

B-27



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Joyce Hurley, New
Jersey City University

Classification Appeal

CSC Docket No. 2015-618

ISSUED: MAR 10 2015 (LDH)

Joyce Hurley appeals the attached decision of the Division of Classification and Personnel Management (CPM)¹ that determined the proper classification of her position with New Jersey City University is Senior Clerk Typist. Hurley seeks a Secretarial Assistant 3, Non-Stenographic classification.

The record in the present matter establishes that Hurley is currently serving in the permanent title of Principal Clerk Typist. Hurley pursued the matter of her reclassification with CPM. CPM reviewed all of the documentation including the appointing authority's entitlement plan, an organizational chart and the Position Questionnaire. Hurley's position is located in the College of Professional Studies, New Jersey City University and she reports directly to Marilyn Ettinger, Chairperson. CPM found that the primary duties and responsibilities of Hurley's position entailed providing administrative/clerical support to the Accounting Department and the Finance Department; aiding in the creation, reproduction and storage of course syllabi, and other course material of faculty members; recording faculty members' office hours and class schedule for the semester; preparing and posting faculty grids; greeting visitors upon entry to the School of Business; resolving visitor, faculty and staff inquiries, or directing them to the appropriate individual; taking the lead and training work study students; answering and directing incoming telephone calls to the appropriate faculty and staff members; typing external and internal correspondence; investigating and resolving issues pertaining to returned mail; preparing and maintaining confidential files and

¹ Now the Division of Agency Services.

records; storing and retrieving files as necessary; distributing incoming and outgoing mail; and retrieving, distributing, and safeguarding paychecks for faculty and staff. Additionally, CPM found that Hurley did not conduct Performance Evaluation Reviews for any of the student employees. CPM also noted that pursuant to the appointing authority's entitlement plan, an individual in the title of Secretarial Assistant 3, Non-Stenographic, would report directly to a Director 1 or equivalent Executive level.² However, Hurley instead reports to a Chairperson. Therefore, CPM determined that the duties performed by Hurley were properly classified by the title Senior Clerk Typist, effective June 14, 2014.

On appeal to the Civil Service Commission (Commission), although Hurley argues that her duties and responsibilities are more consistent with a Secretarial Assistant 3, Non-Stenographic, she agrees that her duties also fit the job description of a Senior Clerk Typist. In this regard, she contends that Senior Clerk Typist and Secretarial Assistant 3, Non-Stenographic share and perform common job duties. Moreover, Hurley is dubious about whether the reclassification denial was based on merit. Specifically, she argues that her position's lack of reporting to a Dean should not be a factor in her reclassification because it was not a reason stated by the appointing authority in its denial of her reclassification request. She contends that she is qualified for the position because she has taken and passed the Civil Service secretarial examination. Hurley disagrees with CPM's determination of her supervisory duties as she asserts that she supervises graduate assistants. She also argues that other employees that do not report to a Dean have been promoted to the title of Secretarial Assistant 1, Non-Stenographic. In support, she submits, *inter alia*, a photograph of the eligible list for Secretarial Assistant 1, Non-Stenographic (PS8423J), which promulgated October 31, 2013 and expires October 30, 2016, a memorandum dated November 4, 2013 and an appeal letter provided by Robert Piaskowsky, Human Resources Director.

CONCLUSION

The definition section of the job specification for Principal Clerk Typist 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 clerical unit; does related work as required.

² On January 16, 2015, CPM reviewed the secretarial entitlement plan and correctly revised their determination letter. According to the secretarial entitlement plan, Secretarial Assistant 3, Non-Stenographic would report directly to a Director 1 or equal Executive level (range 32-33) and not to a Dean as indicated in the original determination letter.

The definition section of the job specification for Secretarial Assistant 3, Non-Stenographic, states:

May be assigned as a secretary to Assistant Division Directors, Bureau Chiefs, or their organizational equivalents; does other related duties as required.

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

Under supervision, performs typing and other related clerical work requiring the exercise of independent judgment and a working knowledge of department rules, regulations, and policies, and/or has charge of the work of a small group of clerk typists, and/or has charge of the designated phase of the typing work of the department; does related work as required.

