

CSC

B-29



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Wendy  
Swaysland, Department  
of Environmental Protection

Classification Appeal

CSC Docket No. 2015-179

ISSUED: APR 17 2015 (BS)

Wendy Swaysland appeals the attached determination of the Division of Classification and Personnel Management (CPM)<sup>1</sup> that her position is properly classified as an Agency Services Representative 4, with the Department of Environmental Protection. The appellant seeks a Senior Management Assistant classification in this proceeding.

The record in the present matter establishes that at the time the appellant requested a classification review, she was serving as an Agency Services Representative 4 with the Division of Fish and Wildlife, Bureau of Land Management, Department of Environmental Protection. She reports to Raymond Porutski, Regional Superintendent, Fish, Game, and Wildlife. The appellant does not supervise subordinate staff. The appellant sought a reclassification of her position, contending that she was performing the duties of a Senior Management Assistant. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties she performed as an Agency Services Representative 4. CPM reviewed and analyzed the PCQ completed by the appellant and documentation submitted by the appointing authority. In its decision, CPM determined that the appellant's position was properly classified as an Agency Services Representative 4.

<sup>1</sup> The Division of Classification and Personnel Management is now the Division of Agency Services.

On appeal, the appellant contends that her position should be classified as a Senior Management Assistant. She asserts that CPM's determination is incorrect and that her day-to-day and weekly functions are now and have been beyond the scope of an Agency Services Representative 4 in that she now takes the minutes of the Fish and Game Council meetings. The appellant asserts that this responsibility had been previously handled by administrative staff from the director's office. In addition, she assumed responsibilities with the Waterfowl Stamp Committee which were previously handled by the Business Administrator. Accordingly, the appellant argues that she is performing the work of a Senior Management Assistant. The appellant further asserts that, should she continue to be found ineligible for the Senior Management Assistant title, the Fish and Game Council and Waterfowl Stamp Committee duties should be assigned to someone else. In support of her appeal, her supervisor submits a letter wherein he argues that he is "[g]enerically... a manager," since he states that he manages 27 wildlife management areas.

In response, CPM reiterates that the duties and responsibilities of the appellant's position are consistent with those of her permanent title, Agency Services Representative 4. It found that the appellant's appeal did not contain additional duties or responsibilities not previously considered which would elevate the position to a higher level. In addition, by specification definition, incumbents in the Management Assistant series are under the direction of a manager. Regional Superintendent is a supervisory title. Therefore, the appellant's supervisor, a Regional Superintendent, is not entitled to the support of a Senior Management Assistant. With regard to the appellant's concerns about the secretarial functions she performs for the Director's office with the Fish and Game Council and Waterfowl Stamp Committee, CPM noted that this only comprised 13% of her job duties and was taken into consideration.

### CONCLUSION

The definition section of the job specification for Agency Services Representative 4 states:

Under direction of a supervisory official in a State department, agency, or institution, provides front-line and behind the scenes customer and other support services involving the review, processing, and issuance of agency documents; provides varied information to customers regarding department/agency programs and services; handles the most complex and sensitive customer issues, requests, and complaints; functions in a lead worker capacity; does other related work as required.

The definition section of the job specification for Senior Management Assistant states:

Under the direction of a manager in a State department, institution or agency, or within a local government jurisdiction, provides varied, complex administrative services in support of a manager(s) within the area of assignment; assists in the coordination of management/administrative activities of an assigned unit or work area; does other related duties.

Based on the information presented in the record, it is clear that the appellant's position is properly classified as an Agency Services Representative 4. With regard to the Senior Management Assistant title the appellant seeks, the Civil Service Commission notes that incumbents in the Management Assistant series must fall under the direction of a manager and assist with coordinating management/administrative activities.<sup>2</sup> The Commission notes that Regional Superintendent, which is a supervisory title, is not entitled to the support of a Senior Management Assistant, which is reserved for those in management titles. This factor alone renders the appellant's arguments untenable.

