

B-11



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of
Cynthia Sachkowsky,
Union County

Classification Appeal

CSC Docket No. 2015-1866

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ISSUED: JUN - 8 2015 (RE)

Cynthia Sachkowsky appeals the attached decision of the Division of Classification and Personnel Management¹ (CPM) which found that Ms. Sachkowsky's position with Union County is properly classified as a Legal Secretary 2. Ms. Sachkowsky seeks a Legal Secretary title in this proceeding.

Ms. Sachkowsky was appointed to Keyboarding Clerk 3 on July 16, 2001. Thereafter, in February 2014, she requested a classification review. This review indicated that Ms. Sachkowsky's position is located in Union County, within the Prosecutor's Office, Clerical Division, where she reports directly to a Legal Secretary, and has no supervisory duties. As described in the attached determination, CPM found that, based on the primary duties of Ms. Sachkowsky's position, her title is properly classified as Legal Secretary 2.

On appeal, Ms. Sachkowsky submits a revised, "more comprehensive and clarified description of additional duties" that she performs. Specifically, she states that she is assigned to the Seized Asset Forfeiture Unit and performs secretarial duties for one Special Deputy Attorney General/Acting Assistant Prosecutor and one Prosecutor's Agent. She states that she has trained and supervised the work of five clerical staff members who no longer work in that unit. Her duties and responsibilities include receiving seized property, assigning seized property numbers to each case, maintaining a log book and creating sub-files for each item that can be the subject of a contestation in Superior Court. She monitors diary-

¹ Currently the Division of Agency Services.

sensitive dates to comply with critical civil filing and discovery requirements subsequent to filing each Civil Forfeiture Complaint; prepares and files specific Verified Complaints (*i.e.*, complaints specifically sworn to under oath by the investigating police officer charging each crime) and files them through the Judicial Electronic Filing Information System (JEFIS) program; assures service is perfected on all claimants; utilizes the State criminal case computer system to maintain records and/or receipts of assigned Civil Docket Numbers and dates for cases filed; initiates and composes modified and standardized legal forms and pleadings for Motions, Briefs, Orders, Summary Judgments, Appellate Notices of Appeal letters for the Assistant Prosecutor's signature and diary scheduling letters; assures that all legal documents are filed with the Court on a timely basis; types, files and mails all correspondence in all Civil Forfeiture cases to claimants, attorneys and/or the Judge assigned to each case; drafts and/or types dictations of letters to be mailed to claimants or attorneys, requests legal documents to be signed and returned for filing with the Court, and requests additional information and monitors compliance with the Rules of Civil discovery on each contested forfeiture lawsuit claim; signs the Special Deputy Attorney General/Acting Assistant Prosecutor's name on his behalf on certain documents; enters all data regarding seizure of property and information of claimants, status updates, dates of pleadings filed with the Court and granted by the Judge, all discovery demands and/or subpoenas and processes the final disposition of cases into the forfeiture database: verbally briefs the Special Deputy Attorney General/Acting Assistant Prosecutor of the Forfeiture Unit on forfeiture cases; prepares the physical file for the Assistant Prosecutor for court activity, collates all discovery documentation, follows up on case discovery for presentation of original documents for proofs of trials, and provides concise listings of specific financial and legal proofs (liens against vehicles, property etc.) required for each hearing before the Judge; prepares and assures that subpoenas are served on police officers, witnesses and collects other needed information; notifies all parties of any changes due to settlement of the case and oversees return of property to persons; handles all paper and computer closures of case files; handles all initial phone inquiries and incoming mail and monitors files of seizure of monies under \$500; prepares Criminal Consent Orders for Forfeiture of monies under \$500 for all Assistant Prosecutor's handling of sentencing; revises and adapts legal documents to changing and evolving case law and crafts pleadings to comply with such evolving requirements; inputs all forfeiture documents into database; prepares Annual Reports to the Attorney General; and maintains a calendar for the Special Deputy Attorney General/Acting Assistant Prosecutor's court appearances, training classes, and teaching.

In support of the appeal, the First Assistant Prosecutor reiterates these duties and states that the appellant is the only Legal Secretary in the unit. He states that her level of involvement in these cases is so significant that, but for a law degree and her inability to appear in court, she is essentially the attorney of record.