A review of the record reveals that Hurley's position is properly classified by the title of Senior Clerk Typist. The title of Principal Clerk Typist is not appropriate as Hurley does not supervise permanent employees nor does she recommend the hiring, firing, promoting and disciplining of subordinates. Hurley's supervision of graduate assistants does not equate to supervision of permanent employees. *See In the Matter of Blanca Cieri* (Commissioner of Personnel, decided October 14, 2004) (Supervision of work-study student not considered supervisory experience since student assistants are not recognized as employees for position classification purposes). Moreover, the Commission has found that the *essential component* of supervision is the responsibility for the administration of performance evaluations for subordinate staff. *See In the Matter of Timothy Teel* (MSB, decided November 16, 2001). The record does not indicate that Hurley is responsible for the preparation of performance evaluations for any permanent employees. Thus, the title of Principal Clerk Typist is not an appropriate classification.

Similarly, Secretarial Assistant 3, Non-Stenographic is not an appropriate classification. An incumbent in this title must report directly to a Director 1 or equal executive level (range 32-33). However, Hurley reports directly to Marilyn Ettinger, Chairperson. According to the Secretarial Entitlement plan, a Chairperson is permitted to have a Principal Clerk Typist. Moreover, Hurley's argument that because the titles of Secretarial Assistant 3, Non-Stenographic and Senior Clerk Typist share common duties she should be promoted to the higher classification is unconvincing. In making classification determinations, emphasis is placed on the definition section to distinguish one class of positions from another. *See In the Matter of Darlene M. O'Connell* (Commissioner of Personnel, decided April 10, 1992). In addition, a Senior Clerk Typist takes charge of a group of clerical staff and would assign work, provide instructions and oversee the work of individuals and groups. Hurley takes the lead with clerical operations and provides

administrative support in the School of Business Administration pertaining to the Accounting and the Finance Departments.

Hurley's proper classification is Senior Clerk Typist. In this regard, Hurley's job duties entail, in part, composing and typing routine correspondence; maintaining essential records and files; and supervising students engaged in a variety of clerical work in connection with executing special requests for information in accord with established rules and regulations. Finally, the purpose of a classification appeal is to classify the duties of a position, not to provide an employee with career mobility. See *In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005), where it was affirmed that the outcome of position classification is not to provide a career path to the incumbent, but rather to ensure the position was classified in the most appropriate title available within the State's classification plan. Accordingly, Hurley has failed to establish that CPM's determination, that she was properly classified as a Senior Clerk Typist, was incorrect.

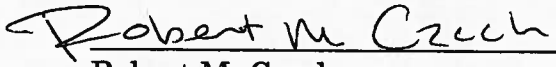
ORDER

Therefore, the position of Joyce Hurley is properly classified as Senior Clerk Typist, effective June 14, 2014.

Further, since the movement from Hurley's permanent title of Principal Clerk Typist to Senior Clerk Typist would be a demotion, with Hurley's consent, this movement should be recorded as a voluntary demotion. Otherwise, duties appropriate to her permanent title of Principal Clerk Typist must be immediately assigned and documentation of those duties, signed by Hurley and the appointing authority, must be provided to the Division of Agency Services within 30 days of the issuance of this decision; or the appointing authority is to initiate demotional layoff proceedings pursuant to *N.J.A.C. 4A:8-2* and *N.J.A.C. 4A:4-7.8*. Finally, the appointing authority should immediately effectuate steps for repayment of the salary overpayment from June 14, 2014 to the date Hurley is either assigned duties consistent with her permanent title or moved to the Senior Clerk Typist title. Failure to initiate procedures to properly effect changes to Hurley's classification by the appointing authority within 30 days of receiving this determination shall subject it to fines and penalties pursuant to *N.J.A.C. 4A:10-2.1*.

