

CSC
B-17



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Mildred Poole-
Bailey, Department of Community
Affairs

Classification Appeal

CSC Docket No. 2015-1037

ISSUED: **MAY 08 2015** (HS)

Mildred Poole-Bailey appeals the attached decision of the Division of Classification and Personnel Management (CPM),¹ which found that her position with the Department of Community Affairs (DCA) is properly classified as a Technical Assistant 2, Community Affairs. She seeks a Technical Assistant 1, Community Affairs job classification in this proceeding.

The appellant received a regular appointment to the title of Technical Assistant 2, Community Affairs on December 21, 2009. In August 2014, the appellant requested a classification review of her position located in the Bureau of Housing, Payment Unit. CPM received the request and performed a review of all submitted information, including a Position Classification Questionnaire (PCQ), and performed telephone audits with the appellant and her supervisor, a Program Specialist 3. In its decision, CPM indicated that the appellant does not supervise any employees and receives general supervision. CPM's review found that the appellant: processed contracts for Project Base and Rehabilitation Units; traced missing checks and sent payments to landlords and tenants; corrected errors entered in the system for payments by the Department of Housing and Urban Development (HUD); redeposited rental overpayments and entered information into the system; updated the database by entering average utility usage in the area of the property; calculated the fair market rate with average utility usage; adjusted the rent subsidy; mailed contracts to landlords for their signatures; researched HUD current fair market rates and used the cost adjustment factor formula to

¹ Now the Division of Agency Services.

determine if the landlords will receive a rent increase; and sent quarterly reports to HUD and a list of rent calculations for Moderate Rehabilitation, Project Base Assistance and Single Room Occupancy. On the PCQ, the appellant's supervisor indicated that the most important duty of the appellant's position was "timely payments to landlords." Based on the foregoing, CPM found that the appellant's assigned duties and responsibilities were commensurate with the title of Technical Assistant 2, Community Affairs, the title she currently holds.

On appeal, the appellant contends that her responsibilities track the definition section of the job specification for Technical Assistant 1, Community Affairs. Specifically, the appellant states that she assists two employees serving in the title of Technical Assistant 3, Community Affairs with problems involving cases transferring to or from other housing authorities; provides daily technical assistance to programs outside of the Payment Unit; reviews HUD policies and recommends/suggests resolutions to her supervisor for complicated issues regarding data and other issues; assists program coordinators with making sound decisions; regularly provides technical assistance to various programs; and provides daily technical assistance to field offices regarding billing, leasing, payments and check-tracing information. The appellant states that her other important duties include accurate recordkeeping of overpayments owed to DCA from other housing authorities and assistance to the financial unit regarding codes and information applicable to various housing authorities. Further, the appellant notes that the Payment Unit is understaffed, and, once more employees are hired, she will resume her role as a Team Leader. She states that she provides technical assistance to the two employees, referenced above, serving in the title of Technical Assistant 3, Community Affairs when the head supervisor, a Program Specialist 4, is out of the office. In support, the appellant submits several examples of professional, independent correspondence that she prepares under her signature.

CONCLUSION

The definition section of the job specification for Technical Assistant 2, Community Affairs states:

Under direction of a Technical Assistant 1 or higher level supervisory official in the Department of Community Affairs or Department of Health and Senior Services, may take the lead over subordinate technical and/or clerical staff in the performance of technical duties and/or performs complex para-professional responsibilities for prescribed technical projects or programs requiring the independent application of rules, regulations, policies and procedures to varying situations within the particular area of assignment; does other related duties as required.

The definition section of the job specification for Technical Assistant 1, Community Affairs states:

Under general direction of a higher level supervisor in the Department of Community Affairs or Department of Health and Senior Services, takes the lead over the technical and/or clerical staff and has responsibility for the work programs of an identifiable technical unit responsible for reviewing, monitoring and processing specific actions requiring the application of rules, regulations, policies and/or procedures, or independently, under general supervision, reviews, analyzes, and makes effective recommendations for actions involving a specific element of a regulatory or administrative program requiring the application of rules, regulations, policies, procedures and/or technical concepts; does other related duties.

