

CSC
B-12



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Louise York

Classification Appeal

CSC Docket No. 2015-1641

ISSUED: ~~JUN 08 2015~~ (EG)

Louise York appeals the attached determination of the Division of Classification and Personnel Management (CPM)¹ that her position with the Department of Education (DOE) is properly classified as a Speech/Hearing Specialist. The appellant seeks an Education Program Development Specialist 2 (10 months, Deaf Language Specialist) classification.

The record in the present matter establishes that the appellant is serving in her permanent title of Speech/Hearing Specialist. At the time of her classification review, the appellant was assigned to work in DOE's Office of Student Support Services, Katzenbach School for the Deaf. She reported directly to Joan Krasnisky, Supervisor of Educational Programs 1, and had no direct supervisory responsibility. The appellant requested a review of the classification of her position to determine whether she was properly classified. CPM performed a review which involved a detailed analysis of all the information provided, including a Position Classification Questionnaire (PCQ), organizational chart, and written statements from Krasnisky.

CPM found that the duties the appellant performed most closely matched the job description and examples of work performed by a Speech/Hearing Specialist. In this regard, it indicated that the appellant provided speech/language/hearing and instructional intervention and therapy to deaf and hard-of-hearing children and students. She also evaluated speech, language and hearing performance, and determined the level of service and goal selection for students' Individualized

¹ Now the Division of Agency Services.

Education Programs. CPM determined that these duties and responsibilities were consistent with a classification of Speech/Hearing Specialist.

In the instant appeal, the appellant contends that the appropriate classification for her position is Education Program Development Specialist 2 (10 months, Deaf Language Specialist). She contends that she performs duties described in the job specification for Education Program Development Specialist 2 (10 months, Deaf Language Specialist). These duties include program development and improvement, staff training activities, development of program guidelines, and providing technical assistance in the design and implementation of plans for improving instructional programs. In addition, the appellant contends that other employees doing the same job as her have the title she seeks. In support of her contention, the appellant submits a copy of her Performance Assessment Review (PAR) which she claims is identical to the PARs for two other employees classified as Education Program Development Specialist 2 (10 months, Deaf Language Specialist).

CONCLUSION

The definition section of the job specification for Education Program Development Specialist 2 (10 months, Deaf Language Specialist) states:

Under general direction of an Education Program Development Specialist 1, or supervisory official in the Department of Education, supervises the design, production, and delivery of curricula, training, program improvement, and related education services to education agencies to ensure achievement of mandated goals and to meet existing and emerging needs; performs mandated regulatory functions; performs work of considerable difficulty and works with a high level of independence in monitoring and evaluation of education programs in school districts statewide; does other related duties.

The definition section of the classification specification for Speech/Hearing Specialist states:

Under direction of a supervisory official in a State department, agency, or facility, plans and carries out a program to remedy the speech, language, or hearing needs of clients with handicaps, prescribes proper tests and procedures for therapy; participates in research projects; administers tests and evaluates speech or hearing performance; does other related duties as required.

In the instant matter, CPM found that the appellant's job duties were properly classified under the title of Speech/Hearing Specialist. On appeal, the

