



B-7

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of L. L.<sup>1</sup>, Department of  
Human Services

Classification Appeal

CSC Docket No. 2015-3324

ISSUED: SEP 17 2015 (SLK)

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L. L. appeals the attached decision of the Division of Agency Services (Agency Services) that the proper classification of her position with the Department of Human Services is Technical Assistant 3. The appellant seeks a classification of Technical Assistant 2, Community Affairs.

The record in the present matter establishes that the appellant's permanent title is Technical Assistant 3. She is assigned to the Division of Aging Services, Office of Administration and reports to T.Z., Program Manager Health/Human Services. The appellant does not have any supervisory responsibilities. The appellant sought a reclassification of her position, alleging that her duties are more closely aligned with the duties of a Technical Assistant 2, Community Affairs. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties she performs as a Technical Assistant 3. Agency Services reviewed and analyzed the PCQ completed by the appellant as well as a recent Performance Evaluation System (PES), statements from her immediate supervisor, statements from the Director/Program Manager, Denise Meckel, Manager 1 Human Resources, and the appointing authority's Table of Organization. In its decision, Agency Services determined that the duties performed by the appellant were consistent with the definition and examples of work included in the job specification for Technical Assistant 3.

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<sup>1</sup> Initials are being used because this matter references an alleged violation of the State Policy complaint, *In the Matter of W.C. and L.L.* (CSC, decided April 15, 2015), that the appellant filed against her immediate supervisor, T.Z.

On appeal, the appellant maintains that her position was not properly reviewed since Agency Services did not perform a desk or telephone audit. The appellant maintains that management's word cannot be taken as true and her supervisor falsified information in retaliation for her filing a complaint for a violation of the State Policy. For example, the appellant contends that her supervisor prepared her PES, dated June 2014, to look like she only performed the duties of a Technical Assistant 3 and left out her more involved fiscal duties. The appellant also accuses her supervisor of falsifying statements by indicating that she does not consult with local officials and assist in researching information needed for technical reports, correspondence and program proposals. She submits an email which indicates that she attached a report with her findings which she claims is evidence that she does in fact assist in research needed for technical reports. The appellant also claims that her supervisor's statements, such as her work needs to be closely monitored because her writing and computer skills are lacking, are not true. Additionally, the appellant submits two client discharge documents to refute her supervisor's statement that she does not receive, verify and input the total amount that was billed for the fiscal year into Excel. She attaches a more recent PES, dated June 2015, which she presents as demonstrating that she reviews difficult and involved documents that are consistent with a Technical Assistant 2, Community Affairs classification. The appellant represents that everyone besides her in her office has the Community Affairs variant as part of their title and that she is performing the duties consistent with that title.

## CONCLUSION

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.

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 Commission agrees with Agency Services' determination that the appellant's position is properly classified as a Technical Assistant 3 states. The Commission finds, based on the statements of the appellant's immediate supervisor and Division Director, that the appellant's primary tasks are to perform routine, technical functions involving providing information, assistance, and reviewing/verifying program applications for the Alzheimer's Adult Day Services Program. While the appellant claims that her management's word cannot be trusted, absent any compelling documentation or other evidence that the appellant's primary duty is to perform complex, technical work, the Commission must defer to the statements from her superiors as to the nature of her work. The fact that the appellant has submitted an email that references a report that she attached, that she is in agreement with the goals in her most recent PES, and that she has submitted two client discharge statements is not enough to override the evaluation of her superiors that her primary responsibilities are to perform technical functions that are routine. Further, without more, mere allegations that her supervisor was lying in retaliation for her filing a complaint against her are insufficient to discredit her supervisor's statements. In this regard, it is noted that the Commission found that the appellant's allegations against her supervisor could not be substantiated. *See W.C. and L.L., supra.*

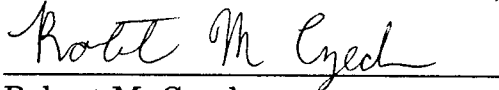
In regard to the appellant's comments that everyone else in her office has the Community Affairs variant in their title, a classification appeal cannot be based solely on a comparison to the duties of another position, especially if that position is misclassified. *See In the Matter of Carol Maita, Department of Labor* (Commissioner of Personnel, decided March 16, 1995); *In the Matter of Dennis Stover, Middletown Township* (Commissioner of Personnel, decided March 28, 1996). *See also, In the Matter of Lorraine Davis, Office of the Public Defender* (Commissioner of Personnel, decided February 20, 1997), *affirmed*, Docket No. A-5011-96T1 (App. Div. October 3, 1998). With respect to the appellant's claim that it was insufficient for Agency Services not to perform a desk or telephone audit in this matter, it was within Agency Services' discretion to conduct the classification review solely based on a paper review as classification reviews are typically conducted either by a paper review, based on the duties questionnaire completed by the employee and supervisor; an on-site audit with the employee and supervisor; or a formal telephone audit to obtain clarifying information. *See In the Matter of Richard Cook* (Commissioner of Personnel, decided August 22, 2006). It is noted that the appellant is now in agreement with her supervisor regarding the job expectations for her position as indicated in her more recent PES. However, as this document was signed after the classification determination, it cannot be considered in this matter. If there has been a change in the appellant's primary duties, the appellant may submit another classification appeal and the audit of her position shall be conducted in a manner that Agency Services deems most appropriate.

