

CSC
B-20



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Carol Skelton,
Gloucester County

Classification Appeal

CSC Docket No. 2015-1647

ISSUED: **MAY 26 2015** (HS)

Carol Skelton appeals the attached decision of the Division of Agency Services (Agency Services), which found that her position with Gloucester County is properly classified as a Clerk 3. She seeks a Technical Assistant 3 job classification in this proceeding.

The appellant received a regular appointment to the title of Clerk 2 effective April 15, 2011. Subsequently, the appellant requested a classification review of her position located in the Department of School Superintendent. Agency Services received the request on September 10, 2014 and performed a review of all submitted information, including a Position Classification Questionnaire (PCQ), and also performed an on-site audit with the appellant and her supervisor, Peggy Nicolosi, Interim Executive Regional Superintendent. In its decision, Agency Services indicated that the appellant received general supervision and did not supervise any employees. Agency Services' review found that the appellant: assisted candidates that are applying for a teacher certification by reviewing their credentials prior to submitting the package to the Department of Education (DOE) for its review and approval; maintained a database of teachers that have not received their teacher certification and that hold provisional status and generated a report, which is submitted to the respective school district for verification; submitted the verified report of teachers holding provisional status to the DOE; provided assistance to school districts needing technical guidance on the type of license required for various positions; followed established guidelines and contacted the school district if a teacher is not appropriately certified to ensure that the teacher is removed; attended DOE training sessions and disseminated the information to school district

personnel; responded to inquiries about a teacher's credentials; prepared and sent emails to the appropriate district personnel to inform them of broadcast information and special instructions from the DOE; prepared memoranda to advise the district personnel of upcoming due dates for the submission of DOE-required reports; processed and reviewed applications for an expedited or emergent teaching license and maintained a tracking system; processed and reviewed new and renewal applications for a substitute teacher's certificate based on the applicant's qualifications; ordered and installed computer equipment; maintained the departmental website; reviewed and entered data onto forms; and provided technical assistance to support the various departmental functions. Agency Services also indicated that a Clerk 3 performs varied, complex clerical work requiring knowledge of organizational rules, regulations, policies and procedures; interprets and applies organizational rules, regulations, policies and procedures to receive, screen, review and verify documents; reviews and checks assigned reports, applications and other documents for corrections and completeness; receives applications, documents, forms and fees and screens, sorts and assembles this information for further processing; compiles information and/or numerical data; prepares reports by gathering data, tabulating results and/or preparing charts; provides information in person and over the telephone; assembles materials for distribution; fills in and checks form letters; and stores and distributes office supplies. Based on the foregoing, Agency Services found that the appellant's assigned duties and responsibilities were commensurate with the title of Clerk 3, effective September 10, 2014.¹

On appeal, the appellant contends that her position should be classified by the title of Technical Assistant 3 and that her position performs all of the functions found in the job specification for that title. More specifically, the appellant states that she is responsible for all documents requiring the signature of the Executive Regional County Superintendent (ERCS), who is the only person to whom she reports and from whom she takes direction, and she notes that virtually every document that comes across her desk must be validated by the ERCS's signature. Additionally, due to her level of knowledge of Title 6A of the New Jersey Administrative Code, she has been given the privilege of making decisions on behalf of the ERCS; she is responsible for keeping all certificated employees of 28 school districts in compliance with Title 6A in all aspects of substitute licensure, teacher licensure and induction, and fingerprinting; and Chief School Administrators and human resource personnel rely on her for guidance in these aspects. The appellant further states that she is responsible for all information technology work, including computers, phones, copiers and any issues with technical equipment or computer software/hardware, and she maintains and develops the web page and creates and develops databases for use in the office. In support, the appellant submits her PCQ.

¹ Agency records indicate the appellant was provisionally appointed, pending promotional examination procedures, to the title of Clerk 3, effective September 10, 2014.

In addition, the appellant complains that the appointing authority did not submit the title of Technical Assistant 3 for consideration on the basis of pay scales. She contends that the title of Technical Assistant 3 should be considered because that is the only title the appointing authority acknowledges as having a pay scale comparable to that of her predecessor. She also argues that she began working on her PCQ in January 2014.

CONCLUSION

The definition section of the job specification for Clerk 2 states:

Under limited supervision, performs clerical work involving the processing of documents in a variety of functions; performs moderately complex and non-routine clerical work; may provide guidance and assistance to other staff; does other related duties as required.

The definition section of the job specification for Clerk 3 states:

Under direction, performs varied, complex clerical work involving the processing of documents in a variety of functions; takes the lead and/or performs the more difficult and complex clerical work; does other related duties as required.

The definition section of the job specification for Technical Assistant 3 states:

Under supervision of a supervisory official in a State department or agency or a local jurisdiction, performs technical functions in providing information and assistance in reviewing and verifying data of a routine nature; does other related duties.