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 MARCH, 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: Joyce Hurley
Robert Piakowsky
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

January 16, 2015

(Revised)

Joyce Hurley
New Jersey City University
2089 Kennedy Blvd.
Jersey City, NJ 07305

Re: Classification Appeal, Principal Clerk Typist
Position# 097101, CPM log# 12130332
EID# 000869955

Dear Ms. Hurley:

ISSUE:

You are serving in the title, Principal Clerk Typist (29234-R12). You contend that you are performing duties and responsibilities commensurate with the title, Secretarial Assistant 3, Non-Stenographic (24581C-A15).

ORGANIZATION AND STRUCTURE:

Your position is assigned to the College of Professional Studies, New Jersey City University. You report directly to Marilyn Ettinger, Chairperson. You oversee the work of student employees, but you do not conduct Performance Evaluation Reviews (PER) for these employees. Employees who assign work, review the work of others, and provide information to supervisory staff, but do not perform a PER "take the lead" rather than supervise. Non-supervisory employees may "take the lead" without working out of title.

FINDINGS OF FACT:

You perform the following assigned duties and responsibilities:

- Provide administrative/clerical support to the Accounting Department and the Finance Department. Aid in the creation, reproduction, and storage of course syllabi and other course material of faculty members. Record faculty members' office hours and class schedule for the semester. Prepare and post faculty grids.
- Greet visitors upon entry to the School of Business. Resolve visitor, faculty, and staff inquiries or direct them to the appropriate individual.
- Take the lead and train work study students.
- Answer and direct in-coming telephone calls to the appropriate faculty and staff members.
- Type external and internal correspondence. Investigate and resolve issues pertaining to returned mail.
- Prepare and maintain confidential files and records. Store and retrieve files as necessary. Distribute incoming and outgoing mail. Retrieve, distribute, and safeguard paychecks for faculty and staff.

REVIEW AND ANALYSIS:

The definition section of the job specification for the current title, Principal Clerk Typist, 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 clerical unit; does related work as required

The title, Principal Clerk Typist (29294-R12), is in the "R" bargaining unit, a supervisory union. Employees in this title must supervise permanent employees and do their Performance Evaluation Reviews (PER). An incumbent in this title would supervise clerical staff, oversee the performance of their work, and conduct Performance Evaluation Reviews (PER). He/she would also recommend the hiring, firing, promoting, and disciplining of subordinates.

The definition section of the job specification for the requested title, Secretarial Assistant 3, Non-Stenographic, states:

May be assigned as a secretary to Assistant Division Directors, Bureau Chiefs, or their organizational equivalents; does other related duties.

According to the New Jersey City University's Secretarial Assistant Entitlement plan, an incumbent in this title would report directly to a Director 1 or an

equivalent Executive level (Range 92-98). You report directly to Marilyn Ettinger, Chairperson.

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

Under supervision, performs typing and other related clerical work requiring the exercise of independent judgment and a working knowledge of department rules, regulations, and policies, and/or has charge of the work of a small group of clerk typists, and/or has charge of the designated phase of the typing work of the department; does related work as required.

An incumbent in this title would take charge of a group of clerical staff. He/she would also assign work, provide instructions, and oversee the work of individuals and groups.

You take the lead with clerical operations and provide administrative support in the School of Business Administration pertaining to the Accounting and the Finance Departments. These duties and responsibilities reflect the duties associated with the title, Senior Clerk Typist.

DETERMINATION:

By copy of this letter, the Appointing Authority is advised that we will reclassify the position to Senior Clerk Typist effective June 14, 2014, unless they assign duties and responsibilities commensurate with this position's current title, Principal Clerk Typist, within 30 days of receipt of the determination letter. Please be advised that this determination is rendered solely for the proper classification of the current position's title, and does not reflect the knowledge, skills and abilities required to qualify for this title.

The job specification for Senior Clerk Typist 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.

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 [Commission] in a particular case for good cause, the appointing authority shall

Joyce Hurley
January 16, 2015
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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 applicable 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. The appeal should be addressed to the 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 written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,


Annemarie Nostrand, Team Leader
Classification and Personnel Management

AN/rh

C: Robert Piakowsky, Human Resource Director, (HIUJ)