

B-16



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Andonia Cetinkaya,
Department of Labor and Workforce
Development

Classification Appeal

CSC Docket No. 2015-2781

ISSUED: JUN 19 2015

(RE)

Andonia Cetinkaya appeals the attached decision of the Division of Agency Services (DAS) which found that her position with the Department of Labor and Workforce Development (Department) is correctly classified as Personnel Aide 2. She seeks a Technical Assistant, Personnel classification in these proceedings.

The appellant requested a review of her position as a Personnel Aide 2, the title to which she was regularly appointed on February 25, 2012. Her position, located in the Department of Labor and Workforce Development, Human Resources, Leave and Payroll Unit, reports to a Personnel Assistant 2, and does not have any supervisory responsibilities. DAS conducted an interview by telephone with the appellant and her supervisor.

As described in the attached determination, DAS found that based on the primary duties of Ms. Cetinkaya's position, her title is properly classified as Personnel Aide 2. On appeal, the appellant argues that she performs paraprofessional technical duties involving various personnel areas. She maintains that DAS's determination only addressed the area of supervision and ignored the portion of the definition which states, "and/or performs paraprofessional responsibilities." Further, she states that there are many identical examples of work between the responsibilities of a Personnel Aide 2, Personnel Aide 1, and Technical Assistant, Personnel. The appellant maintains that DAS's determination should have considered the Personnel Aide 1 title.

As to her duties, the appellant argues that her duties are complex and not routine, and that she counsels employees and management up to the Division Director. She explains that she is responsible for the leave of half of the Departmental employees, and determines and applies all aspects of laws and Title 4A regarding leave and benefit time. She states that she conducts new hire orientations, wherein she discusses leave and responds to questions, assists with payroll and health benefits, and assists with eCATS enhancements and corrections. She states that she must be familiar with all the data processing systems. The appointing authority supports this appeal.

CONCLUSION

The definition section of the job specification for the title Personnel Aide 2 states:

Under direction of a Bureau Chief, Section Supervisor, or other supervisor in the personnel office of a State department, institution, or agency, performs limited, routine, technical duties in connection with and support of one or more various areas of the general personnel program requiring independent application of Civil Service Commission and Department of the Treasury rules, regulations, policies, and procedures as applied to varying situations; does other related duties as required.

The definition section of the job specification for the title Personnel Aide 1 states:

Under general direction of a supervisory official in a personnel office of a State department, institution, or agency, performs paraprofessional technical duties in connection with and support of one or more various general personnel program areas requiring the independent application of Civil Service Commission and Department of Treasury rules, regulations, policies, and procedures to varying situations; may function as a lead worker in a large unit or as the supervisor in a small unit; does related work as required.

The definition section of the job specification for the title Technical Assistant, Personnel states:

Under the general direction of a supervisory official in a personnel office, supervises a subordinate unit in the performance of complex technical duties and/or performs paraprofessional responsibilities for prescribed technical projects or programs requiring the independent application of [Civil Service Commission] and Department of the

Treasury rules, regulations, policies, and procedures to varying situations; does other related duties as required.

N.J.A.C. 4A:3-3.4 provides that no person shall be appointed or employed under a title not appropriate to the duties to be performed nor assigned to perform duties other than those properly pertaining to the assigned title which the employee holds. The Civil Service Commission is charged with establishing and maintaining classification plans for all job titles in the career, senior executive and unclassified services, and to implement and administer the plans. See *N.J.A.C.* 4A:3-3.2, *N.J.A.C.* 4A:3-3.3, *N.J.S.A.* 11A:2-11(h), and *N.J.S.A.* 11A:3-1(d). As such, DAS determines whether an employee is working out of title, not supervisors, managers, or human resource personnel. See e.g., *In the Matter of Titus Osuagwu* (CSC, Decided December 3, 2008) (The Commission found that a recommendation by appellant's management that he be promoted did not establish that the position he encumbered would be properly classified in the higher level title). The outcome of position classification is not to provide a career path to the incumbents, but rather is to ensure that the position is classified in the most appropriate title available within the State's classification plan. See *In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005). Further, how well or efficiently an employee does her or her job, their length of service, and their qualifications have no effect on the classification of a position currently occupied, as *positions*, not employees, are classified. In addition, classification determinations are based on the *primary functions* assigned to the position. The duties performed the majority of the time and the importance of those duties, or the preponderance of the duties, identify the primary focus of the position.