Regardless, as stated in CPM's determination, the appellant's responsibilities as secretary to the Fish and Game Council and Waterfowl Stamp Committee were not her primary function and did not constitute sufficient additional duties or responsibilities which would warrant the Senior Management Assistant title. The Commission notes that it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed. The preponderance of the appellant's other duties fall under the Agency Services Representative 4 title. Accordingly, since it is clear that the appellant is assigned work consistent with an Agency Services Representative 4, she has failed to establish a sufficient basis to warrant a Senior Management Assistant classification of her position.

### ORDER

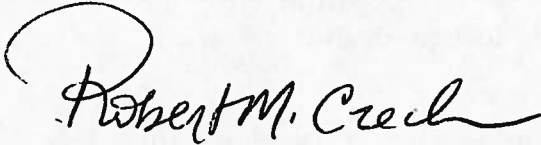
Therefore, the position of Wendy Swaysland is properly classified as an Agency Services Representative 4.

This is the final administrative action in the matter. Any further review should be pursued in a judicial forum.

---

<sup>2</sup> For classification purposes, managers in State service are classified in the "M" employee relations group. The Regional Superintendent is in the "S," or supervisory, employee relations group.

**DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 15TH 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**

**Attachment**

**c: Wendy Swaysland  
Deni Gaskill  
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 24, 2014

Ms. Wendy Swaysland  
[REDACTED]  
[REDACTED]

Re: Classification Appeal  
Agency Service Representative 4  
Position # [REDACTED]  
CPM # 12130069  
Employee ID # [REDACTED]

Dear Ms. Swaysland:

This is to inform you, and the Department of Environmental Protection, 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 Agency Services Representative 4 (56364, A18). You have indicated that you believe your current work duties are equivalent to those of a Senior Management Assistant (56493, P21) title. The Bureau of Human Resources Operations agreed that an audit should be conducted in order to determine the appropriate classification of your position.

This office has conducted a review of the submitted information, including the Position Classification Questionnaire (DPF-44S); organization chart; your Performance Assessment Review (PAR) form; your statements; and the statements of your supervisor, division director, and appointing authority. A telephone audit was performed with you and your supervisor, Raymond Porutski, Regional Superintendent, Fish Game and Wildlife.

**Organization:**

The position is located in Division of Parks and Forestry, State Forestry Service, Bureau of Land Management. You are supervised by Raymond Porutski, Regional Superintendent, Fish Game and Wildlife (03199, S29). No have no supervisory responsibility.

**Findings of Fact:**

- Assists the Central Regional Superintendent, Fish Game and Wildlife in the Bureau of Land Management with administrative duties. This includes gathering and researching information regarding budgeting, purchasing needs and correspondence. Works with the Regional Planner on spreadsheets and Federal Aid reporting information.
- Prepares and reviews all correspondence for the Regional Superintendent, such as letters, memorandums, e-mail responses, reports, technical data, purchasing forms, and employee PARS. Independently prepares responses regarding general information and inquiries for the Regional Superintendent's signature.
- Provides information and assistance to the general public on Division programs and activities, as well as explaining laws, rules, regulations and policies of the Division. Monitors changes to any existing Division policies and keeps aware of any changes to existing laws pertaining to hunting, fishing, and the use of wildlife management areas properties to provide the most accurate information.
- Responsible for coordinating emergency maintenance and repair activities for the Central Region facilities in coordination with the Regional Superintendent. Acts as liaison for the Division with contacting and scheduling vendors to provide necessary services to correct problem situations during working and non-working hours. Coordinates repairs and general maintenance at the facilities using the calendar to avoid interfering with scheduled events.
- Maintains sole responsibility for administering all field trial and group horseback riding activities statewide. Meets annually with the Association of Field Trial Clubs and serves as liaison to horseback riding organizations. Remains current on policies, rules, and regulations for use of wildlife management area for field trial and horseback riding use. Makes recommendations for changes to existing policies, coordinates scheduling of events, collects necessary fees, reviews applications and insurance information of applicant and issues permits for use. Returns all incomplete or incorrect applications for corrections or additional required information.
- Maintains records of all activities, prepares and makes bank deposits and accounting transaction reports of application fees. Prepares and submits for the Regional Superintendent's signature all special use permits for the Central Region, including farming, scientific collecting and group activities, and collects fees where applicable.
- Assists the Director's Office by functioning as the secretary for the New Jersey Fish and Game Counsel. These duties include taking and transcribing minutes of the monthly meetings, gathering and submitting any information distributed at the meetings to the Director's Office as part of the permanent file. Prepares meeting agendas and ensures

agenda is posted on the Division's website for public notification. Coordinates any additional meetings or changes in the schedule for facilities and public notification.

