

B-51



STATE OF NEW JERSEY

In the Matter of Tracey Lewis,
Department of Labor and Workforce
Development

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2014-1023

Classification Appeal

ISSUED: FEB 09 2015 (CAG)

Tracey Lewis appeals the attached decision of the Division of Classification and Personnel Management (CPM)¹ which found that her position with the Department of Labor and Workforce Development (DLWD) is properly classified as Secretarial Assistant 2, Non-Stenographic. The appellant seeks a Secretarial Assistant 1, Non-Stenographic, classification in this proceeding.

The record in the present matter establishes that the appellant received a regular appointment to the title of Secretarial Assistant 2, Non-Stenographic, on August 4, 2005. This position is located in the Office of Diversity and Compliance and has no supervisory responsibility. The position reports to Caroline Clarke, a Government Representative 2. The appellant sought a reclassification of her position to Secretarial Assistant 1, Non-Stenographic. CPM performed a classification review including an analysis of the appellant's Position Classification Questionnaire (PCQ) and related documents.

The classification review found that the appellant's assigned duties and responsibilities, as detailed in CPM's attached decision dated September 5, 2013, were commensurate with the title of Secretarial Assistant 2, Non-Stenographic. It found that, as appellant reports to a Government Representative 2, which is entitled to a Secretarial Assistant 2, Non-Stenographic, a reclassification was not warranted.

¹ Now the Division of Agency Services.

On appeal, appellant argues that, although she does not have supervisory responsibilities including PARS and discipline, she does have weekly responsibility for reporting eCAT's for all direct reports of the Office of Diversity and Compliance and the Contract Compliance unit to Clarke for final approval and submission to OHR on a bi-monthly basis. Appellant agrees with the assigned duties and responsibilities as listed in CPM's determination letter, but argues that the list is incomplete since she discussed additional duties during the telephone interview with CPM staff. Specifically, she argues that, as secretary for the unit, she maintains the case log in several variations; reviews and logs all mail to the division; makes travel arrangements for Clarke; makes training arrangements for trainings held by the division; and routinely prepares memos to employees regarding requests for Attendance at Events and Outside Activity Questionnaire forms submitted to the Office for clearance under the Ethics Policy, which she submits to Clarke for final sign-off. During the telephone interview with CPM staff on May 23, 2013, she argues that she informed the staff member that she had just completed coordinating Executive EEO training for the Executive Staff on May 22, 2013; coordinates the online in-house Ethics training for the entire department working collaboratively and independently to organize meetings and through emails exchanged between human resource employees and herself; and is responsible for coordinating efforts with the department personnel office to initiate personnel transactions required by the organizational unit including separations, promotions, leaves, transfers, reclassifications, recruitment and training.

Appellant includes in the body of her appeal letter the Executive Administrator's response, although unsigned by Clarke. Clarke argues that, although the title of Executive Administrator is not a recognized Civil Service title, it is not the organizational equivalent of an Assistant Director's title, but rather, is the equivalent of a director's title. Specifically, she argues that the Chief of Staff is not the organizational equivalent of a divisional Director, but is a member of the executive staff at the DLWD. She states that the Chief of Staff is one of four people who reports directly to the Commissioner and 10 other Directors (excluding her) report directly to the Chief of Staff, as well as an Assistant Commissioner.

In a previous classification review, CPM noted that the position of appellant's supervisor, Clarke, is classified as a Government Representative 2. It also noted that this title is not considered a managerial title and is not entitled to the support of a Secretarial Assistant of any level. Therefore, in its attached decision dated May 30, 2013, CPM advised the appointing authority to revise the organizational structure of the Office of Diversity and Compliance and assign appellant's current position to an appropriate level supervisor in accordance with SAM #9-88, Supplement #1. The appointing authority was advised to submit to CPM an updated PES and new organizational chart reflecting an appropriate reporting relationship within 30 days of the date of CPM's letter.

CONCLUSION

The definition section of the job specification for Secretarial Assistant 2, Non-Stenographic states:

May be assigned as a secretary to deputy division directors, assistant directors, bureau chiefs or their organizational equivalents, having responsibility for the administration of major programs which include administration of a large sub-divisional unit, and management of large regional, field, or satellite installations (four or more regional entities), or Deans of state colleges; does related work as required.

The definition section of the job specification for Secretarial Assistant 1, Non-Stenographic states:

May be assigned as a secretary to deputy commissioners, assistant commissioners or division directors or their organizational equivalents, superintendents or chief administrators of institutions, or vice presidents of state colleges; does related work as required.