An incumbent classified in the title Personnel Aide 2 typically performs technical duties in compliance with appropriate rules, regulations, policies, and procedures as issued by the Civil Service Commission, Department of the Treasury, and the individual department; independently applies rules, regulations, policies, and procedures to personnel actions; independently consults with representatives of the Civil Service Commission, Department of the Treasury, or other outside agencies to exchange information, discuss problems, and develop solutions; works with, informs, and instructs department employees; prepares and processes personnel forms with responsibility for ensuring that all pertinent information has been included and is accurate, ensures that rules, regulations, and procedures are adhered to, and maintains copies that are pending Civil Service Commission and/or Treasury approval; on approval, distributes appropriate copies; may assign and instruct individuals engaged in personnel support activities; posts complex personnel actions on employee and/or position cards including reclassifications, changes in employee or position status, promotions, demotions, leaves of absence, and so forth; assists employees in completing and processing forms and applications relating to retirement, insurance, payroll deductions, and record changes; works with all parties concerned (hospital, doctor, employee, and supervisor) on Workers'

Compensation cases in accord with established procedures; ensures the maintenance and confidentiality of records and files; keeps up-to-date information on the PAR program and participates in administering the Employee Health Benefits Program; works with computer terminal and/or word processing equipment and assists in establishment of systems and procedures for computerization of personnel and payroll operations; receives employment applications and refers them to the appropriate operating unit for review or files them for future consideration; and provides technical support for programs and projects which may require researching, designing, coordinating, scheduling, conducting, reviewing, and related functions.

The definition section of the job specifications for the titles, Personnel Aide 1 and Personnel Aide 2 are very similar and both titles perform duties in support of, in connection with or prescribed for a program requiring the independent application of rules, regulations, policies and procedures. However, the titles differ in that the Personnel Aide 1 performs complex technical duties, independently determines appropriate applications of specific rules, regulations, policies and procedures, drafts complex correspondence and may function as a lead worker or supervisor of a small unit. The title Personnel Aide 2 performs technical duties and independently applies rules, regulations, and policies. There are distinctions between the two titles based on the definition, examples of work, required experience, required education, and the salary range. These indicate that the title Personnel Aide 1 has a higher level of responsibility and handles more technical and complex matters than the title Personnel Aide 2.

A review of the described job duties clearly indicate that the appellant's position processes leave requests for half of the employees in the Department of Labor and Workforce Development. The position also determines eligibility for the requested leave, prepares written correspondence to the employee with the determination of approval or disapproval, notification of health benefit payment schedules, and data processing of the leaves. This includes all routine requests as well as the more difficult issues. This is a very narrow range of personnel functions. The position analyzes the content of the requests, and makes determinations regarding approval or denial of the personnel action, which is consistent with the job specification for the title, Personnel Aide 2.

A Technical Assistant, Personnel supervises a subordinate unit, or performs paraprofessional work requiring the independent application of rules, regulations, policies and procedures to varying situations. That is, an incumbent in this title is required to either supervise other paraprofessionals, or perform complex technical duties on a consistent basis with considerable latitude to apply judgment. The position under review does not supervise and, as explained above, the position does not primarily perform complex work. Rather, in reviewing and making determinations for the leaves of half the Department, the appellant performs every

type of determination, not simply the most complex. It is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed. While the appellant performs some work above level 2, a holistic view of these duties does not support that the position is *primarily* responsible for independently performing duties of significant difficulty or complexity. The preponderance of the determinations is routine, the duties are limited in scope in the personnel program, and the position does not require lead worker responsibilities or supervision. As such, the majority of the work is at the Personnel Aide 2 level.

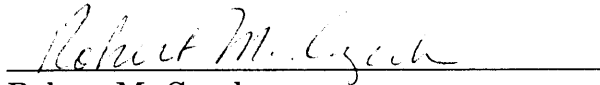
A thorough review of the information presented in the record establishes that Ms. Cetinkaya's position is properly classified as Personnel Aide 2, and she has not presented a sufficient basis to establish that her position is improperly classified.

ORDER

Therefore, the position of Andonia Cetinkaya is properly classified as Personnel Aide 2.

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 17th DAY OF JUNE, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
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Attachment

c: Andonia Cetinkaya
Mary Fitzgerald
Kenneth Connolly
Joseph Gambino



STATE OF NEW JERSEY
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P. O. Box 313
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Chris Christie
Governor
Kim Guadagno
Lt. Governor

Robert M. Czech
Chair/Chief Executive Officer

March 25, 2015

Andonia Cetinkaya
[REDACTED]
[REDACTED]

**Re: Classification Appeal – Personnel Aide 2 (W12), Position #939716, CPM Log #05140300
EID #000323945**

Dear Ms. Cetinkaya:

This is to inform you of our determination concerning the classification appeal referenced above. The determination is based upon a thorough review and analysis of the Position Classification Questionnaire submitted and the information and documentation submitted by you, your immediate supervisor, David Marczak, and your Appointing Authority during the review process.