CONCLUSION

The definition section of the job specification for Legal Secretary 2 states:

Under supervision of an attorney or other supervisory official in a State department or agency, or local government jurisdiction, transcribes or types legal dictation irrespective of medium; maintains dockets, looks up references, and functions in the capacity of secretary; does other related work.

The definition section of the job specification for Legal Secretary states:

Under direction, performs legal clerical work involved in preparing and processing legal papers such as a summonses, complaints, motions, and subpoenas which require a specialized knowledge of legal documents, terminology, processes, and procedures; does related work as required.

The definition portion of a job specification is a brief statement of the kind and level of work being performed in a title series and is relied on to distinguish one class from another. A comparison of these job definitions indicates that the Legal Secretary 2 functions in a routine clerical capacity in a legal environment. In contrast, the Legal Secretary is required to possess specialized knowledge in legal matters and processes specific legal documents. A review of the appellant's duties reveals that she performs duties above the level of a routine clerical capacity. Her supervisor indicated that the most important duties of the position are to file Special Civil Complaints and Orders for the judgment. On her Position classification questionnaire (PCQ), the appellant indicated that for 31% of the time she initiates and composes modified standardized legal forms and pleadings for legal action, such as Motions, Briefs, Orders, Summary Judgments, and letters for the Assistant Prosecutor's signature. For another 20% of the time, she receives and logs seized property and complies with filing requirements as well as assuring service on all claimants. For 15% of the time, the appellant verbally briefs the Special Deputy Attorney General/Acting Assistant Prosecutor on forfeiture cases, prepares the file for the Assistant Prosecutor for court, follows up on discovery, provides rosters of proofs, prepares and assures subpoenas are served, and notifies parties of changes due to settlement of the cases, and oversees return of property. The appellant performs seven other duties each for 15% of her time or less. Nevertheless, the majority of her duties involve clerical work in preparing and processing legal papers such as a summonses, complaints, motions, and subpoenas which require a specialized knowledge of legal documents. As such, the *primary* duties of the position fall within the parameters of the definition for Legal Secretary. Based upon a review of the information presented in the record, Ms. Sachkowsky's position is properly classified as Legal Secretary.

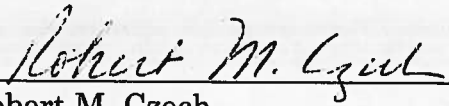
As to the appellant's reporting relationship, it is noted that the appellant's supervisor, a Legal Secretary, retired on January 31, 2014.

ORDER

Therefore, the position of Cynthia Sachkowsky is properly classified as a Legal Secretary.

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
THE 3rd DAY OF JUNE, 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

Enclosure

c: Cynthia Sachkowsky
Norman Albert
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

December 5, 2014

Norman Albert, Director
Union County Department of Administrative Services
10 Elizabethtown Plaza
Elizabeth, NJ 07207

Dear Mr. Albert:

This is in reference to a classification review of the position, Keyboarding Clerk 3, held by Cynthia Sachkowsky. This review involved a detailed analysis of the Position Classification Questionnaire completed by Ms. Sachkowsky, and signed by her immediate supervisor, Legal Secretary, Tracey Mannix.

ISSUE:

Ms. Sachkowsky requested the Civil Service Commission review her position to verify that she is appropriately classified. Ms. Sachkowsky is currently permanent in the title, Keyboarding Clerk 3, since July 16, 2001.

ORGANIZATION AND STRUCTURE:

Ms. Sachkowsky is assigned to the Union County, Prosecutor's Office, Clerical Division. She reports directly to Legal Secretary, Tracey Mannix. She has no supervisory duties.

FINDINGS OF FACT:

The duties of this position involve performing the following assignments:

- Initiate and compose modified standardized legal forms and pleadings for legal action; Motions, Briefs, Orders, summary Judgments, and Letters for the Assistant Prosecutor's signature. Make sure all legal documents are filed with the Court on a timely basis, as required by Court Rules.
- Verbally brief the Assistant Prosecutor on any forfeiture cases that may come into question. Preparing files for the Assistant Prosecutor for court, following up on case discovery for presentation of original documents for proofs of trials, provide concise roster of specific financial and legal proofs required for each hearing before the judge. Prepares and assures subpoenas are served on police officers, witnesses, or other needed information. Notify all parties of any changes due to settlement of the case.

