

B-37



	:	<b>STATE OF NEW JERSEY</b>
	:	
	:	<b>FINAL ADMINISTRATIVE ACTION</b>
	:	<b>OF THE</b>
<b>In the Matter of Lea Berry, et al.,</b>	:	<b>CIVIL SERVICE COMMISSION</b>
<b>Department of Agriculture</b>	:	
	:	
<b>CSC Docket Nos. 2015-175</b>	:	
2015-177	:	<b>Classification Appeals</b>
2015-178	:	
2015-176	:	
	:	

**ISSUED: APR - 2 2015 (RE)**

Lea Berry, Carol Flato, Erlisa Levin and Linda Scarpa appeal the attached decisions of the Division of Classification and Personnel Management<sup>1</sup> (CPM) that their positions with the Department of Agriculture are properly classified as Nutrition Program Specialist 1. They seek Educational Program Development Specialist 1 Nutrition classifications in these proceedings.

The record in the present matter establishes that CPM conducted classification reviews of the individuals' positions after they submitted requests for the reviews. CPM performed a detailed analysis of their Position Classification Questionnaires (PCQs) and related documentation. Each of the named individuals is a permanent Nutrition Program Specialist 1 at the Division of Food and Nutrition, Department of Agriculture, is supervised by a Nutrition Specialist 3, and has no supervisory responsibilities.

As described in the attached determinations, CPM found that, based on the primary duties of the positions, the individuals are properly classified in the title Nutrition Program Specialist 1. On appeal, the appellants agree that they perform the duties of a Nutrition Program Specialist 1, but argue that there is inequity in classification and salary as three other employees are Educational Program Development Specialists 1 Nutrition and are performing essentially similar duties. They explain that the Division of Food and Nutrition was placed under the New Jersey Department of Agriculture from the Department of Education in 1997, and

<sup>1</sup> Currently the Division of Agency Services.

these three employees transferred at that time, while the then-Program Development Specialists 2 were given titles of Nutrition Program Specialist 1. In 2013, the duty of scheduling the reviews of sponsors was removed from the Educational Program Development Specialists 1 Nutrition, leaving only one job responsibility to differentiate them from Nutrition Program Specialists 1, which is the approval of food management contracts. They argue that it is unfair that they remain as Nutrition Program Specialists 1 as they and the Educational Program Development Specialists 1 Nutrition perform the same tasks of conducting school audits/reviews, developing and delivering presentations, serving on committees, providing technical assistance, and answering questions from sponsors.

Additionally, the appellants argue that they were given new duties after they submitted their classification appeals and that these duties were not considered in CPM's decisions. The appellants state that they perform all the duties required within the Nutrition Program Specialist 1 job specification, but that they also perform other job duties. Also, they state that they "seek an oral argument or discussion on all issues contained in the appeal."

Finally, the appellants argue that Ms. Berry's performance assessment review (PAR) clearly indicates that she was performing a current job duty of the requested title, but was not offered an increase in salary. They also state that this job duty was removed in January 2014.

## CONCLUSION

Initially, the appellants request "oral arguments" on these matters. However, classification appeals are treated as reviews of the written record. See *N.J.A.C. 11A:2-6(b)*. Hearings are granted only in those limited instances where the Civil Service Commission (Commission) determines that a material and controlling dispute of fact exists which can only be resolved through a hearing. See *N.J.A.C. 4A:2-1.1(d)*. No material issue of disputed fact has been presented which would require a hearing. See *Belleville v. Department of Civil Service*, 155 *N.J. Super.* 517 (App. Div. 1978). See also, *N.J.A.C. 4A:3-3(e)*. Given the amount of information and documentation supplied by the appellants in conjunction with the audit of their positions and on appeal, the Commission finds that it possesses all the information necessary to determine appropriate classifications for the positions without the necessity of a further proceeding.