Salary Adjustment Memorandum (SAM) #9-88, Supplement #1, established the standards for the allocation of secretarial assignments, which are now referred to as "entitlement titles." As such, utilization of the Secretarial Assistant title series is determined based on the level of the assigned immediate supervisor, as higher level supervisory titles generate equivalent higher level work of a secretarial nature requiring appropriate handling and processing. In this regard, SAM #9-88, Supplement #1, indicates that a Division Director is allowed a Secretarial Assistant 1, Non-Stenographic, while the organizational equivalent to a Deputy Division Director is allowed a Secretarial Assistant 2, Non-Stenographic, and the organizational equivalent to an Assistant Director is allowed a Secretarial Assistant 3, Non-Stenographic.

The issue in this case is that the appellant argues that her supervisor is working as an Executive Administrator, which she claims is the organizational equivalent of a Director's title. Although Clarke's functional title is Executive Administrator, her civil service title is Government Representative 2. The title of Government Representative 2 is not considered a managerial title and is not entitled to the support of a Secretarial Assistant of any level.

A thorough review of the entire record establishes that the appellant has failed to present a sufficient basis to warrant a Secretarial Assistant 1, Non-Stenographic, classification of her position. The appellant has not shown that Clarke's position of a Government Representative 2, is the organizational equivalent of a Director's title, nor has she shown that the duties she currently


performs are properly performed by an incumbent in the Secretarial Assistant 1, Non-Stenographic title. Moreover, a Government Representative 2 is not entitled to any level of secretarial support. Contrary to CPM's September 5, 2013 determination, an incumbent in the Government Representative 2 title is not equivalent to an Assistant Director and is not entitled to a Secretarial Assistant 2, Non-Stenographic, the appellant's permanent title. It must be emphasized that in a classification determination of the appellant's position that was issued three months prior to the determination which is the subject of this appeal, CPM advised the appointing authority to revise the organizational structure of the Office of Diversity and Compliance and assign appellant's current position to an appropriate level supervisor in accordance with SAM #9-88, Supplement #1. The appointing authority should submit to CPM an updated PES and new organizational chart reflecting an appropriate reporting relationship.

ORDER

Therefore, it is ordered that this appeal be denied. It is further ordered that within 30 days of the issuance date of this decision, the appointing authority shall revise the organizational structure of the Office of Diversity and Compliance and assign appellant's current position to an appropriate level supervisor in accordance with SAM #9-88, Supplement #1. The appointing authority shall submit to CPM the appropriate documents including an updated performance evaluation and new organizational chart to support its action reflecting an appropriate reporting relationship within 30 days of the issuance of this decision.

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 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
PO Box 312
Trenton, New Jersey 08625-0312**

Attachments

**c: Tracey Lewis
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 5, 2013

Tracey Lewis
N.J. Department of Labor and Workforce Development
Office of Diversity and Compliance
P.O. Box 110
Trenton, N.J. 08625-0110

Dear Ms. Lewis:

Re: Classification Appeal – Secretarial Assistant 2 (Non-Stenographic) (A17) Position # 941777 CPM Log # 11120184 [REDACTED]

ISSUE:

You are serving permanently (RAP) in the title, Secretarial Assistant 2 (Non-Stenographic) (A17 – 24532C) and contend you are performing duties and responsibilities commensurate with the title, Secretarial Assistant 1 (Non-Stenographic) (A20 – 24533C).

ORGANIZATION AND STRUCTURE:

Your position is assigned to Office of Diversity and Compliance, New Jersey Department of Labor and Workforce Development. You report directly to Caroline Clarke, Government Representative 2 (X98). You have no supervisory responsibilities.

FINDINGS OF FACT:

You perform the following assigned duties and responsibilities:

- Prepare weekly logs and statistical reports for submission to the Commissioner and the Chief of Staff.
- Prepare routine and confidential correspondence for the Executive Administrator's signature.

- Review and respond, when possible, to the Executive Administrator's email to provide relief for the Administrator's weekly workload.
- Schedule appointments, prepare files, and obtain logistical data from complainant, respondents, and witnesses in EEO complaints.
- Attend personnel meetings on behalf of the Executive Administrator.
- Maintains and submits reports of vehicles assigned to the Public Contracts Compliance Unit.

REVIEW AND ANALYSIS:

The definition section of the job specification for the current title, Secretarial Assistant 2 (Non-Stenographic) states:

May be assigned as a secretary to deputy division directors, assistant directors, bureau chiefs or their organizational equivalents, having responsibility for the administration of major programs which include administration of a large sub-divisional unit, and management of large regional, field, or satellite installations (four or more regional entitles), or Deans of state colleges; does related work as required.

An incumbent in this title would type and/or supervise the typing of difficult and complex correspondence, reports, and recommendations of a confidential nature. He/she would also maintain a schedule of appointments and the daily engagement calendar of the executive, personally prepare letters on routine matters which may or may not be signed by the executive officer, and prepare statistical and other reports. In addition, he/she would prepare agenda of meetings and type and/or supervise the typing of meetings from notes or recording equipment.

