B-8

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Theresa Miller,
Department of Community Affairs

CSC Docket No. 2015-752

Classification Appeal

ISSUED: APR 20 2015 (RE)

Theresa Miller, represented by Brett Richter, CWA Local 1039, appeals the attached decision of the Division of Classification and Personnel Management[1] (CPM) which found that her position with the Department of Community Affairs is properly classified as Senior Clerk Typist. The appellant seeks a Principal Clerk Typist title in this proceeding.

Ms. Miller received a regular appointment as a Senior Clerk Typist on September 5, 2005. Subsequently, she requested a review to determine if her position was properly classified as Principal Clerk Typist. She was asked to complete a Position Classification Questionnaire (PCQ) and, in addition, a telephone interview was conducted with Ms. Miller and her supervisor, a Supervisor, Construction Plans Approval Section. Ms. Miller's position is in the Department of Community Affairs, Division of Codes and Standards, Bureau of Construction Project Review, Education Plan Review Unit, and does not have any supervisory responsibilities.

CPM's decision determined that the position was properly classified as Senior Clerk Typist. On appeal, the appellant argues that the determination was improperly addressed to her at the Bureau of Housing Inspections and, therefore, she questions if her duties were thoroughly reviewed. She reiterates her duties, stating that she processes fee schedules for school construction plans pursuant to the Uniform Construction Code; identifies information and enters data into a

[1] Currently the Division of Agency Services.

database or spreadsheet, and ensures the file is complete prior to distribution to proper plan reviewers; insures fees have been remitted from architects or from the school; gathers and compiles amended review hours for the project and, using compiled information, calculates and prepares the bill based on the hourly fee amount, and sends it; maintains a list of files to be destroyed annually; and prepares reports using spreadsheets and databases. She argues that CPM's decision indicated that the Principal Clerk Typist title is in the "R" bargaining unit, which is a supervisory employee relations group, and an incumbent in this title must supervise and prepare performance reviews. Nevertheless, per the Principal Clerk Typist job specification, a particular position using this title may not perform all duties listed in the job specification, and most individuals in Principal Clerk Typist positions do not supervise anyone.

Ms. Miller further argues that a proper audit cannot consist of a phone call, and there should have been an in-person interview. Also, she argues that there is no mandate that individuals in the "R" bargaining unit must supervise. Lastly, she believes that the definition sections of both titles are almost the same, with merely a rearrangement of words.

CONCLUSION

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

> Under supervision, performs typing related clerical work requiring exercise of independent judgment and 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 other related duties as required.

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 large clerical unit; does related work as required.

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

> Under direction of a supervisory official, does clerical work involving the exercise of independent judgment and containing a relatively large

> proportion of difficult tasks, and/or instructs individuals in the work of a clerical unit; does other related duties as required.

The definition section of the job specification for Principal Clerk states:

> Under direction of a supervisory official, does clerical work usually varied but predominately complex in nature, requiring knowledge of department laws, regulations, policies, and procedures, and frequent exercise of independent judgment, and/or has charge of the work of a large clerical unit; does other related duties as required.

First, as to the type of classification review, classification reviews are typically conducted either by a paper review, based on the duties questionnaire completed by the employee and supervisor; an on-site audit with the employee and supervisor; or a formal telephone audit to obtain clarifying information. *See In the Matter of Richard Cook* (Commissioner of Personnel, decided August 22, 2006). The chosen methods in this case were a paper review and a telephone audit, which are valid methods of collecting information about a position and are not by any means considered to be inadequate or improper. The appellant's dissatisfaction with the method of classification review is not a reason to conclude that the audit results were inaccurate. Additionally, a typographical error in the address of the determination is also not a reason to conclude that the duties were not thoroughly addressed or the audit results were inaccurate.

The appellant reiterates her duties on appeal, and they are substantially the same as those presented during the audit. As such, the actual duties are not in dispute. However, CPM's determination did not include the information that the duties of the position are not primarily focused on typing, and therefore, the position does not belong in the Clerk Typist series.