Based upon a review of the information presented in the record, the appellant's position is appropriately classified as Technical Assistant 2, Community Affairs. The Technical Assistant 1, Community Affairs either takes the lead over subordinate staff and has responsibility for the work programs of an identifiable technical unit or independently, under general supervision, reviews, analyzes, and makes effective recommendations for actions involving a specific element of a regulatory or administrative program. A leadership role refers to those persons whose titles are non-supervisory in nature, but are required to act as a leader of a group of employees in titles at the same or a lower level than themselves. Duties and responsibilities would include training, assigning and reviewing work of other employees on a regular and recurring basis, such that the lead worker has contact with other employees in an advisory position. See *In the Matter of Henry Li* (CSC, decided March 26, 2014). There is no indication in the record that the appellant currently functions as a lead worker on a regular and recurring basis. There is also no indication in the record that the appellant's position primarily involves independently reviewing, analyzing, and making effective recommendations for actions involving a specific element of a regulatory or administrative program. For example, CPM's decision indicated that a Technical Assistant 1, Community Affairs would review and verify the completed actions of the unit, and there is no indication in the record that the appellant's position carries that responsibility. Moreover, the appellant's supervisor indicated that the most important responsibility of the position was "timely payments to landlords." Therefore, the appellant's position is not appropriately classified by the title of Technical Assistant 1, Community Affairs. Rather, the primary focus of the position is appropriately described by the definition of the title of Technical Assistant 2, Community Affairs as the performance of complex para-professional responsibilities for prescribed technical projects or programs requiring the independent application of rules, regulations, policies and procedures to varying situations within the particular area of assignment. While the appellant objects that some of her duties were omitted from

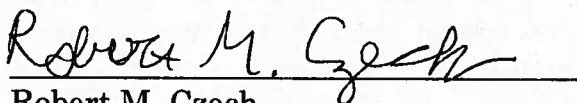
CPM's determination, it should be noted that classification determinations typically list only those duties that are considered to be the *primary focus* of an appellant's duties and responsibilities that are performed on a regular, recurring basis. *See In the Matter of David Baldasari* (Commissioner of Personnel, decided August 22, 2006). Thus, the preponderance of the appellant's duties are consistent with the definition section of the job specification for Technical Assistant 2, Community Affairs, and no basis to disturb CPM's determination has been presented on appeal. Accordingly, a review of the entire record establishes that the appellant's position is properly classified as Technical Assistant 2, Community Affairs.

ORDER

Therefore, the proper classification of the appellant's position is Technical Assistant 2, Community Affairs.

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

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 6TH 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. Mildred Poole-Bailey
- Jodi Evangelista
- 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

September 29, 2014

Mildred Bailey
Department of Community Affairs
Bureau of Housing, Payment Unit
PO Box 051
101 S. Broad Street
Trenton, NJ 08625-0810

**Re: Classification Review - Technical Assistant 2, Community Affairs, A 14, (RAP),
Position # 935528, CPM Log # 09140023, Mildred Bailey - Employee ID # [REDACTED]**

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 on September 16, 2014 and with your supervisor, Ms. Ester Firlus, Program Specialist 3, (R26) on September 17, 2014.

ISSUE:

You submitted a Position Classification Questionnaire (DPF 44S) as you were concerned that you were not properly classified.

ORGANIZATION:

This position does not supervise any employees and receives general supervision from Ms. Firlus.

FINDINGS OF FACTS:

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

- Process contracts for Project Base and Rehabilitation Units.
- Trace missing checks and send the payment to landlords and tenants.

