



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Kim Cardella,
Executive Assistant (PC0313W),
Hudson County

Examination Appeal

CSC Docket No. 2019-1082

ISSUED: November 21, 2018 (RE)

Kim Cardella appeals the decision of the Division of Agency Services (Agency Services) which found that she did not meet the experience requirements for the promotional examination for Executive Assistant (PC0313W), Hudson County.

The subject examination announcement was issued with specific requirements which had to be met as of the February 21, 2018 closing date. The examination was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the closing date in any title, and who met the announced requirements of possession of a Bachelor's degree, and three years of experience in program management with responsibility for planning, organizing, coordinating, staffing, reporting, and budgeting, or in assisting an executive with program development and implementation. Applicants who did not possess the required education could substitute additional experience as indicated above on a year for year basis with thirty semester hour credits being equal to one year of experience. Possession of a Master's degree in Public Administration, Business Administration, Management or related field from an accredited college or university may be substituted for one year of experience. The examination was canceled on October 12, 2018 since there were no eligible applicants.

The appellant indicated that she possessed a Bachelor's degree, and she listed five positions on her application: Unit Chief; Monitor; Project Administrator with Hart Crowser, Inc.; Planning Aide and Management Specialist with Bayonne; and Administrative Assistant and Intermodal Coordinator and Safety Director with OOCL. Official records indicate that the appellant was provisionally appointed

pending promotional examination to Executive Assistant on December 3, 2015. Prior to that she was a Program Monitor and Monitor. Agency Services credited the appellant with two years, six months of experience as a Monitor. She was not credited with experience in her provisional position, or her remaining titles, as the duties described focused on contract management rather than program management. The duties of her remaining positions also did not include assisting an executive.

On appeal, the appellant provides an extensive list of duties for each of her positions and contends that these duties compare favorably with the required experience.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date. *N.J.A.C.* 4A:4-2.6(c) provides, in pertinent part, that applicants for promotional examinations with open competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process, unless good cause is shown for an exception.

In this matter, Agency Services correctly determined that the appellant was not eligible for the subject examination. It is noted that qualifying experience has the announced experience requirement as the primary focus of the position. That is, the announced experience should be the main duty of the listed position.

The primary focus of the Executive Assistant title is assisting in the execution of department functions through implementation of policy and development, management, and control of plans, programs, and operations. The Executive Assistant serves to assist in developing and implementing policies and procedures, and planning and directing programs. The Civil Service Commission has determined that a "program" in government is generally considered to involve a unit responsible for performing projects and activities which are necessary to carry out the purpose or goal set forth and regulations or by law, focusing on a definite activity, providing a service to a specific third party, and generally required requiring allocated funding. *See In the Matter of Veena Singh* (CSC, decided February 6, 2013).

In her current position as provisional in the subject title, the appellant provided the following duties:

Full charge responsibility and authorization of County Facilities ... and employees that occupy these areas. Snow removal responsibility for facilities, including Brennan Court House, ten parking lots and recently purchased block/lots of Oakland Ave/Cook St. including the maintenance and repair of nine parking lots. Compiles, prepares and interprets

Operating and Capital Budgets, including economic cost saving recommendations. Review and participation (including recommendations based on fact finding, observation and economic efficiency) of pre-construction meetings, contracts, compliance with Local, State and Federal regulations. Asbestos regulation adherence for projects under my control. PEOSHA regulation compliance. Responsible for all disciplinary actions including adherence to Employee Union contracts as it relates. County representative for disciplinary hearings and OAL Court. Responsible for Local, State and Federal compliance and adherence concerning the facilities. Responsible for ongoing projects, data gathering, interpretation, recommendations and final reports including but not limited to; construction, Power House energy (2006-20013), upgrading effective energy proposals (2006-2013), building renovations, security installations and all buildings maintenance. Attend meetings including but not limited to general, structural and contractual relating to the facilities, its employees and supervisors. Upon request, attended Director's meetings (2006-2011). Conduct new hire interviews/hiring for maintenance staff, trades and supervisors for positions pertaining to the facilities. Schedules and reports on all on-going projects both in-house and vendor outsourced. Contract Management and scheduling. Project administrator on distressed projects, re-organizing budgets and implements project management. Implementation of training and scheduling. Implemented management methods to improve workflow, simplify reporting procedures and instituted cost reduction measures. Final review and authorization of all employee attendance and payroll. Final review and approval of requisitions.