The definition section of the job specification for the current title, Secretarial Assistant 1 (Non-Stenographic) states:

May be assigned as a secretary to deputy commissioners, assistant commissioners or division directors or their organizational equivalents, superintendents or chief administrators of institutions, vice presidents of state colleges; does related work as required.

An incumbent in this title would organize assigned secretarial and administrative clerical work and develop effective work methods. He/she would also review, sort, and route incoming correspondence, make necessary arrangements for speaking engagements, travel arrangements, and for hearings, conferences, and meetings. In addition, he/she would assemble statistical and other materials required for reports, memoranda, and speeches, and personally prepare letters on routine matters which may or may not be signed or reviewed by the executive officer.

The title you directly report to, Executive Administrator, as recorded on the table of organization for the Office of Diversity and Compliance, is not a recognized Civil Service title. The actual Civil Service title is Government Representative II, in the unclassified service. You do not report to a division director or a deputy or assistant commissioner. It appears that your Administrator directs operations of a major program dealing with the investigation of complaints of violations under the Affirmative Action federal and state laws. Her title would be equivalent to an Assistant Division Director. Her upline superior would be the Chief of Staff, which would be equivalent to a Division Director.

You are considered to be in a proper reporting relationship for Secretarial Assistant 2 (Non-Stenographic) since you report to the equivalent of an Assistant Director.

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, Secretarial Assistant 2 (Non-Stenographic). You are considered to be presently and properly classified in the title, Secretarial Assistant 2 (Non-Stenographic).

The job specification for Secretarial Assistant 2 (Non-Stenographic) 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 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,



Nora Koch, Assistant Director
Classification and Personnel Management

NK/at

Cc: Mary Fitzgerald
Director, Human Resources and Labor Relations
CPM Log # 11120184



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

May 30, 2013

Ms. Tracey Lewis
[REDACTED]

Re: Classification Appeal
Secretarial Assistant 2, Non-Stenographic
Position # 941777
CPM # 11120184
[REDACTED]

Dear Ms. Lewis:

This is to inform you, and the Department of Labor and Workforce Development, of our determination concerning the classification appeal referenced above. You requested that your position be audited to determine if you are performing out-of-title work for your title of Secretarial Assistant 2, Non-Stenographic (24532C, A17). You have indicated that you believe that your current work duties are equivalent to the Secretarial Assistant 1, Non-Stenographic (24533C, A20) title. Your position is located in Office of Diversity and Compliance. Your responsibilities include reviewing and responding to emails, scheduling appointments, preparing correspondence for signature, ordering office equipment, preparing travel requests, preparing weekly log narratives, providing guidance to secretarial staff, and maintaining vehicle reports.

This office has conducted a review of the submitted information, including the Position Classification Questionnaire (DPF-44S); organization chart; your Performance Evaluation System (PES) form; your statements; and the statements of your supervisor and appointing authority. Additionally, a telephone audit was conducted with you and your supervisor, Caroline Clarke, Government Representative 2 (55013, X98).

By way of background, Salary Administration Memorandum (SAM) #9-88, Supplement #1, sets the standards for determining the level of secretarial support assigned to a position. A Secretarial Assistant 1 may only be assigned to deputy commissioners, assistant commissioners or division directors or their organizational equivalents, superintendents or chief administrators of institutions, or vice presidents of state colleges. Your current title, Secretarial Assistant 2, may only be assigned to deputy division directors, assistant directors, bureau chiefs or their organizational equivalent, having responsibility for the administration of major programs. This

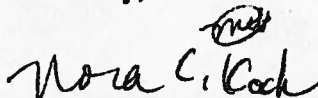
Tracey Lewis
May 30, 2013
Page 2

method of designating a position to a Secretarial Assistant title is derived from the premise that as the rank of a manager increases, the responsibilities of the associated secretarial position also increase. The position of your supervisor, Ms. Clarke, is classified as a Government Representative 2. A Government Representative 2 is not considered a managerial title and is therefore not entitled to the support of a Secretarial Assistant of any level.

By copy of this letter, the Appointing Authority is advised to revise the organizational structure of the Office of Diversity and Compliance and assign your current position to an appropriate level supervisor in accordance with SAM #9-88, Supplement #1. The Appointing Authority should send this agency an updated PES and new organizational chart reflecting an appropriate reporting relationship within thirty days of the date of this letter.

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. The appeal should be addressed to the 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,

A handwritten signature in black ink that reads "Nora C. Koch". The signature is written in a cursive style with a small circular mark above the "C".

Nora C. Koch,
Assistant Director
Classification and Personnel Management

NCK/mtb/db
C: Mary Fitzgerald
Thomas Healy