- Correct errors that had been entered in the system, for payments by the Department of Housing and Urban Development, (HUD).
- Redeposit rental overpayments and enter information into the system.
- Update database by entering average utility usage in the area of the property; calculate the fair market rate with average utility usage; and adjust the rent subsidy.
- Mail contracts to landlords for their signature. The signed contracts are signed by the appropriate department staff to fully execute the contract and then processed to HUD for approval and payment. The approved contract is sent to the department field office supervisors.
- Research HUD current fair market rate and use the cost adjustment factor formula to determine if the landlords will receive a rent increase.
- Send quarterly reports to HUD and a list of rent calculations for Moderate Rehabilitation, Project Base Assistance and Single Room Occupancy.

REVIEW AND ANALYSIS:

The duties that are currently being performed were reviewed to determine if the permanent title, Technical Assistant 2, Community Affairs, (64182/P17) is appropriate.

The definition section of the job specification for the title, Technical Assistant 2, Community Affairs, states:

“Under direction of a Technical Assistant 1 or higher level supervisory official in the Department of Community Affairs or Department of Health and Senior Services, may take the lead over subordinate technical and/or clerical staff in the performance of technical duties and/or performs complex para-professional responsibilities for prescribed technical projects or programs requiring the independent application of rules, regulations, policies, and procedures to varying situations within the particular area of assignment; does other related duties as required.”

Incumbents assigned to this title, would review the more difficult and involved contracts, financial, and programmatic documents for accuracy, appropriateness, and completeness by identifying and resolving sensitive problem areas and processing them in accord with rules, regulations, and laws of the assigned unit; independently consult with representatives of private entities, local government

officials, members of the public, and other interested parties to exchange information, discuss unusual problems and develop solutions; and independently determine the appropriate application of specific rules, regulations, policies, and procedures to varying situations in the unit, which may be explained and interpreted to the public.

Additionally they would process requests for statistical data and information pertaining to the work of the unit; prepare correspondence designed to convey information concerning the regulations and procedures of the Unit; contact applicants and the public to verify information and to resolve problem situations and complaints; prepare statistical, technical, and/or financial reports; and maintain records and files.

The duties that are currently being performed were reviewed to determine if the requested title, Technical Assistant 1, Community Affairs, (64183/P20) is appropriate.

The definition section of the job specification for the title, Technical Assistant 1, Community Affairs states:

“Under general direction of a higher level supervisor in the Department of Community Affairs or Department of Health and Senior Services, takes the lead over the technical and/or clerical staff and has responsibility for the work programs of an identifiable technical unit responsible for reviewing, monitoring and processing specific actions requiring the application of rules, regulations, policies and/or procedures, or independently, under general supervision, reviews, analyzes, and makes effective recommendations for actions involving a specific element of a regulatory or administrative program requiring the application of rules, regulations, policies, procedures, and/or technical concepts; does other related duties.”

An incumbent assigned to this title would give appropriate assignments and instructions to technical employees of varied grades and review their work; review and process the more complex, irregular, and sensitive actions and when errors are discovered, make required corrections and/or recommendations; review and verify the completed actions of the unit; interpret new regulations and policies as they affect the processing of actions and see that these are put into practice; and take the lead over lower level para-professional and/or clerical employees in assigning and reviewing the work of the unit.

The proper classification of a position is not determined by how well or efficiently an employee does his or her job, length of service, volume of work and/or their qualifications. This does not have an effect on the classification of a position currently occupied, as positions, not employees, are classified.

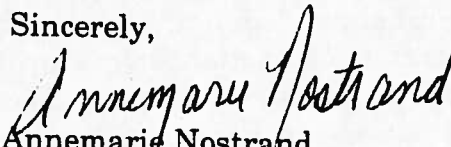
DETERMINATION:

Based on the duties listed on the submitted Position Classification Questionnaire, (DPF-44S) and a careful and thorough review of notes from the telephone audit, the assigned duties are properly classified and encapsulated in the title, Technical Assistant 2, Community Affairs, By copy of this letter, the Appointing Authority is advised that you are properly classified, in the title, Technical Assistant 2, Community Affairs.

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,
Team Leader

CC

Log # 09140023
Appointing Authority
Records