These duties are clearly professional duties; however, they pertain to contracts relating to facilities management, not management of a program. Facilities management is not a program carrying out the purpose or goal of the agency. Additionally, the appellant is not assisting an executive or assisting in the execution of department functions, rather, it appears that she works autonomously. She also supervises 51 support staff and 5 professionals.

Next, the appellant's remaining positions are similar, in that they are not program management including planning, organizing, coordinating, staffing, reporting, and budgeting, OR assisting an executive with program development and implementation. According to the job specification for Program Monitor, an incumbent is responsible for in-depth reviewing, observing and reporting on contracted funded programs to ascertain whether or not these programs are carried out in accord with contractual agreements or federal guidelines. A review of the appellant's duties for this position indicates that she was working in-title, on issues related to compliance and the accuracy of contracts.

As a Monitor, a title in the unclassified division, the appellant performed work on projects such as flood correction control and pump stations updates. She was a Right to Know Coordinator, working on compliance of projects to regulations.

The appellant was a Project Administrator for Hart Crowser, Inc. This position is not the same as program management, and the appellant did not have program development or oversight while in this position. She was a representative for waterfront and sediment projects, and performed such tasks as cost accounting, reviewing safety plans, maintaining schedules and staying within budgets, site reconnaissance, subcontractor management, and advising on regulatory issues. Qualifying experience has the announced experience as the primary focus. The amount of time, and the importance of the duty, determines if it is the primary focus. An experience requirement that lists a number of duties which define the primary experience, requires that the applicants demonstrate that they primarily performed all of those duties for the required length of time. Performance of only one or some of the duties listed is not indicative of comprehensive experience. *See In the Matter of Jeffrey Davis* (MSB, decided March 14, 2007). Aside from working with projects instead of programs, the appellant's experience in this position does not have all aspects of the required experience.

As a Planning Aide and Management Specialist with Bayonne, two positions with one set of duties, the appellant was involved with costs, scopes and schedules regarding dredging and waterfront projects funded by grants and contracts. She managed city contracts and projects to maintain timelines and budgets. As an Administrative Assistant and Intermodal Coordinator and Safety Director with OOCL, Inc. she prepared compliance reports, approved invoices for contracts, and developed and implemented procedures. Experience in these positions is inapplicable.

At this point, it appears that the appellant's provisional position may be misclassified. Therefore, the appellant and appointing authority should complete the attached Position Classification Questionnaire (PCQ) and Application for Qualifying Examination (Request for Pre-Appointment Evaluation) and submit them Agency Services within 30 days of the issuance date on this decision. If the appellant is found to be performing the duties of an Executive Assistant, she should be admitted to the examination based on her appointment as a provisional incumbent on December 3, 2015, as she would have the required three years of experience. If it is determined that the appellant's provisional position should be reclassified, should the appellant be found not eligible for the new provisional appointment, she should be returned to her regular prior-held title at that time.

An independent review of all material presented indicates that the decision of Agency Services that the appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant

provides no basis to disturb this decision. Thus, the appellant has failed to support her burden of proof in this matter.

ORDER

Therefore, it is ordered that this appeal be denied, and the appellant's position undergo a classification review.

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 21st DAY OF NOVEMBER, 2018



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
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: Kim Cardella
Elinor Gibney
Kelly Glenn
Records Center

POSITION CLASSIFICATION QUESTIONNAIRE

NEW JERSEY CIVIL SERVICE COMMISSION DIVISION OF STATE & LOCAL OPERATIONS

FOR CIVIL SERVICE COMMISSION USE

S&LO
LOG NO.

IMPORTANT: Full instructions for completing this form are located on the last page. It is most important that employees and supervisors read them carefully. The form must be signed by the employee, his or her supervisor, the Program Manager or Division Director and the Appointing Authority Representative.

EMPLOYEE ID #

CSS
REQUEST NO.

INCOMPLETE REQUESTS WILL BE RETURNED.