Issue:

You are serving permanently in the title, Personnel Aide 2 (13, W12, 36232) and contend you are performing duties and responsibilities commensurate with the title, Technical Assistant, Personnel (17, V17, 41135).

Organization:

Your position is assigned to the Leave and Payroll Unit, Human Resources of the Department of Labor and Workforce Development. You report directly to David Marczak, Personnel Assistant 2 (26, Y25, 63254). Your position is assigned no supervisory responsibilities.

Findings of Fact:

The primary function of your position is to review and process leaves of absence in accordance with applicable rules, regulations, laws and the Department of Labor and Workforce Development policies and procedures.

You perform the following assigned duties and responsibilities:

- Process various leaves of absence which include, Federal Family Leave ACT (FMLA), Military Leave, Pregnancy Disability, Child Care and/or Family Leave, School Volunteer, Convention Leave, Jury Duty Leave, and Personal Reasons and/or Personal Illness Leave.
- Determine eligibility for the requested leave of absence based on the specific rules and regulations. Prepare written correspondence to employee informing them of the approval or denial of leave of absence in accordance with the State Family Leave Act (FLA), the Federal Family Medical Leave Act (FMLA), and New Jersey Administrative Code (NJAC).
- Notify employees who are on leaves of absence of their health benefit payment schedule. Receive and enter health benefit payments into the Department of Treasury, Division of Pension, portal.
- Enter leaves of absence into the Personnel Management Information System (PMIS). Calculate and adjust anniversary dates for employees on aggregate leaves of absence.

Review and Analysis:

Currently your position is classified in the title, Personnel Aide 2 (13, W12, 63232). The definition section of the job specification for the title, Personnel Aide 2, states:

“Under direction of a Bureau Chief, Section Supervisor, or other supervisor in the personnel office of a state department, institution, or agency, performs limited, routine, technical duties in connection with and support of one or more various areas of the general personnel program requiring independent application of Civil Service Commission and Department of the Treasury rules, regulations, policies, and procedures as applied to varying situations; does other related duties as required.”

An incumbent properly classified in this title performs duties and responsibilities primarily focused on performing clerical and personnel work involving the application of procedural rules, regulations, policies, and procedures. An incumbent, in this title, prepares and processes personnel forms, posts personnel actions to employee records, and provides information to new hires regarding health benefits, leave allowances, and hours of work.

The definition section of the job specification for the title, Technical Assistant, Personnel (17, V17, 41135), states:

“Under the general direction of a supervisory official in a personnel office, supervises a subordinate unit in the performance of complex technical duties and/or performs paraprofessional responsibilities for prescribed technical projects or programs requiring the independent application of Department of Personnel and Department of the Treasury rules, regulations, policies, and procedures to varying situations; does other related duties as required.”

An incumbent, assigned this title, may supervise the work operations of a technical program, instructing subordinates in the application of rules, policies, and procedures or provide technical support in the development and administration of various personnel programs.

Andonia Cetinkaya

March 25, 2015

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The title, Technical Assistant, Personnel, is assigned to the "V" bargaining unit and is considered a first level supervisor. A first level supervisor is required to supervise lower level employees and/or an organizational unit. Your position does not have the authority to regularly supervise incumbents and work operations, nor to complete performance evaluations, or approve leaves of absence and timesheets. Therefore, you are not working in the capacity or at the level of a first line supervisor. The review of the information obtained during the classification process does not support the contention this position performs tasks commensurate with the title, Technical Assistant, Personnel.

A review of the job duties and responsibilities revealed your position processes various leaves of absence. Your position is tasked with determining eligibility for the requested leave of absence and preparing written correspondence to employee informing them of the approval or denial of leaves of absence. In addition, your position is responsible for entering leaves of absence into the Personnel Management Information System (PMIS). The duties and responsibilities assigned to your position are consistent with those assigned to the title, Personnel Aide 2.

Determination:

Based upon the findings of fact cited above, it is my determination that the assigned duties and responsibilities performed by this position are consistent with the title, **Personnel Aide 2 (13, W12, 63232)**; therefore, your position is appropriately classified.

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 Record 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,



Cheryl Legg, Human Resource Consultant
Division of Agency Services

CL/SLR

Cc: Mary Fitzgerald