appellant contends that she performs the duties of Education Program Development Specialist 2 (10 months, Deaf Language Specialist). She provides examples of duties she performs and claims that these are duties consistent with the Education Program Development Specialist 2 (10 months, Deaf Language Specialist) position. In this regard, the Civil Service Commission (Commission) notes that the fact that some of an employee's assigned duties may compare favorably with some examples of work found in a given job specification is not determinative for classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. Moreover, it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed. For purposes of determining the appropriate level within a given class, and for overall job specification purposes, the definition portion of the job specification is appropriately utilized. Furthermore, a review of the appellant's PCQ and the duties she described on appeal all indicate that most of her duties are comprised of those performed by incumbents in the title Speech/Hearing Specialist. CPM found that the appellant's position primarily consisted of providing speech/language/hearing and instructional intervention and therapy to deaf and hard-of-hearing children and students, evaluating speech/language/hearing performance, and determining the level of service and goal selection for students' individualized programs. Further, while the appellant argues that she works as an Education Program Development Specialist 2 (10 months, Deaf Language Specialist), these duties and the majority of the duties assigned to her are duties which can be performed by individuals in a Speech/Hearing Specialist position. The appellant has not provided evidence or arguments that show that the preponderance of the duties she performed are substantially similar to the essential duties of an Education Program Development Specialist 2 (10 months, Deaf Language Specialist). In this regard, the essential functions of an incumbent Education Program Development Specialist 2 (10 months, Deaf Language Specialist) include designing, producing, and delivering curricula, training and related services to education agencies; providing technical assistance in designing and implementing plans for improving instruction programming; designing and implementing procedures and instrumentation for the ongoing assessment of staff training and instruction program needs; conducting training activities for staff employed in education agencies; and developing guidelines in the areas of curricula and instructional materials and methods. Neither CPM's review nor a current review of the materials provided on appeal reveal that the appellant's primary duties are substantially similar to the essential functions of an Education Program Development Specialist 2 (10 months, Deaf Language Specialist).

Further, while the appellant alleges that that other employees doing the same job as her are in the Education Program Development Specialist 2 (10 months, Deaf Language Specialist) title, she provides no persuasive arguments or substantive evidence in support of such claims. Moreover, the classification of a position is based on the duties being performed in that position and not that of

other positions. The appellant's position stands on its own and is classified based on the duties she performs. The duties performed by other individuals, whether properly or improperly classified, are irrelevant in determining the proper classification of the appellant's position. *See In the Matter of Dennis Stover*, Docket No. A-5011-96T1 (App. Div. October 3, 1998), *affirming In the Matter of Dennis Stover, Middletown Township* (Commissioner of Personnel, decided February 20, 1997). *See also, In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided March 16, 1995).

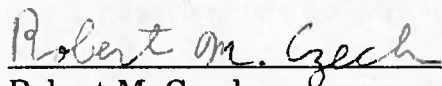
Accordingly, based on the foregoing, the record amply supports a Speech/Hearing Specialist classification for the appellant's position.

ORDER

Therefore, it is ordered that this appeal be denied.

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

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 3RD DAY OF JUNE, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
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Attachment

c: Louise York
Heidi Musselman
Kenneth Connolly
Joseph Gambino



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Chris Christie
Governor
Kim Guadagno
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STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION
DIVISION OF CLASSIFICATION AND PERSONNEL MANAGEMENT
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Robert M. Czech
Chair/Chief Executive Officer

November 14, 2014

Louise Yorke
Department of Education
PO Box 500
Trenton, NJ 08625-0500

Re: Classification Appeal, Louise Yorke
Position# 949426, CPM log# 05140086
EID# 000525248

Dear Ms. Yorke:

A review of your position has been completed and the determination follows. According to our records, your position's current classification is Speech/Hearing Specialist (03653- P25). This determination is based upon a thorough review and analysis of all information and documentation submitted, including a DPF-44, organizational chart, and written statements by your immediate supervisor, Supervisor of Educational Programs 1, Joan Krasnisky.

Issue:

You believe the duties of the position are outside the scope of your permanent title and are more closely aligned with the duties of an Education Program Development Specialist 2, 10 months, Deaf Language Specialist (10223C- P25).

Organization:

Your position is assigned to the Office of Student Support Services, Katzenbach School of the Deaf. You report directly to Joan Krasnisky, Supervisor of Educational Programs 1. You do not supervise employees.

Finding of Fact:

At the time of the submission of your classification appeal, the position was responsible for performing the following assigned duties and responsibilities:

- Provide speech-language-hearing instructional intervention and therapy to deaf and hard-of-hearing children and students aged 3 to 21, requiring the development, evaluation and

monitoring of their Individualized Education Programs which must meet the New Jersey Core Curriculum Content Standards.

