties included performing social service type work activities, providing interpretation and translation services for patients and families; conducting case management

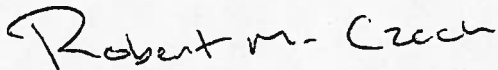
assessment surveys and community outreach activities; and collecting and reviewing data on current hospital patient demographics to ensure the linguistic competency services are sufficient for the assigned caseloads. Accordingly, Lambert has failed to establish CPM's determination of her position classified as Social Worker 1, Bilingual in Spanish and English was incorrect. Furthermore, since no action has been taken by the appointing authority since the initial determination, it should take steps to immediately effectuate compliance with this decision.

ORDER

Therefore, the position of Marleny Lambert is properly classified as Social Worker 1, Bilingual in Spanish and English, effective September 30, 2013. Also, the appointing authority should immediately place the appellant in the Social Worker 1, Bilingual in Spanish and English title, effective September 30, 2013, and effectuate steps for salary repayment. Failure to initiate procedures to properly effect changes to the appellant's classification by the appointing authority within 10 days of receiving this determination shall subject it to fines and penalties pursuant to *N.J.A.C. 4A:10-2.1*. Any actions taken by the appointing authority in this matter shall be promptly reported to the Division of Agency Services.

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 4TH DAY OF FEBRUARY, 2015



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: Marleny Lambert
Christina Mongon
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

August 26, 2013

Christina Mongon, Confidential Assistant
Department of Human Services
22 S. Warren Street
P.O. Box 700
Trenton, NJ 08625

**Re: Classification Review-Program Development Specialist 2
Bilingual in Spanish and English
EID #000671980
Position #041642
CPM #02120389**

Dear Ms. Mongon:

This is to inform you, the incumbent and the Department of Human Services of the determination concerning the classification review of position #041642, which is encumbered by Ms. Marleny Lambert. A member of my staff has completed a review of the position classification which included a detailed analysis of the Position Classification Questionnaire (DPF-44); the Table of Organization; and statements of the immediate supervisor, program manager or division director.

Ms. Lambert submitted an application for an open competitive announcement for her provisional title, Program Development Specialist 2, Bilingual in Spanish and English (60053G, P20). After reviewing Ms. Lambert's application, the Division of Selection Services found Ms. Lambert did not meet the experience requirements for

her position. Ms. Lambert appealed her ineligibility which was denied by the Division of Appeals and Regulatory Affairs, who requested that the Division of Classification and Personnel Management review her duties for the appropriate classification of the position. On November 27, 2012, Ms. Lambert's position #041642 was audited and found inappropriately classified by the title, Program Development Specialist 2, Bilingual in Spanish and English (64483P, P21). The Division of Classification and Personnel Management's (CPM) determination letter dated May 30, 2013 advised the Department of Human Services that the appropriate title for this position is Social Worker 1, Bilingual in Spanish and English (60053G, P20). Based on CPM's finding, Trenton Psychiatric Hospital chose to assign Ms. Lambert duties and responsibilities commensurate with her current title, Program Development Specialist 2 Bilingual, they submitted a revised DPF-44 and PES for review dated July 3, 2013.

Upon review, we found that Ms. Lambert is still assigned to the Linguistic Unit performing social service type duties for LEP patients at Trenton Psychiatric Hospital (TPH). This position implements and provides language translation and interpretation services for patients, families, and staff to ensure patient clinical care programming is in compliance; conducts case management assessment surveys for LEP patient needs; performs outreach activities to acclimate patients to available community services; collects and reviews data on current hospital patient demographics to ensure that the linguistic competency services provided are sufficient for assigned caseloads, and in compliance; assist and provides guidance to the hospital's linguistic staff as requested.

The review revealed that the title, Social Worker 1, Bilingual in Spanish and English (60053G, P20) is the appropriate title for this position. Based on the written record and the information submitted for review, this office will initiate procedures to reclassify this position to the title, Social Worker 1 (60053G, P20) effective September 30, 2013.

Additionally, please notify the affected employee of her right to appeal this determination to the Written Record Appeals Unit, Division of Appeals and Regulatory Affairs, P.O. Box 312, Trenton, New Jersey 08625-0312, within twenty days of receipt of this determination. Please note that the submission of an appeal must include written documentation and or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Christina Mongon

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For encumbered positions, please advise the employee that this classification determination does not imply that s/he 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Nora Koch", written in a cursive style.

Nora Koch, Assistant Director

NCK/KMC

C: Mary Beth Longo, TPH
Marleny Lambert, TPH