For purposes of determining the appropriate level within a given class, and for overall job specification purposes, the definition portion of the job specification is appropriately utilized. How well or efficiently an employee does his or her job, length of service, volume of work and qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees are classified. *See In the Matter of Debra DiCello* (CSC, decided June 24, 2009). The argument that the definition sections of the job specifications for Senior Clerk Typist and Principal Clerk Typist are almost the same, with merely a rearrangement of words, is incorrect. Typically, the Principal Clerk Typist has charge of a clerical unit or performs the most complex clerical work of the unit with frequent exercise of independent judgment. The Senior Clerk Typist cannot be in charge of a clerical unit, but can have charge of the designated phase of the typing work. The Senior Clerk Typist also performs more routine work than the Principal Clerk Typist with less frequent exercise of independent judgment.

The majority of the appellant's duties do not primarily match the definition for either Senior Clerk Typist or Principal Clerk Typist. To that end, it has long been recognized that typing, or word processing, and data entry are different duties. Typing or word processing involves using a computer to create, edit and print a variety of documents, which can include statements and reports, certificates, correspondence, memoranda, charts, forms, tabulations, bills, warrants, contracts, specifications, case records, manuscripts and legal documents.

On her PCQ, Ms. Miller listed her duties as including: typing the information sheet to paste on the back of folders made for new projects; typing log sheets to put into the log folder to list all documents submitted; entering data into a spreadsheet; entering permits submissions into a spreadsheet; entering data into database for processing existing project submissions; composing letters and other correspondence 1% of the time; coordinating and preparing monthly reports, including printing and entering total amounts, for 2% of the time; entering documentation into the billing database; and preparing monthly reports. The data entry was performed for duties which comprise over 75% of her time, *i.e.*, processing the intake of new projects for the unit, processing submissions for existing projects, and preparing billing reports. Clearly, Ms. Miller is not primarily performing typing-related clerical work. Based upon a review of the information presented in the record, Ms. Miller's position is properly classified in the Clerk title series, not the Clerk Typist title series.

The more appropriate analysis in this instance is the comparison of the appellant's duties to the Senior Clerk and Principal Clerk job specifications. Both of these specifications are bifurcated. As Ms. Miller does not have charge of the work of a large clerical unit or instruct individuals in the work of a clerical unit, the question is whether she performs clerical work that is usually varied but predominately complex in nature, requiring frequent exercise of independent judgment, or performs clerical work involving the exercise of independent judgment and containing a relatively large proportion of difficult tasks. In this respect, she indicated on her PCQ that she works under limited supervision, which is defined as proceeding on his or her own initiative while complying with policies, practices and procedures prescribed by the supervisor. A holistic view of the duties shows that the majority is of routine difficulty, as the work is usually repetitive, the employee works from detailed instructions, and the difficulty is limited to accuracy and speed. Senior Clerks perform such duties as reviewing, checking, and certifying reports, applications, and other documents for corrections; checking and verifying bills, vouchers, and statements; and receiving and checking applications. The appellant perform similar clerical work involving a few difficult tasks, but she does not primarily perform tasks which are predominantly complex in nature. The duties and responsibilities of the position do not raise it to the level and scope of Principal Clerk.

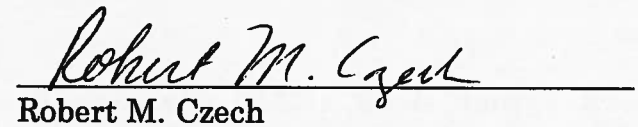
Accordingly, a thorough review of the entire record fails to establish that Theresa Miller has presented a sufficient basis to warrant a Principal Clerk or Principal Clerk Typist classification of her position. Further, the proper classification of her title is Senior Clerk, effective July 12, 2014.[2]

ORDER

Therefore, the position of Theresa Miller is properly classified as a Senior Clerk, effective July 12, 2014.

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 COMMISION
THE 15th DAY OF APRIL, 2015



Robert M. Czech
Chairperson
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Inquiries
and
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Enclosure

c: Theresa Miller
Brett Richter
Jodi Evangelista
Kenneth Connolly
Joseph Gambino

[2] It is noted that the Senior Clerk and Senior Clerk Typist titles are at the same class code. Accordingly, there will be no change in Ms. Miller's level of compensation.