- Evaluate speech, language, and hearing performance.
- Determine the level of service and goal selection for students Individualized Education Programs (IEPs).
- Participate in IEPs and serve as a member of the diagnostic staff on these IEPs. Demonstrate knowledge of effective approaches to needs assessment.
- Maintain student's speech-language histories, records, and files.
- Prepare clear, technically sound, accurate, effective and comprehensive reports (including quarterly progress reports, and the annual Present Levels of Academic Achievement and Functional Performance for each student's IEP) containing findings, conclusions, and recommendations.
- Maintain positive and open communication with parents, students, administrators and staff.
- Meet and collaborate with academic teachers: e.g. on vocabulary and content area, when applicable. Provide parent education regarding their child's educational program, as needed.
- Consults with staff (e.g. school district professional staff such as Speech-Language pathologists and case managers)
- Provide the technical assistance needed to develop and implement instructional materials and methods by participating in students Individualized Education Program (IEP) meetings.
- Evaluate and monitor children's IEPs, and when necessary, recommend needed program changes, such as goals and objectives or levels of service to school district staff such as case managers
- Provide local school districts with SEMI (Special Education Medicaid Initiative) reports.

Review and Analysis:

You currently have permanent status in the title, Speech/Hearing Specialist (03653-P25). The definition for this title is:

Under direction of a supervisory official in a state department, agency, or facility, plans and carries out a program to remedy the speech, language, or hearing needs of clients with handicaps, prescribes proper tests and procedures for therapy; participates in research projects; administers tests and evaluates speech or hearing performance; does other related duties as required.

An incumbent in this position would plan and carry out a program to provide speech, language, and hearing intervention; prescribe assessments and therapy to deaf and hard-of-hearing children and students; would administer tests and evaluate speech or hearing performance; and review individual clinical histories and consult with staff for structuring individual programs. In addition, they would apply clinical techniques of therapy and training to individual patients with speech, language, or hearing impairments and serve as a member of the diagnostic staff.

You believe the title that best describes your duties is Education Program Development Specialist 2, 10 months, Deaf Language Specialist (10223C- P25). The definition for that title is:

Under general direction of an Education Program Development Specialist 1, or other supervisory officer in the Department of Education, designs, produces, and delivers curricula, training, program improvement, and related education services to education agencies to ensure the achievement of mandated goals and to meet existing and emerging needs; performs mandated regulatory functions; performs work of a difficult nature and generally works independently in the monitoring and evaluation of education programs in school districts statewide; does other related duties.

An incumbent in this position would design, produce, and deliver curricula, training, and related services to education agencies; provide technical assistance in designing and implementing plans for improving instructional programming; design and implement procedures and instrumentation for the ongoing assessment of the staff training and instructional program needs; conduct training activities for staff employed in education agencies; and develop program guidelines in the areas of curricula and instructional materials and methods.

You provide speech-language-hearing instructional intervention and therapy to deaf and hard-of-hearing children and students; evaluate speech, language and hearing performance; and determine the level of service and goal selection for students' Individualized Education Programs I.

The position's functions are primarily those of working with students to achieve goals set within the IEP. For example, this position primarily works directly with students via testing, evaluation, and instruction.

Determination:


Based on this fact, and the written record, it is our determination you are appropriately classified in your current title of Speech/Hearing Specialist (03653-P25).

Louise Yorke
November 14, 2014
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The specification for Speech/Hearing Specialist 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. The relevancy of such specific tasks is determined by an overall evaluation of their relationship to the general classification factors listed in the specification.

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,



Annemarie Nostrand, Team Leader
Classification and Personnel Management

AN/rh

cc: David Corso, Director, Human Resources (EDSK)
Heidi Musselman, Manager 1, Human Resources (EDSK)