The definition section of the job specification for Nutrition Program Specialist 1 states:

Under direction of a Nutrition Program Specialist 3 or other supervisory officer in the Department of Agriculture, assists and participates in the delivery of nutrition programs, provides technical assistance, works with

program staff to monitor program sponsors/participants to determine compliance with applicable program regulations, assists program staff responsible for implementing measures to expand program participation; performs related work as required.

The definition section of the job specification for Educational Program Development Specialist 1 Nutrition states:

Under direction of an Education Program Development Specialist 1 or other supervisory official, in the Department of Education, assists in the design, production, and delivery of Nutrition curricula, training, program improvement, and related education services to education agencies to ensure the achievement of mandated goals and to meet existing and emerging needs; performs mandated regulatory functions; under supervision, performs work of a difficult nature in the monitoring and evaluation of education programs in school districts statewide; does other related duties.

The appellants completed PCQs outlining the duties of their positions, including the percentage of time spent on each duty and the order of difficulty of each. The appellants each listed between 16 and 19 duties which were substantially similar in nature. Ms. Scarpa added a few more, which were performed 1% of her time. CPM condensed these tasks, and the duties listed in the determination are a summary of duties rather than a word for word copy of what was submitted. In addition, the list of duties provided by the appellants to CPM was received by CPM and included in the analysis for the appropriate title. These duties included ensuring consistency, answering questions, sharing problems and solutions, reading reports to ensure that regulations are interpreted correctly and that the reports are correct and consistent, serving as a contact person, monitoring regulatory time frames, planning activities and identifying training needs, conducting nutrient analysis when required, reviewing applications, and developing and maintaining priority lists for reviews. The purpose of a PCQ is to get a complete description of the job duties including the importance of each based on the percentage of time and the order of difficulty. In this case, the appellants accounted for 100% of their time and indicated how difficult each duty was on the PCQs which they completed in December 2013. The appellants argue that they were given new duties in January 2014, but instead of completing new PCQs to incorporate these duties, they merely provided an additional list. They did not indicate the percentage of time spent on each duty or the order of difficulty, which would have reduced the percentage of time of other duties and changed the order of difficulty of the original duties. By providing information in this manner, the only analysis that can be made is on the duties performed, as the amount of time and importance of each duty is obscured by an additional list which does not provide this information.

Lastly, some of the items on this list match duties already listed on the PCQs, but clarify and define consistency and communication standards.

Nevertheless, CPM's determinations capture the primary focus of the positions. The major component of their duties is scheduling and conducting administrative reviews to ensure compliance with all State and federal rules and regulations, and to manage various programs of Child Nutrition Sponsors. The majority of duties provided, including the additional ones, fall squarely in the job definition for Nutrition Program Specialist 1. The appellants are not primarily assisting in the design, production, and delivery of nutrition curricula, training, program improvement, and related education services to education agencies, performing mandated regulatory functions, and performing work of a difficult nature in the monitoring and evaluation of education programs in school districts Statewide. While some tasks may be appropriate for both titles, there can only be one primary focus for any position. The preponderance of the evidence does not establish that the appellants' positions, as reviewed by CPM, have duties other than Nutrition Program Specialist 1 as the primary focus.

The appellants reference unspecified duties on Ms. Berry's PAR, and the PAR on file at the time of the audit was for the rating period of March, 2013 to February, 2014. Several major goals of the ratee were listed as well as corresponding job expectations and responsibilities. The appellants did not specify which task they were referencing and, in addition, they indicated that the task that they took umbrage with was removed in January 2014. Regardless, the duties listed on her PAR are appropriate for Nutrition Program Specialist 1. It is long-standing policy that upon review of a request for position classification, when it is found that the majority of an incumbent's duties and responsibilities relate to the examples of work found in a particular job specification, that title is deemed the appropriate title for the position. Moreover, it is permissible for employees to be assigned some work duties above or below the proper level of their titles. Classification determinations are based on those duties which are considered to be the *primary* focus of the appellant's duties and responsibilities that are performed on a regular, recurring basis. See *In the Matter of David Baldasari* (Commissioner of Personnel, decided August 22, 2006). Each of the audited positions have specific tasks assigned to them, and the mere fact that the incumbent of a position performs other duties does not establish that those duties are the primary focus of the position.