- Attends Executive Session (closed to the public) meetings of the Fish and Game Counsel and prepares summarizations of meeting discussions.
- Assists the Director's Office as the secretary and program coordinator for the Waterfowl Stamp Advisory Committee. The duties require taking and transcribing minutes of the meetings, providing financial accounting reports, land acquisition reports, and maintenance of the records and historic files of the program. Maintains responsibility for contact and correspondence with members regarding meetings, minutes and pending issues. Coordinates facilities and associated needs for these meetings.
- Works with other Bureaus housed at the Central Regional Office to assist with programs both internal and external.
- Receives applications for hunting, fishing and recreational licenses and permits from sportsmen, disabled veterans and the general public. Reviews documentation for validity and compliance with Division rules and regulations.
- Collects and deposits necessary fees and prepares bank transaction reports of monies deposited, keeps accurate records of monies received. This office is one of three statewide validated to issue free licenses and permits to eligible disabled veterans on an in-person basis.
- Coordinates work assignments and field staff for major public events in the Central Region. Schedules the use of the facilities and grounds, including the meeting rooms at the Central Regional Office and the Conservation Center. Coordinates the setup of furniture, audio visual equipment, parking for larger user groups, grounds preparation, receptions and refreshment areas, maintenance and clean up.
- Responsible for coordination of all invoices and purchase orders for the Central Region Bureau of Land Management. Responsible for researching state contracts and contracting vendors for purchase and services.
- Works with the Regional Superintendent and Bureau's budget planner for purchasing needs and budget preparation. Prepares monthly reports for State purchasing cards assigned to the Central Regional staff. Assists other bureaus at the Central Regional Office with purchasing, invoice processing and delivery of shipments.
- Coordinates dates and equipment for large deliveries with vendors and staff to ensure proper storage and handling of materials being received.

**Review and Analysis:**

The duties and responsibilities of the position were compared to those described within the class specification for Agency Services Representative 4 and Senior Management Assistant.

The definition section of the specification for the title, Agency Services Representative 4 (56364, A18), states:

“Under the direction of a supervisory official in a state department, agency, or institution, provides front-line and behind the scenes customer and other support services involving the review, processing and issuance of agency documents; provides varied information to customers regarding department/agency programs and services; handles the most complex and/or sensitive customer issues, requests and complaints; functions in a lead worker capacity; does other related work as required.”

Incumbents in this title spend the majority of their time responding to questions and soliciting information, orally and/or in writing, from members of the general public, co-workers, and others for the purpose of processing agency documents. Incumbents at this level typically function as the contact person in the absence of the supervisor. Incumbents are expected to be knowledgeable regarding all relevant programs and services under the agency's jurisdiction and have a clear understanding of how they relate to each other. Incumbents at this level are responsible for suggesting resolutions on matters where a clear precedent does not exist. Incumbents perform the most complex and/or sensitive technical duties involving the review, processing, data entering or recording, and issuance of documents in accordance applicable laws, regulations, policies and procedures. Incumbents provide information to customers regarding department/agency programs and services, requirements of license, certification, and other authorizations; answer questions; explain and interpret rules, regulations, policies and procedures; clarify forms; and resolve the most difficult and sensitive customer issues and problems.

Incumbents assess eligibility for program services, licensure certifications and other authorizations based on established rules, guidelines, policies and procedures (ex: Disabled Veterans License Program). Incumbents review documentation for validity and compliance with Division rules and regulations; issue permits, licenses and other official documents; and collect and deposit necessary fees, and prepare bank transaction reports of monies deposited. In addition, the Agency Services Representative 4 prepares detailed-correspondence from a variety of sources, and conducts information searches in file systems.