Based upon a review of the information presented in the record, the appellant's position is appropriately classified as Clerk 3. As indicated by Agency Services in its decision, the preponderance of the appellant's duties is commensurate with the duties typically performed by a Clerk 3. While the record does indicate that the appellant provides technical guidance to school districts regarding licenses required for various positions, it is not apparent that such technical functions form the primary focus of the position. Rather, the primary focus of the position is appropriately described by the definition of the title of Clerk 3 as the performance of varied, complex clerical work involving the processing of documents in a variety of functions and the performance of the more difficult and complex clerical work. Thus, the appellant has not provided a sufficient basis on appeal to warrant classification of her position as a Technical Assistant 3.

The appellant additionally asserts that the appointing authority did not submit the title of Technical Assistant 3 for consideration on the basis of pay scales and argues that that title should be considered since its pay scale is comparable to that of her predecessor's title. However, it should be emphasized that the foundation of position classification, as practiced in New Jersey, is the determination of duties and responsibilities being performed at a given point in time as verified by this agency through an audit or other formal study. Thus, classification reviews are based on a current review of assigned duties and any remedy derived therefrom is prospective in nature since duties which may have been performed in the past cannot be reviewed or verified. Given the evolving nature of duties and assignments, it is simply not possible to accurately review the duties an employee may have performed six months ago or a year ago or several years ago. This agency's established classification review procedures in this regard have been affirmed following formal Civil Service Commission review and judicial challenges. See *In the Matter of Community Service Aide/Senior Clerk (M6631A)*, *Program Monitor (M62780)*, and *Code Enforcement Officer (M00410)*, Docket No. A-3062-02T2 (App. Div. June 15, 2004) (Accepting policy that classification reviews are limited to auditing current duties associated with a particular position because it cannot accurately verify duties performed by employees in the past). See also, *In the Matter of Engineering Technician and Construction and Maintenance Technician Title Series, Department of Transportation*, Docket No. A-277-90T1 (App. Div. January 22, 1992); and *In the Matter of Theresa Cortina* (Commissioner of Personnel, decided May 19, 1993). Accordingly, classification reviews are not based on pay scales, and the pay scale applicable to the appellant's predecessor was appropriately not a factor in determining the classification of the appellant's position.² In this particular matter, Agency Services determined that upon review of the appellant's duties, her position was appropriately classified by the title of Clerk 3. Furthermore, upon an independent review of the entire record in connection with this appeal, there is not a sufficient basis to disturb that determination. Finally, as to the appellant's argument that she actually began working on her PCQ in January 2014, *N.J.A.C. 4A:3-3.9(e)3ii* provides that in local service, the effective date of reclassification is the date this agency receives a request for reclassification. As the record indicates that the appellant's request was received on September 10, 2014, that date was appropriately set as the effective date of reclassification of the appellant's position.

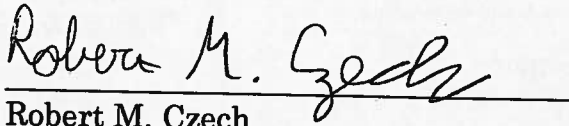
ORDER

Therefore, the proper classification of Carol Skelton's position is Clerk 3.

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

² It should further be noted that this agency does not set compensation for employees in local service. See *N.J.A.C. 4A:3-4.1(a)*.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 20TH DAY OF MAY, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Written Record Appeals Unit
Civil Service Commission
P.O. Box 312
Trenton, NJ 08625-0312

Attachment

- c. Carol Skelton
Chad Bruner
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

November 25, 2014

Chad M. Bruner,
County Administrator
Gloucester County
PO Box 337
Woodbury, NJ 08096

Re: Clerk 2
CPM log # 09140184 EID # [REDACTED]

Dear Mr. Bruner:

This is in reference to a classification review of the position held by Ms. Carol Skelton, currently permanent in the title, Clerk 2, effective April 15, 2011. This determination is based upon a thorough review and analysis of information and documentation received on September 10, 2014, and the results of the onsite that was conducted on October 8, 2014, with Ms. Skelton. The onsite discussion also occurred with her supervisor, Ms. Peggy Nicolosi, Interim Executive Regional Superintendent, on October 8, 2014.

ISSUE:

Ms. Skelton submitted a DPF 44, as she wanted the Civil Service Commission to determine her proper classification.

ORGANIZATION:

Ms. Skelton is assigned to the Department of School Superintendent. She stated during the audit and it was confirmed by Ms. Nicolosi, that she receives general supervision. Ms. Skelton does not supervise any employees.

FINDINGS OF FACTS:

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

- Assist candidates that are applying for a teacher certification by reviewing their credentials prior to submitting the package to the Department of Education, (DOE), for their review and approval.
- Maintain a database of teachers that have not received their teacher certification and that hold provisional status and generates a report; submits this report to the respective school district for verification.
- Submit the verified report of teachers that hold a provisional status to the DOE.
- Provide assistance to the school districts that need technical guidance on the type of license that is required for various positions.
- Follow established guidelines and contact the school district if a teacher is not appropriately certified to ensure that the teacher is removed.
- Attend the DOE training sessions and disseminate the information to school district personnel.
- Respond to correspondence that is submitted to the Department for inquiries about a teacher's credentials.
- Prepare and send e-mails to the appropriate district personnel to inform them of broadcast information and special instructions from the DOE; and prepare memos to advise the district personnel of upcoming due dates for the submission of DOE required reports.
- Process and review applications for an expedited or emergent teaching license and maintain a tracking system.
- Process and review new and renewal applications for a substitute teacher's certificate based on the applicant's qualifications.
- Order and install computer equipment; and also maintain the website for the Department.
- Review, enter data onto forms, and provide technical assistance to support the various functions of the Department.