1. NAME OF EMPLOYEE (IF ANY)	2. ANNUAL SALARY (Current)	3. POSITION NO.	4. CODE (Range and Title)
5. OFFICIAL TITLE OF POSITION		6. WORKING TITLE (If different)	
7. LOCATION OF POSITION (Geographic location, Unit, Section, Division, Institution, or Department)			
7A. EMPLOYEE WORK OR HOME MAILING ADDRESS			

8. WORK (DUTIES) PERFORMED - Describe in detail the work required of this position. Make descriptions so clear that persons unfamiliar with the work can understand exactly what is done. **NOTE:** If this is a vacant position or a new position request, the form must be completed by the supervisor of the position and certified for accuracy by the Appointing Authority Representative.

Percent of Time	Work (Duties) Performed	Order of Difficulty

ITEM 8 CONTINUED

Percent of Time	Work (Duties) Performed	Order of Difficulty

9. REGULAR SCHEDULE OF WORK HOURS					
DAY	FROM	TO	DAY	FROM	TO
Monday			Friday		
Tuesday			Saturday		
Wednesday			Sunday		
Thursday			Length of Lunch Period _ _ _ _		
Total Hours Worked Per Week _ _ _ _ _					

9b. EXPLAIN ROTATION OF SHIFTS, IF ANY

QUESTIONNAIRE CONTINUED

10. TYPE OF SUPERVISION RECEIVED (Check One — See definitions on page 4)

- CLOSE
 LIMITED
 GENERAL
 OTHER (Explain) _____

11. Does this position supervise other employees?

- YES (If yes, complete Items A thru E) NO
 A. Occasionally? [or] Regularly?
 B. Responsible for the preparation of performance evaluations? YES NO
 C. Assign work? YES NO
 D. Review completed work of employees supervised? YES NO

E. List the names and titles of the employees supervised directly.
(If the employees supervised comprise one or more complete units, include the names of the units)

12. CERTIFICATION OF EMPLOYEE



I CERTIFY that I have read the instructions and the entries made above are my own and, to the best of my knowledge, are accurate and complete.

SIGNATURE DATE

13. STATEMENTS OF IMMEDIATE SUPERVISOR

A. Comments on Statements of Employee

Check here if continued on additional sheets.

B. What do you consider the most important duties of this position?

Check here if continued on additional sheets.

C. List those knowledges and abilities necessary for standard performance of the job to be done by an incumbent of this position

Check here if continued on additional sheets.

D. I AGREE DISAGREE with the employee's description of job duties, percentage of time, and order of difficulty.

COMMENTS:

Check here if continued on additional sheets.

OFFICIAL TITLE
(Working title if different)

SIGNATURE

DATE

14. STATEMENTS OF PROGRAM MANAGER OR DIVISION DIRECTOR

- I AGREE with the statements of the immediate supervisor.
- I DISAGREE with the statements of the immediate supervisor.

COMMENTS:

Check here if continued on additional sheets.

OFFICIAL TITLE
(Working title if different)

SIGNATURE

DATE

15A. STATE APPOINTING AUTHORITY REPRESENTATIVE SIGNATURE

 In State service, the agency representative's signature certifies the information in accordance with 4A:3-3.9(c)1. 

OFFICIAL TITLE
(Working title if different)

SIGNATURE

DATE

15B. LOCAL APPOINTING AUTHORITY REPRESENTATIVE SIGNATURE

In Local service, the agency representative's signature certifies the information in accordance with 4A:3-3.9(d).

- I AGREE with the statements of the immediate supervisor and program manager or division director.
- I DISAGREE with the statements of the immediate supervisor and program manager or division director.

COMMENTS:

Check here if continued on additional sheets.

OFFICIAL TITLE
(Working title if different)

SIGNATURE

DATE

INSTRUCTIONS FOR COMPLETING POSITION CLASSIFICATION QUESTIONNAIRE (DPF-44)

NOTE: If this is a vacant position or a new position request, this form must be completed by the supervisor of the position and certified for accuracy by the Appointing Authority Representative.

Please read these instructions carefully before filling out the Position Classification Questionnaire.

This form is used to obtain information about a position. It will be used to determine the classification or to determine a rate of pay. Therefore, be as clear and accurate as possible and fill out the form completely. Be specific and illustrate statements with examples. If more space is needed to answer any of the items, attach an additional sheet and identify each item by its number.