The crux of the appellants' appeal appears to be their dissatisfaction with the classification of other employees as Educational Program Development Specialist 1 Nutrition, and the associated salary discrepancies. It is noted that *N.J.A.C. 4A:4-7.11(a)* states that, when any of the functions of a department, agency or unit operating under Title 11A, New Jersey Statutes, are transferred, consolidated, unified, absorbed or combined with those of the State, this agency shall approve the

transfer of some or all affected employees to the receiving unit. Also, *N.J.A.C. 4A:4-7.11(b)* states that any employee so transferred who holds permanent or probationary status in a title in the career service shall continue to hold such status in the receiving unit. The transferred employees had been regularly appointed to the Educational Program Development Specialist 1 Nutrition title and were permanent in their positions. As such, pursuant to *N.J.A.C. 4A:4-7.11(b)* these transferred employees appropriately retained regular appointments in this title. When these employees leave service, the title should no longer be used if it is not appropriate. However, the appellants have not conclusively established that those positions are misclassified. Even if they had, the remedy would not be for the appellants' positions to be upgraded, but rather, for the misclassified positions to be reclassified downward. Finally, should the appellants believe their current classification based on their current duties is inappropriate, they must request a new classification review pursuant to *N.J.A.C. 4A:3-3.9*.

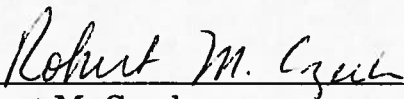
A thorough review of the information presented in the record establishes that the positions of Lea Berry, Carol Flato, Erlisa Levin and Linda Scarpa are properly classified as Nutrition Program Specialist 1, and they have not presented a sufficient basis to establish that their positions are improperly classified.

#### ORDER

Therefore, the positions of Lea Berry, Carol Flato, Erlisa Levin and Linda Scarpa are properly classified as Nutrition Program Specialist 1.

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

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 1<sup>st</sup> DAY OF APRIL, 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**

**Attachments**

**c:   Lea Berry  
      Carol Flato  
      Erlisa Levin  
      Linda Scarpa  
      Linda Krajain  
      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

June 11, 2014

Ms. Lea Berry

**RE: Classification Appeal, Nutrition Program Specialist 1  
Position # 918905, CPM Log # 01140284, EID # 000520868**

Dear Ms. Berry:

This is to inform you, and the Department of Agriculture, of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information and documentation submitted.

**Issue:**

You are appealing that your current permanent title of Nutrition Program Specialist 1 (P21) is not consistent with your current assigned duties and responsibilities. You contend that a title of Educational Program Development Specialist 1 Nutrition (P26) is an appropriate title for your position.

**Organization:**

Your position is located in the Department of Agriculture, Division of Food and Nutrition and you report directly to Arleen Ramos-Szatmay, Nutrition Specialist 3 (S29). You do not possess supervisory responsibility.

**Finding of Fact:**

The primary responsibilities of your position include, but are not limited to the following:

Ms. Lea Berry  
Page 2  
June 11, 2014

- Scheduling and conducting administration reviews of Child Nutrition Sponsors to ensure all state, federal laws and regulations are being adhered to.
- Managing programs of child nutrition sponsors such as national school lunch programs, after school snacks, seamless summer, fresh fruit and vegetables, milk, and school breakfast.
- Approving public and non-public schools' applications according to current unit procedures.
- Developing and delivering training modules for sponsors including webinar and/or on-site technical assistance.
- Assisting and developing standards for program sponsors in conjunction with creating reports of findings and recommending appropriate actions for non-compliant sponsors.