Re: Cynthia Sachkowsky

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- Receive seized property from Union County municipalities, assigning seized property numbers, maintaining a log book and create files for the seized property. Monitor diary-sensitive dates to comply with filing requirements set forth in the Forfeiture statute. Type and file Civil Forfeiture complaints through the Judicial Electronic Filing Information System (JEFIS) program. Utilize Promis/Gavel computer system to maintain all receipts of assigned Civil Docket Numbers and dates for cases filed to respond to within the Court rules.
- Type, file, and mail all correspondence regarding the Civil Forfeiture case to claimants, attorneys and/or the assigned judge.

REVIEW AND ANALYSIS:

The Civil Service definition for the title, Keyboarding Clerk 3, states:

“Under direction, performs varied, complex clerical work involving the processing of documents in a variety of functions; takes the and/or performs the more difficult and complex clerical work requiring the utilization of keyboarding or typing skills and the application of independent judgment; formats and key enters/types correspondence, documents, reports, charts and other materials on a computer console, typewriter, or other key entry device used by the agency; takes the lead over other clerical employees; does other related duties as required.”

An employee serving in the title of Keyboarding Clerk 3 types a variety of documents, maintains memory files of them, and provides corrections and adjustments in the prepared text. Updates material and files, and maintains records and listing of saved files, including information subject content and special instructions. Key enters or types addresses on envelopes, information on forms, form letters, or other form-like documents. Also, selects, sets, and adjusts equipment and software to produce printed text in accord with predetermined standards or directives.

These duties are not commensurate with the current duties of the incumbent because they would be keying in or typing various documents and maintaining records, whereas Ms. Sachkowsky performs duties involving mainly functioning in the capacity of a secretary.

The Civil Service definition for the title, Legal Secretary 2, states:

“Under supervision of an attorney or other supervisory official in a state department or agency, or local government jurisdiction, transcribes or types legal dictation irrespective of medium; maintains dockets, looks up references, and functions in the capacity of a secretary; does other related work.”

An employee in the title of Legal Secretary 2 serves in a non-supervisory capacity and prepares standard legal forms as required. Checks for accuracy and completeness in citations, complaints, and references submitted. Prepares correspondence and forms for legal staff. An employee in this title would also would maintain confidential case follow-up and other essential legal records and files.

These duties are commensurate with the majority of the incumbent’s current duties because the majority of her time is spent initiating and composing modified standardized legal forms and pleadings for legal action.

Re: Cynthia Sachkowsky
December 5, 2014
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DETERMINATION:

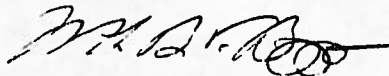
The review revealed the current duties and responsibilities assigned to Cynthia Sachkowsky are commensurate with the attached job specification for the title of Legal Secretary 2 (24831). This specification is descriptive of the general nature and scope of the functions which may be performed by an incumbent in this position. Please note the examples of work are for illustrative purposes and are not intended to restrict or limit the performance of related tasks not specifically listed. The relevance of such specific tasks is determined by an overall evaluation of their relationship to the general classification factors listed in the specification.

Since the experience requirements are less than those of Ms. Sachkowsky's current permanent title of Keyboarding Clerk 3, the appointment of Ms. Sachkowsky to the title of Legal Secretary 2 is considered to be a demotional title change pending successful completion of a qualifying examination (PAQ). This appointment is effective February 22, 2014. Please have Ms. Sachkowsky complete the enclosed Application for Qualifying Examination (DPF-1C). Forward the completed form to the attention of Mr. Jeffrey Salvatore (Jeffrey.Salvatore@csc.nj.gov and 609-292-7056). The application processing fee will not apply.

This specification is descriptive of the general nature and scope of the functions which 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 not specifically listed. The relevance of such specific tasks is determined by an overall evaluation of their relationship to the general classification factors listed in the specification.

According to the New Jersey Administrative Code 4A:3-3.9, either the appointing authority or the affected employee may appeal this decision within twenty days of receipt of this letter. This appeal should be addressed to Henry Maurer, Director, Division of Appeals and Regulatory Affairs, Civil Service Commission, Written Record Appeals Unit, Post Office Box 312, Trenton, New Jersey 08625. Please note that the submission of an appeal must include a copy of this determination as well as any written documentation and/or argument substantiating the portions of the determination being disputed and the basis for appeal.

Sincerely,



Mark B. Van Bruggen
Supervising HR Consultant

Attachment
Record # 02140101
MVJS

c: Cynthia Sachkowsky