**ORDER**

Therefore, the Civil Service Commission concludes that the position of L.L. is properly classified as a Technical Assistant 3.

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

**DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 16<sup>th</sup> DAY OF SEPTEMBER, 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**

**Attachment**

**c: L.L.  
Christina Mongon  
Kenneth Connolly  
Joseph Gambino**



Chris Christie  
Governor  
Kim Guadagno  
Lt. Governor

STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION  
DIVISION OF AGENCY SERVICES  
P.O. Box 313  
Trenton, New Jersey 08625-0313

Robert M. Czech  
Chair/Chief Executive Officer

May 21, 2015

Ms. L [REDACTED]  
[REDACTED]  
[REDACTED]

**Subject:** Classification Determination – L [REDACTED] L [REDACTED] (000342039); New Jersey Department of Human Services; Division Aging Services; CPM Log #12140055

Dear Ms. L [REDACTED]:

This is in response to the classification appeal received December 8, 2014 submitted to this office on your behalf by Christina Mongon, Assistant Commissioner. The package indicates you are appealing your current title of Technical Assistant 3 (51329/A12) and you believe the appropriate classification of your position is Technical Assistant 2, Community Affairs (64182/P17).

This office has conducted a thorough review of the information received. This information included the State Position Classification Questionnaire you prepared and signed; a recent performance evaluation (PAR); statements from your immediate supervisor (T [REDACTED] Z [REDACTED] Program Manager Health/Human Services); statements from the Director/Program Manager (Denise Meckel, Manager 1 Human Resources) and a Table of Organization provided by the Appointing Authority.

**Organization:**

Your position is located in the New Jersey Department of Human Services; Division Aging Services; Office of Administration. Your immediate supervisor is T [REDACTED] Z [REDACTED], Program Manager Health/Human Services. The position does not involve the direct supervision of other employees.

**Findings of Fact:**

The primary responsibility of the position includes performing technical duties by providing information, assistance, and reviewing/verifying program applications for the Alzheimer's Adult Day Services Program (AADSP). Other duties and responsibilities include, but are not limited to:

- Screens, logs, and reviews program applications as specified by the needs of the unit
- Processes discharges and manages a contact list
- Utilizes various electronic systems and maintains essential files

**Review and Analysis:**

The requested title of your position is that of Technical Assistant 2, Community Affairs (64182/P17). According to the classification specification, the title of Technical Assistant 2, Community Affairs is defined as follows:

“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.”

An employee serving in the title of Technical Assistant 2, Community Affairs is responsible for reviewing difficult and involved documentation, consulting independently with various interested parties, and independently determining the appropriate application of rules and regulations as specified by the department. In many cases, an employee serving in this title may take the lead over lower level employees and assign and review work. The duties of your position do not encompass these duties and responsibilities. In addition, but for rare exceptions, this title is most appropriate in the Department of Community Affairs or Department of Health and Senior Services. Therefore the title of Technical Assistant 2, Community Affairs is not commensurate with the duties of your position.

Your current title is that of Technical Assistant 3 (51329/A12). According to the classification specification, Technical Assistant 3 is defined as follows:

“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.”

An employee serving in the title of Technical Assistant 3 is responsible for responding to and reviewing inquires, verifying the completeness and accuracy of documentation, and providing information and assistance of a routine nature. The duties of your position encompass providing information, assistance, and reviewing/verifying program applications for the Alzheimer's Adult Day Services Program (AADSP). For these reasons, Technical Assistant 3 is commensurate with the duties of your position.

**Determination:**

The review has revealed the current duties and responsibilities assigned are commensurate with the enclosed job specification for the title of Technical Assistant 3 (51329/ A12). 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

Ms. Latiah L. Leonard  
May 21, 2015

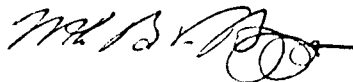
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such specific tasks is determined by an overall evaluation of their relationship to the general classification factors listed in the specification.

Therefore, you are presently and properly classified in the title of Technical Assistant 3 (51329/A12).

According to the New Jersey Administrative Code (N.J.A.C. 4A:3-3.9), the affected employee or an authorized employee representative may appeal this determination within 20 days of receipt of this notice. This appeal should be addressed to Written Record Appeals Unit, Division of Merit System Practices and Labor Relations, P.O. Box 312, Trenton, New Jersey 086225-0312. Please note the submission of an appeal must include written documentation and/or argument substantiating the portions of the determination being disputed and the basis for appeal.

Sincerely,



Mark Van Bruggen  
Supervising Human Resource Consultant

Enclosure  
AGL/MVB

C: [REDACTED]  
Christina Mongon, Assistant Commissioner  
File