### **Review and Analysis:**

In reviewing your request, various titles were examined in relation to the overall duties being performed by your position to determine the appropriate classification for the tasks described by you and your supervisor.

Your position is currently classified by the title, Nutrition Program Specialist 1 (P21-44795). The definition section of the job specification for this title states:

“Under direction of a Nutrition Program Specialist 3 or other supervisory officer in the Department of Agriculture, assists and participates in the delivery of nutrition programs, provides technical assistance, works with program staff to monitor program sponsors/participants to determine compliance with applicable program regulations, assists program staff responsible for implementing measures to expand program participation; performs related work as required.”

A Nutrition Program Specialist 1 performs duties in assisting and participating in the delivery of nutrition programs in conjunction with providing timely technical



Ms. Lea Berry

Page 3

June 11, 2014

assistance. Incumbents monitor program sponsors/participants to ensure compliance with program regulations.

Your classification appeal submission indicates that you believe the title of Educational Program Development Specialist 1 Nutrition (P26-703390) is an appropriate title for your position. The definition section for this title states:

“Under direction of an Education Program Development Specialist 1 or other supervisory official, in the Department of Education, assists in the design, production, and delivery of Nutrition curricula, training, program improvement, and related education services to education agencies to ensure the achievement of mandated goals and to meet existing and emerging needs; performs mandated regulatory functions; under supervision, performs work of a difficult nature in the monitoring and evaluation of education programs in school districts statewide; does other related duties.”

Incumbents classified as an Educational Program Development Specialist 1 Nutrition have as primary responsibility in the creation, production and delivery of nutrition courses, training and program improvement. Incumbents also monitor and evaluate education programs, and perform mandated regulatory functions.

A review of your job duties and responsibilities finds that the main function of your position is scheduling and conducting administration reviews to assure compliance with all state, federal laws and regulations. The primary function of this position is not to develop courses and improvement programs related to education services.

The assigned duties and responsibilities of this position are significantly descriptive of the tasks assigned to a Nutrition Program Specialist 1.

A thorough review of all of the information received with this submission concludes that your position is properly classified as a Nutrition Program Specialist 1 (P21-44795).

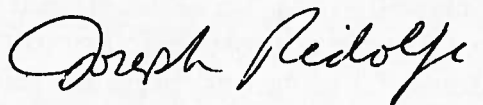
Ms. Lea Berry  
Page 4  
June 11, 2014

**Determination:**

Based upon the findings of fact above, it is my determination that the assigned duties and responsibilities of your position are properly classified by the title Nutrition Program Specialist 1 (P21-44795).

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 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,



Joseph Ridolfi, Team Leader  
Classification and Personnel Management

JR/do

c: Ms. Linda Krajain



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  
(609 292-8189)

Robert M. Czech  
Chair/Chief Executive Officer

June 11, 2014

Ms. Carol Flato

**RE: Classification Appeal, Nutrition Program Specialist 1  
Position # 933858, CPM Log # 01140286, EID # 000379042**

Dear Ms. Flato:

This is to inform you, and the Department of Agriculture, of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information and documentation submitted.

**Issue:**

You are appealing that your current permanent title of Nutrition Program Specialist 1 (P21) is not consistent with your current assigned duties and responsibilities. You contend that a title of Educational Program Development Specialist 1 Nutrition (P26) is an appropriate title for your position.

**Organization:**

Your position is located in the Department of Agriculture, Division of Food and Nutrition and you report directly to Arleen Ramos-Szatmay, Nutrition Specialist 3 (S29). You do not possess supervisory responsibility.

**Finding of Fact:**

The primary responsibilities of your position include, but are not limited to the following:

- Scheduling and conducting administration reviews of Child Nutrition Sponsors to ensure all state, federal laws and regulations are being adhered to.
- Managing programs of child nutrition sponsors such as national school lunch programs, after school snacks, seamless summer, fresh fruit and vegetables, milk, and school breakfast.
- Approving public and non-public schools' applications according to current unit procedures.
- Developing and delivering training modules for sponsors including webinar and/or on-site technical assistance.
- Assisting and developing standards for program sponsors in conjunction with creating reports of findings and recommending appropriate actions for non-compliant sponsors.