REVIEW AND ANALYSIS:

The duties that are currently being performed were reviewed to determine if the permanent title, Clerk 2, is appropriate.

The definition section of the job specification for the title, Clerk 2, states:

“Under limited supervision, performs clerical work involving the processing of documents in a variety of functions; performs moderately complex and non-routine clerical work; may provide guidance and assistance to other staff; does other related duties as required.”

An incumbent in this title would receive, screen, review, and verify documents; review and check assigned reports, applications, and other documents for corrections and completeness; refer problems to supervisor for resolution; and provide guidance and assistance to staff.

The duties that are currently being performed were reviewed to determine if the requested title, Secretarial Assistant, is appropriate.

The definition section of the job specification for the requested title, Secretarial Assistant, states:

“Under direction, acts as a personal secretary or aide to the head of an established division and performs complex and responsible clerical work of a varied nature requiring thorough knowledge of the rules and regulations of the division; in addition, may assign and supervise the work of the clerical staff of the unit; does related work as required.”

Incumbents appointed to this title would review, sort, and route incoming correspondence; personally prepare letters on routine matters which may not be signed or reviewed by the administrative official entailing a comprehensive knowledge of division programs, objectives, standards, policies, and procedures; and maintain a schedule of appointments and the daily engagement calendar for the executive official.

The duties that are currently being performed were reviewed to determine if the title, Examiner 1, Credentials, is appropriate.

The definition section of the job specification for another requested title, Examiner 1, Credentials, states:

“Under direction, assists in reviewing and evaluating credentials of applicants and reviews, evaluates and interprets the requirements necessary for the various specialized professional occupations to

include, but not limited to, medical examiners and doctors, attorneys, accountants, nurses, and dentists; provides information on certification/licensure matters; does related work."

The assigned duties would include the review, interpretation, and evaluation of transcripts and/or other credentials of applicants for certifications; and in cases in which applicants do not qualify, specify the amount of additional study that is required and the courses or areas of study that should be taken to meet the requirements.

The duties that are currently being performed were reviewed to determine if the title, Clerk 3, is appropriate.

The definition section of the job specification for the title, Clerk, 3, states:

"Under direction, performs varied, complex clerical work involving the processing of documents in a variety of functions; takes the lead and/or performs the more difficult and complex clerical work; does other related duties as required."

Positions in this title would perform varied, complex clerical work requiring knowledge of the organization's rules, regulations, policies and procedures; and exercise independent judgment and make decisions concerning processes to be followed, the appropriateness of the information to be processed, and the actions to be taken. The assigned work is performed independently requiring minimal review upon completion as they interpret and apply organizational rules, regulations, policies, and procedures to receive, screen, review, and verify documents.

Additionally, they would review and check assigned reports, applications, and other documents for corrections and completeness; open, time stamp, sort, number, and distribute mail; maintain prepared mailing lists; receive applications, documents, and forms; screen, sort, and assemble this information for further processing; and hand stamp letters, papers, and other documents.

Incumbents appointed to this title would fill in and check form letters; compile information and/or numerical data; provide information in person and over the telephone; enter and/or retrieve information on a computer terminal; store and distribute office supplies; transfer information onto forms; prepare reports by gathering data, tabulating results, and/or preparing charts; and maintain records and files.

DETERMINATION:

It is my determination, based upon the review and analysis stated above, that the appropriate classification of the position is consistent with the job specification for the title, Clerk 3. This action is effective September 10, 2014.

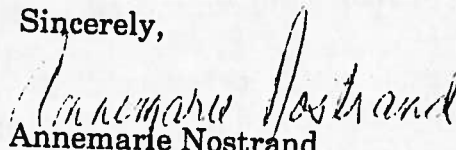
According to Title 4A:3-3.5 (1):

"Within 30 days of receipt of the reclassification determination, unless extended by the Commissioner in a particular case for good cause, the appointing authority shall 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."

This specification 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 the performance of related tasks as determined by an overall evaluation of their relationship to the general classification factors listed in the specification.

Pursuant to N.J.A.C. 4A:3-3.9 et seq., either party may appeal this determination to the Chair/Chief Executive Officer, Civil Service Commission, within 20 days of receipt of this letter, by writing to the Director, Appeals and Regulatory Affairs, Written Records Appeals Hearings Unit, P.O. Box 312, Trenton, New Jersey 08625-0312. The appeal must include a copy of all materials initially submitted and a copy of this determination. Also, the appellant must state which segment(s) of the determination they are challenging and provide a basis for the arguments presented.

Sincerely,


Annemarie Nostrand,
Team Leader

CC

c: Carol Skelton ✓

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