This form is to be completed by you in your own words. Your supervisor and department head will review your Position Classification Questionnaire to determine the completeness and accuracy of the statements and to clarify or give additional information concerning your duties and responsibilities. Under no circumstances, however, should the supervisor or the department head change the answers as given and certified to by you. In the space provided, they may make whatever statements they think are necessary before signing the report. State your name in Item 1 and complete Items 6 through 12. Items 2 through 5 will be completed by your personnel office. Remember to sign your name in Item 12. Give the completed questionnaire to your supervisor.

ITEM 8 - The answer to this item requires an exact account of what you do. Describe your "whole job" or year-round duties, not just those which might be performed during rush or peak periods of activity or when you are substituting for other persons. Start with your most important duties and describe your least important duties last. Use a separate paragraph for each major duty. In the column at left indicate as best you can the percentage of time you devote to each duty. The position's supervisor will complete the information requested in the right hand column.

EXAMPLES OF GOOD AND POOR DUTIES STATEMENTS	
Poor Statements	Good Statements
Assist in handling correspondence. ●●●●●●●●●●	Receive, open, time stamp, and route incoming mail.
Maintain grounds and landscaped areas. ●●●●●●●●●●	Mow lawn with power mower and hand mowers. Trim trees from ground and from ladder, using power saws. Lubricate mowers.
I do finish concrete work. ●●●●●●●●●●●●●●●●	Place forms; mix, pour and finish concrete walks and curbing.
Keep claim registers. ●●●●●●●●●●●●●●●●●●●●	Prepare registers of all claims showing allocation of budget expenditures and total amount of expenditures for month in which claims are made.
Do general kitchen work. ●●●●●●●●●●●●●●●●	Clean and cut fruits and vegetables. Make salad dressings. Serve at steam table. Wash pots and dishes and store away utensils and foods. Once or twice a month, bake cookies and tarts.
Our unit is responsible for keeping all purchasing records. ●●	I compare invoices with purchase orders. Review requisitions submitted by the different departments for accuracy, then give them to the Purchasing Agent for his or her OK.

- ITEM 10 -** Before you complete Item 10, the following definitions will be helpful in making your choice of the type of supervision you receive.
- **CLOSE SUPERVISION:** Work is performed according to detailed instructions and supervision is available on short notice.
 - **LIMITED SUPERVISION:** Incumbent proceeds on his/her own initiative while complying with policies, practices, and procedures prescribed by the supervisor. The supervisor generally answers questions only on the more important phases of the work.
 - **GENERAL SUPERVISION:** Work is performed independently. The incumbent seldom refers matters to supervisor except for clarification of policy.
 - **Other:** If your work is supervised in a manner different from all of the above, please describe briefly how your work is assigned and supervised.

INSTRUCTIONS FOR SUPERVISORY STAFF

ITEM 13 - If you are a supervisor reviewing this form, you should remember that your certification means you accept responsibility that the statements made constitute a true description of the duties and responsibilities of the position. If the description does not meet with your idea of the position, it is your responsibility to see that statements made are qualified or elaborated upon in your comments. Under no circumstances, however, are the employee's statements to be changed. However, you are asked to determine the order of difficulty of each duty performed. Under Item 8 in the column at right, cite the order of difficulty of duties performed by assigning the number one (1) to the most difficult, the number two (2) to the next most difficult, etc. Keep in mind that the most important duty performed by this position may not be the most difficult, nor the one on which the greatest percentage of time is spent.

You should review the completed and signed form for correctness, completeness, and accuracy of statements, then add any comments which you believe are necessary, sign the form, and forward it to the program manager or division director.

ITEM 14 - The Program Manager or Division Director should indicate his or her agreement or disagreement with the statements of the immediate supervisor. Additional comments may be written in the space provided. Sign the form and forward it to your Personnel Office.

APPOINTING AUTHORITY SIGNATURE

ITEM 15A - (State Service) - the appointing authority or designated representative shall sign the form here. The agency representative's signature certifies that he/she has reviewed the appeal, provided an organization chart, and included all information set forth in 4A:3-3.9(c). The completed package should be forwarded to the Civil Service Commission.

ITEM 15B - (Local service) - the agency representative shall sign here, and may indicate his/ her agreement or disagreement with the statements of the immediate supervisor and program manager or division director, and provide comments if desired. The completed package should be forwarded to the Civil Service Commission.