**Review and Analysis:**

In reviewing your request, various titles were examined in relation to the overall duties being performed by your position to determine the appropriate classification for the tasks described by you and your supervisor.

Your position is currently classified by the title, Nutrition Program Specialist 1 (P21-44795). The definition section of the job specification for this title states:

“Under direction of a Nutrition Program Specialist 3 or other supervisory officer in the Department of Agriculture, assists and participates in the delivery of nutrition programs, provides technical assistance, works with program staff to monitor program sponsors/participants to determine compliance with applicable program regulations, assists program staff responsible for implementing measures to expand program participation; performs related work as required.”

A Nutrition Program Specialist 1 performs duties in assisting and participating in the delivery of nutrition programs in conjunction with providing timely technical assistance. Incumbents monitor program sponsors/participants to ensure compliance with program regulations.

Ms. Carol Flato

Page 3

June 11, 2014

Your classification appeal submission indicates that you believe the title of Educational Program Development Specialist 1 Nutrition (P26-703390) is an appropriate title for your position. The definition section for this title states:

“Under direction of an Education Program Development Specialist 1 or other supervisory official, in the Department of Education, assists in the design, production, and delivery of Nutrition curricula, training, program improvement, and related education services to education agencies to ensure the achievement of mandated goals and to meet existing and emerging needs; performs mandated regulatory functions; under supervision, performs work of a difficult nature in the monitoring and evaluation of education programs in school districts statewide; does other related duties.”

Incumbents classified as an Educational Program Development Specialist 1 Nutrition have as primary responsibility in the creation, production and delivery of nutrition courses, training and program improvement. Incumbents also monitor and evaluate education programs, and perform mandated regulatory functions.

A review of your job duties and responsibilities finds that the main function of your position is scheduling and conducting administration reviews to assure compliance with all state, federal laws and regulations. The primary function of this position is not to develop courses and improvement programs related to education services.

The assigned duties and responsibilities of this position are significantly descriptive of the tasks assigned to a Nutrition Program Specialist 1.

A thorough review of all of the information received with this submission concludes that your position is properly classified as a Nutrition Program Specialist 1 (P21-44795).

**Determination:**

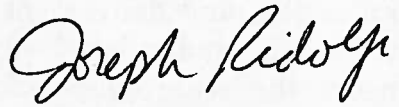
Based upon the findings of fact above, it is my determination that the assigned duties and responsibilities of your position are properly classified by the title Nutrition Program Specialist 1 (P21-44795).

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 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

Ms. Carol Flato  
Page 4  
June 11, 2014

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 "Joseph Ridolfi". The signature is written in a cursive style with a large initial "J".

Joseph Ridolfi, Team Leader  
Classification and Personnel Management

JR/do

c: Ms. Linda Krajain



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  
(609 292-8189)

Robert M. Czech  
*Chair/Chief Executive Officer*

June 11, 2014

Ms. Erlisa Levin  
[REDACTED]  
[REDACTED]

**RE: Classification Appeal, Nutrition Program Specialist 1  
Position # 931618, CPM Log # 01140285, EID # 000353634**

Dear Ms. Levin:

This is to inform you, and the Department of Agriculture, of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information and documentation submitted.

**Issue:**

You are appealing that your current permanent title of Nutrition Program Specialist 1 (P21) is not consistent with your current assigned duties and responsibilities. You contend that a title of Educational Program Development Specialist 1 Nutrition (P26) is an appropriate title for your position.

**Organization:**

Your position is located in the Department of Agriculture, Division of Food and Nutrition and you report directly to Arleen Ramos-Szatmay, Nutrition Specialist 3 (S29). You do not possess supervisory responsibility.