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 21, 2014

Theresa Miller
Department of Community Affairs
Bureau of Housing Inspections
PO Box 810
Trenton, NJ 08625-0810

Re: Classification Review – Senior Clerk Typist, A 08, (RAP), Position # 932713, CPM Log # 06140352, Theresa Miller - Employee ID # 000488229

This is to inform you and the Department of Community Affairs of our determination concerning your classification. This determination is based upon a thorough review and analysis of information and documentation submitted and a telephone audit, conducted with you and your supervisor, Mr. Timothy Waller, Supervisor, Construction Plans Approval Section, (S30) on July 31, 2014.

ISSUE:

You submitted a Position Classification Questionnaire (DPF 44S) to the Division of Classification and Personnel Management, (CPM), as you felt that you were not properly classified.

ORGANIZATION:

This position does not supervise any employees and receives general supervision from Mr. Waller.

FINDINGS OF FACTS:

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

- Process fee schedules for school construction plans.
- Enter data into a computer; ensure the file is complete prior to distributing to the Plan Reviewers.
- Make a file for completed forms.
- Check to ensure that the proper fees have been remitted from architects or from the school.
- Send an amended bill, when necessary.
- Request files from an off-site storage facility.
- Maintain a list of files that will be destroyed on an annual basis.
- Review monthly invoices for files that are in storage for accuracy.
- Prepare special reports by using a spread sheet and the Oracle database.
- Maintain files.

REVIEW AND ANALYSIS:

The duties that are currently being performed were reviewed to determine if the permanent title, Senior Clerk Typist, (23233/A08) is appropriate.

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."

Incumbents assigned to this title would review, check, and certify reports, applications, and other documents for correctness; compose answers to routine letters and prepare other letters in accord with office routines and regulations; type accurately and rapidly from varied types of copy; check and verify bills and

statements; record varied types of data accurately; keep tickler files up-to-date; receive and check applications and/or fees and prepare receipts; receive, review, and adjust complaints; and answer non-routine inquiries for information originating within and without the agency in accord with agency policy and regulations.

The duties that are currently being performed were reviewed to determine if the requested title, Principal Clerk Typist (23234/R12) is appropriate.

The definition section of the job specification for the 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."

An incumbent assigned to this title would organize assigned work and develop effective work methods; plan, organize, and assign the work of the organizational unit and evaluate subordinates performance and conduct, enabling the effective recommendation of the hiring, firing, promoting, and disciplining; supervise employees engaged in a variety of clerical work in connection with executing special requests for information in accord with established rules and regulations; review, check, and certify reports, applications, forms, and other documents requiring technical determinations; process special requests for routine correspondence in response to inquiries; and interview and transact routine business with customers. Additionally, they would gather and compile information as requested; maintain administrative records and files; compile, tabulate, and interpret data and statistics; prepare and supervise the preparation of statistical and other reports; prepare correspondence designed to convey information concerning the regulations and procedures of the department; calculate applicable fees for payment; and prepare statistical, technical, and/or financial reports. This would include the accurate processing of information necessary to further process or to correctly complete or update document or payments; maintain tracking and filing systems; and to provide accurate and complete information for files and to users in accordance with established policies.

In addition, this title is in the "R' bargaining unit which is a supervisory union. Therefore, an incumbent in this title must supervise and prepare performance reviews on subordinates.

DETERMINATION:

Based on the duties listed on the submitted Position Classification Questionnaire, (DPF-44S) and a careful and through review of notes from the telephone audit, the assigned duties are properly classified and encapsulated in the title, Senior Clerk Typist. By copy of this letter, the Appointing Authority is advised that you are properly classified, in the title, Senior Clerk Typist.

This title 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.

If you wish to appeal this decision, you may do so within twenty days of receipt of this letter. Since an appeal will be subject to final administrative review, all arguments that you wish considered should be submitted within the specified timeframe and a copy of this letter must be attached. Appeals should be addressed to the Written Records Appeal Unit, Appeals and Regulatory Affairs, NJ Civil Service Commission, P.O. Box 312, Trenton, New Jersey 08625-0312.

Sincerely,

Annemarie Nostrand

Annemarie Nostrand,
Team Leader

AN: CC
Log # 06140352
Records