Your position is responsible for assisting the Central Regions Superintendent in the Bureau of Land Management by preparing and reviewing all correspondence including letters, memos, email responses, reports, technical data, purchasing forms and PARS. Your position collects information requested by the Regional Superintendent with regard to budgeting and purchasing needs and independently writes and prepares responses for general information and inquires for the Regional Superintendent's signature. Your position works with the Regional Planner on spreadsheets and Federal Aid reporting information.



Your position provides information and assistance to the general public on Division programs and activities, explains laws, rules, regulations, and policies of the Division. Your position monitors changes to existing Division policies and keeps aware of changes to existing laws pertaining to hunting, fishing, and use of wildlife management area properties to provide the most accurate information.

Your position administers field trials and group horseback riding activities statewide. Your position meets annually with the groups and is familiar with policies, rules and regulations for use of Wildlife Management for field trials and horseback riding. Your position makes recommendations for changes to existing policies, coordinates scheduling of events, and collects fees, reviews applications and insurance information of applicants and issues permits. Your position maintains records of all activities, prepares and makes bank deposits and accounting transactions reports of application fees. Your position prepares all special use permits for the Central Region.

Your position assists the Director's Office as secretary for the New Jersey Fish and Game Council. Your position takes and transcribes minutes of monthly meetings, gathers and submits information distributed at the meeting and submits it to the Director's Office for the permanent file. Your position prepares meeting agendas and posts them on the Division's website, coordinates any additional meetings/changes scheduled for facilities and public notification, and attends Executive Session meetings of the Fish and Game Council and prepares summarizations of meeting discussions.

Your position assists the Director's Office as secretary and program coordinator for the Waterfowl Stamp Advisory Committee. Your position is responsible for taking and transcribing minutes of the meetings, providing financial accounting reports, land acquisition reports, and maintenance of the records and historic files of the program. Your position is responsible for contact and correspondence with members regarding meetings, minutes, and pending issues, as well as coordinates facilities and associated needs for the meetings.

Your position acts as the first point of contact and the first on the scene regarding coordinating emergency maintenance and repairs. Your position contacts the Regional Superintendent, outside plumbers and electricians, and takes appropriate actions. Your position works with the Regional Superintendent and the Bureau's Budget Planner with purchasing and budget preparation, and researches any large expenses that may be coming up for the following year so funds will be available.

The definition section of the specification for the title, Senior Management Assistant (56493, P29), states:

"Under the direction of a manager in a state department, institution or agency, or within a local government jurisdiction, provides varied, complex administrative services in support of a manager(s) within the area of assignment; assists in the coordination of management/administrative activities of an assigned unit or work area; does other related duties."

Wendy Swaysland

June 24, 2014

Page 6

Management Assistants perform professional-level work such as conducting administrative research, identifying, analyzing and recommending solutions to operational problems, and preparing reports. The work is assigned on a project basis and does not involve the reoccurring or repetitive review of information or data. Positions in this class act as the principal assistant to a manager regarding complex administrative matters and help relieve the manager of administrative detail. In addition, Management Assistants simultaneously provide administrative services to more than one manager.

Your position does not conduct administrative research, analyze operational problems or recommend solutions. More significantly, your position does not assist a manager. Your position reports to Raymond Porutski, Regional Superintendent, Fish, Game and Wildlife (S29). Mr. Porutski is not considered a manager.

Your duties include customer and other support services for the Bureau of Land Management, Central Region. These duties fall within the scope of the Agency Services Representative 4.

**Determination:**

By copy of this letter, the Appointing Authority is advised that your position is presently and properly classified as Agency Services Representative 4 (A18, 56364). The class specification for Agency Services Representative 4 is descriptive of the general nature and scope of the functions that may be performed by an incumbent in this position. However, the examples of work are for illustrative purposes and are not intended to restrict or limit performance of related tasks not specifically listed.

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,

*Martha T. Bell*  
Martha T. Bell,  
Human Resources Consultant 5  
Classification and Personnel Management

MTB/dh

c: Robin Liebeskind

Joseph Siracusa