**Finding of Fact:**

The primary responsibilities of your position include, but are not limited to the following:

Ms. Erlisa Levin

Page 2

June 11, 2014

- Scheduling and conducting administration reviews of Child Nutrition Sponsors to ensure all state, federal laws and regulations are being adhered to.
- Managing programs of child nutrition sponsors such as national school lunch programs, after school snacks, seamless summer, fresh fruit and vegetables, milk, and school breakfast.
- Approving public and non-public schools' applications according to current unit procedures.
- Developing and delivering training modules for sponsors including webinar and/or on-site technical assistance.
- Assisting and developing standards for program sponsors in conjunction with creating reports of findings and recommending appropriate actions for non-compliant sponsors.

### **Review and Analysis:**

In reviewing your request, various titles were examined in relation to the overall duties being performed by your position to determine the appropriate classification for the tasks described by you and your supervisor.

Your position is currently classified by the title, Nutrition Program Specialist 1 (P21-44795). The definition section of the job specification for this title states:

“Under direction of a Nutrition Program Specialist 3 or other supervisory officer in the Department of Agriculture, assists and participates in the delivery of nutrition programs, provides technical assistance, works with program staff to monitor program sponsors/participants to determine compliance with applicable program regulations, assists program staff responsible for implementing measures to expand program participation; performs related work as required.”

A Nutrition Program Specialist 1 performs duties in assisting and participating in the delivery of nutrition programs in conjunction with providing timely technical assistance. Incumbents monitor program sponsors/participants to ensure compliance with program regulations.



Ms. Erlisa Levin

Page 3

June 11, 2014

Your classification appeal submission indicates that you believe the title of Educational Program Development Specialist 1 Nutrition (P26-703390) is an appropriate title for your position. The definition section for this title states:

“Under direction of an Education Program Development Specialist 1 or other supervisory official, in the Department of Education, assists in the design, production, and delivery of Nutrition curricula, training, program improvement, and related education services to education agencies to ensure the achievement of mandated goals and to meet existing and emerging needs; performs mandated regulatory functions; under supervision, performs work of a difficult nature in the monitoring and evaluation of education programs in school districts statewide; does other related duties.”

Incumbents classified as an Educational Program Development Specialist 1 Nutrition have as primary responsibility in the creation, production and delivery of nutrition courses, training and program improvement. Incumbents also monitor and evaluate education programs, and perform mandated regulatory functions.

A review of your job duties and responsibilities finds that the main function of your position is scheduling and conducting administration reviews to assure compliance with all state, federal laws and regulations. The primary function of this position is not to develop courses and improvement programs related to education services.

The assigned duties and responsibilities of this position are significantly descriptive of the tasks assigned to a Nutrition Program Specialist 1.

A thorough review of all of the information received with this submission concludes that your position is properly classified as a Nutrition Program Specialist 1 (P21-44795).

**Determination:**

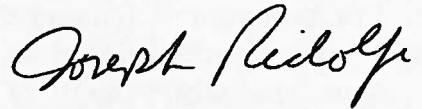
Based upon the findings of fact above, it is my determination that the assigned duties and responsibilities of your position are properly classified by the title Nutrition Program Specialist 1 (P21-44795).

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 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

Ms. Erlisa Levin  
Page 4  
June 11, 2014

well as written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,



Joseph Ridolfi, Team Leader  
Classification and Personnel Management

JR/do

c: Ms. Linda Krajain



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  
(609 292-8189)

Robert M. Czech  
*Chair/Chief Executive Officer*

June 11, 2014

Ms. Linda Scarpa  
[REDACTED]  
[REDACTED]

**RE: Classification Appeal, Nutrition Program Specialist 1  
Position # 921157, CPM Log # 01140287, EID # 000664277**

Dear Ms. Scarpa:

This is to inform you, and the Department of Agriculture, of our determination concerning your classification appeal. This determination is based upon a thorough review and analysis of all information and documentation submitted.

**Issue:**

You are appealing that your current permanent title of Nutrition Program Specialist 1 (P21) is not consistent with your current assigned duties and responsibilities. You contend that a title of Educational Program Development Specialist 1 Nutrition (P26) is an appropriate title for your position.

**Organization:**

Your position is located in the Department of Agriculture, Division of Food and Nutrition and you report directly to Arleen Ramos-Szatmay, Nutrition Specialist 3 (S29). You do not possess supervisory responsibility.

**Finding of Fact:**

The primary responsibilities of your position include, but are not limited to the following:

- Scheduling and conducting administration reviews of Child Nutrition Sponsors to ensure all state, federal laws and regulations are being adhered to.
- Managing programs of child nutrition sponsors such as national school lunch programs, after school snacks, seamless summer, fresh fruit and vegetables, milk, and school breakfast.
- Approving public and non-public schools' applications according to current unit procedures.
- Developing and delivering training modules for sponsors including webinar and/or on-site technical assistance.
- Assisting and developing standards for program sponsors in conjunction with creating reports of findings and recommending appropriate actions for non-compliant sponsors.

**Review and Analysis:**

In reviewing your request, various titles were examined in relation to the overall duties being performed by your position to determine the appropriate classification for the tasks described by you and your supervisor.

Your position is currently classified by the title, Nutrition Program Specialist 1 (P21-44795). The definition section of the job specification for this title states:

“Under direction of a Nutrition Program Specialist 3 or other supervisory officer in the Department of Agriculture, assists and participates in the delivery of nutrition programs, provides technical assistance, works with program staff to monitor program sponsors/participants to determine compliance with applicable program regulations, assists program staff responsible for implementing measures to expand program participation; performs related work as required.”

A Nutrition Program Specialist 1 performs duties in assisting and participating in the delivery of nutrition programs in conjunction with providing timely technical assistance. Incumbents monitor program sponsors/participants to ensure compliance with program regulations.

Ms. Linda Scarpa

Page 3

June 11, 2014

Your classification appeal submission indicates that you believe the title of Educational Program Development Specialist 1 Nutrition (P26-703390) is an appropriate title for your position. The definition section for this title states:

“Under direction of an Education Program Development Specialist 1 or other supervisory official, in the Department of Education, assists in the design, production, and delivery of Nutrition curricula, training, program improvement, and related education services to education agencies to ensure the achievement of mandated goals and to meet existing and emerging needs; performs mandated regulatory functions; under supervision, performs work of a difficult nature in the monitoring and evaluation of education programs in school districts statewide; does other related duties.”

Incumbents classified as an Educational Program Development Specialist 1 Nutrition have as primary responsibility in the creation, production and delivery of nutrition courses, training and program improvement. Incumbents also monitor and evaluate education programs, and perform mandated regulatory functions.

A review of your job duties and responsibilities finds that the main function of your position is scheduling and conducting administration reviews to assure compliance with all state, federal laws and regulations. The primary function of this position is not to develop courses and improvement programs related to education services.

The assigned duties and responsibilities of this position are significantly descriptive of the tasks assigned to a Nutrition Program Specialist 1.

A thorough review of all of the information received with this submission concludes that your position is properly classified as a Nutrition Program Specialist 1 (P21-44795).

**Determination:**

Based upon the findings of fact above, it is my determination that the assigned duties and responsibilities of your position are properly classified by the title Nutrition Program Specialist 1 (P21-44795).

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 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

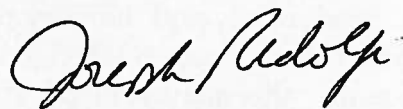
Ms. Linda Scarpa

Page 4

June 11, 2014

well as written documentation and/or argument substantiating the portions of the determination being disputed and the basis for the appeal.

Sincerely,



Joseph Ridolfi, Team Leader  
Classification and Personnel Management

JR/do

c: Ms. Linda Krajain